

ASSEMBLY BILL NO. 423—COMMITTEE  
ON GOVERNMENT AFFAIRS

MARCH 27, 2023

Referred to Committee on Education

SUMMARY—Revises provisions governing meetings of a board of trustees of a school district. (BDR 34-847)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to the boards of trustees of school districts; restricting the time of day during which the board of trustees of a school district may take action or corrective action at a regular or special meeting; authorizing, under certain circumstances, the board of trustees to restrict certain public comment at a regular or special meeting; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 The Open Meeting law requires that a public body such as the board of trustees  
2 of a school district give notice of its meetings by: (1) posting an agenda consisting  
3 of a list describing the items on which action may be taken by the public body; and  
4 (2) clearly denoting that action may be taken on those items by placing the term  
5 “for possible action” next to the appropriate item or, under certain circumstances,  
6 by placing the term “for corrective action” next to the appropriate item. (NRS  
7 241.015, 241.020) Existing law sets forth certain requirements and procedures for  
8 meetings of the board of trustees of a school district, including, without limitation:  
9 (1) a requirement that the board of trustees hold a regular meeting at least once each  
10 month; and (2) the authority for the president of the board of trustees to call special  
11 meetings under certain circumstances. (NRS 386.330) **Section 1** of this bill  
12 prohibits the board of trustees of a school district from taking any action or  
13 corrective action at a regular meeting or special meeting on an item that has been  
14 posted on its agenda pursuant to the Open Meeting Law after 11:59 p.m. on the day  
15 of the meeting. **Section 1** further provides that if the board of trustees has not taken  
16 action or corrective action, as applicable, on any item that is on its agenda before  
17 11:59 p.m. on the day of the meeting, the board of trustees must wait until at least 8  
18 a.m. on the following day to take any further action or corrective action on any item  
19 that is on the meeting agenda.



20 The United States Constitution and the Nevada Constitution protect the  
21 freedom of speech but a public body may, under certain circumstances, limit speech  
22 at a public meeting. (U.S. Const. Amend. I; Nev. Const. Art. I, § 9; *Minnesota*  
23 *State Bd. for Community Colleges v. Knight*, 465 U.S. 271, 281-85 (1984); *White v.*  
24 *City of Norwalk*, 900 F.2d 1421, 1425 (9th Cir. 1990)) Under existing case law, a  
25 public body may: (1) impose reasonable time, place and manner restrictions that are  
26 viewpoint neutral and maintain decorum and order; and (2) limit public comment  
27 that is not relevant to or within the authority of the public body. (*Norwalk* at 1425;  
28 *Reza v. Pearce*, 806 F.3d 497, 503-04 (9th Cir. 2015); *see also* OMLO 2001-22  
29 (12-17-2002); *Nevada Open Meeting Law Manual*, § 8.05 (11<sup>th</sup> ed. 2012))  
30 However, existing case law prohibits a public body from restricting public  
31 comment that is slanderous or offensive unless such public comment causes an  
32 actual disturbance at the meeting. (*Acosta v. City of Costa Mesa*, 718 F.3d 800, 813  
33 (9th Cir. 2013)) Consistent with existing case law, the Open Meeting Law  
34 authorizes the removal from a meeting of a public body any person who willfully  
35 disrupts a meeting to the extent that its orderly conduct is made impractical. (NRS  
36 241.030) **Section 1** authorizes a board of trustees of a school district, consistent  
37 with existing case law, to restrict public comment at a regular meeting or special  
38 meeting if the public comment: (1) is a topic that is not relevant to or within the  
39 authority of the board of trustees; or (2) is willfully disruptive of the meeting by  
40 being slanderous or offensive.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 386.330 is hereby amended to read as follows:  
2 386.330 1. The board of trustees shall hold a regular meeting  
3 at least once each month, at such time and place as the board shall  
4 determine.  
5 2. Special meetings of the board of trustees shall be held at the  
6 call of the president whenever there is sufficient business to come  
7 before the board, or upon the written request of three members of  
8 the board.  
9 3. The clerk of the board of trustees shall give written notice of  
10 each special meeting to each member of the board of trustees by  
11 personal delivery of the notice of the special meeting to each trustee  
12 at least 1 day before the meeting, or by mailing the notice to each  
13 trustee's residence of record, by deposit in the United States mails,  
14 postage prepaid, at least 4 days before the meeting. The notice shall  
15 specify the time, place and purpose of the meeting. If all of the  
16 members of the board of trustees are present at a special meeting,  
17 the lack of notice shall not invalidate the proceedings of the board of  
18 trustees.  
19 4. A majority of the members of the board of trustees shall  
20 constitute a quorum for the transaction of business, and no action of  
21 the board of trustees shall be valid unless such action shall receive,  
22 at a regularly called meeting, the approval of a majority of all the  
23 members of the board of trustees.



1 5. In any county whose population is 55,000 or more, the board  
2 of trustees may cause each meeting of the board to be broadcast on a  
3 television station created to provide community access to cable  
4 television by using the facilities of the school district, county or any  
5 city located in the county. The board of trustees and the county or  
6 city shall cooperate fully with each other to determine:

7 (a) The feasibility of televising the meetings of the board of  
8 trustees;

9 (b) The costs to televise the meetings of the board of trustees for  
10 each proposed method of televising; and

11 (c) The number of potential viewers of the meetings of the board  
12 of trustees for each proposed method of televising.

13 *6. The board of trustees shall not take any action or*  
14 *corrective action at a regular meeting or special meeting on an*  
15 *item that has been posted on its agenda pursuant to chapter 241 of*  
16 *NRS after 11:59 p.m. on the day of the meeting. If the board of*  
17 *trustees has not taken action or corrective action, as applicable, on*  
18 *any item that is on its agenda before 11:59 p.m. on the day of the*  
19 *meeting, the board of trustees must wait until at least 8 a.m. the*  
20 *following day to take any further action or corrective action on*  
21 *any item that is on the meeting agenda.*

22 *7. The board of trustees may restrict public comment at a*  
23 *regular meeting or special meeting if the public comment:*

24 *(a) Is a topic that is not relevant to or within the authority of*  
25 *the board of trustees; or*

26 *(b) Is willfully disruptive of the meeting by being slanderous or*  
27 *offensive.*

28 **Sec. 2.** This act becomes effective on July 1, 2023.



