

ASSEMBLY BILL NO. 314—ASSEMBLYMAN BOBZIEN

MARCH 18, 2011

JOINT SPONSOR: SENATOR LESLIE

Referred to Committee on Education

SUMMARY—Revises provisions governing a course of instruction on sexual education. (BDR 34-143)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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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 education; revising provisions governing a course of instruction on sexual education; requiring the Council to Establish Academic Standards for Public Schools to include sexual education in the standards for a course of study in health; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires the board of trustees of a school district to establish a
2 course or unit of a course of instruction concerning acquired immune deficiency
3 syndrome, the human reproductive system, related communicable diseases and
4 sexual responsibility which is taught by a teacher or school nurse whose
5 qualifications have been approved by the board of trustees. The board of trustees is
6 also required to appoint an advisory committee to advise the district concerning the
7 content of and materials to be used in such a course or unit of a course of
8 instruction and requires the parent or guardian of a pupil to consent in writing to the
9 pupil's participation in the course or unit of a course of instruction. (NRS 389.065)
10 **Section 1** of this bill revises the instruction to: (1) include a course or a unit thereof
11 in sexual education which must include instruction and information that is
12 comprehensive, factual and medically accurate; and (2) expand the topic areas
13 included within the instruction. **Section 1** also revises the membership of the
14 advisory committee to include a pupil who attends school within the district.
15 **Section 1** also revises the persons who are authorized to teach the course or unit of
16 a course of instruction to include other persons appointed by the board of trustees
17 who are similarly qualified or have demonstrated competency in the subject area.
18 **Section 1** further provides that the notice to the parent or guardian must include a
19 form for the parent or guardian to opt the pupil out of attendance in the course on



sexual education and removes the provision requiring the parent or guardian to consent to the pupil's attendance.

Existing law requires the Council to Establish Academic Standards for Public Schools to establish standards of content and performance for certain courses of study, including the subject area of health. (NRS 389.520) **Section 2** of this bill requires that the standards prescribed for a course of study in health include instruction on sexual education which is appropriate for the grade level of pupils receiving the instruction and which is comprehensive, factual and medically accurate.

Section 3 of this bill requires the Council to Establish Academic Standards for Public Schools to adopt the regulations necessary to implement **sections 1 and 2** on or before December 31, 2011. **Section 4** of this bill delays the implementation of **sections 1 and 2** until July 1, 2012.

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

Section 1. NRS 389.065 is hereby amended to read as follows:
389.065 1. The board of trustees of ~~[a]~~ *each* school district shall establish a course or *a* unit of a course of ~~[-~~

~~(a) Factual instruction concerning acquired]~~ *instruction in sexual education. The course or unit of a course must comply with the standards for health prescribed by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520 and must be appropriate for the grade level of pupils who receive the instruction. Based upon the grade level of pupils designated by the board of trustees, the instruction must include, without limitation, instruction and information that is comprehensive, factual and medically accurate concerning:*

(a) *Acquired* immune deficiency syndrome ~~[-and]~~, *including, without limitation, instruction on the human immunodeficiency virus;*

(b) ~~[Instruction on the]~~ *The* human reproductive system ~~[-related]~~;

(c) *Related* communicable diseases ~~[and sexual responsibility.]~~, *including, without limitation, communicable diseases that are known to be sexually transmitted and a description of the availability, effectiveness and safety of any vaccinations, tests and treatments for those diseases;*

(d) *The importance of identifying and preventing dating violence, including, without limitation, an identification of the characteristics of healthy relationships;*

(e) *The development of skills necessary for sexual responsibility;*

(f) *The importance of communication between a pupil and his or her parents concerning sexual responsibility, including, without*



1 *limitation, the development of skills necessary for such*
2 *communication;*

3 (g) *The importance of abstinence from sexual intercourse and*
4 *the benefits of abstinence from sexual intercourse, including,*
5 *without limitation, an emphasis on the concept that abstinence is*
6 *the only guaranteed way that a pupil can prevent unintended*
7 *pregnancies and sexually transmitted diseases and ensuring that*
8 *pupils who have engaged in sexual intercourse are included in the*
9 *discussion;*

10 (h) *The effectiveness, safety and side effects of contraceptive*
11 *methods in preventing pregnancies and sexually transmitted*
12 *diseases; and*

13 (i) *The state and federal laws and other legal issues relating to*
14 *the information described in this subsection.*

15 ➔ *The board of trustees of a school district shall periodically*
16 *revise the content of the course or the unit of the course as*
17 *necessary to ensure the instruction is current and medically*
18 *accurate.*

19 2. Each board of trustees shall appoint an advisory committee
20 consisting of:

21 (a) Five parents of children who attend schools in the district;
22 ~~{and}~~

23 (b) ~~{Four}~~ *One pupil who attends school in the district; and*

24 (c) *Three* representatives, one from each of ~~{four}~~ *three* of the
25 following professions or occupations:

26 (1) Medicine or nursing;

27 (2) Counseling;

28 (3) Religion;

29 (4) ~~{Pupils who attend schools in the district; or~~

30 ~~{5}~~ Teaching.

31 ➔ This committee shall advise the district concerning the content of
32 and materials to be used in a course of instruction established
33 pursuant to this section, and the recommended ages of the pupils to
34 whom the course is offered. The final decision on these matters
35 must be that of the board of trustees.

36 3. The subjects of the courses may be taught only by ~~{a}~~ :

37 (a) *A teacher* ~~{or school}~~ ;

38 (b) *A school nurse ; or*

39 (c) *Another person who is similarly qualified or has*
40 *demonstrated competency in the subject area,*

41 ➔ *whose qualifications have been previously approved by the board*
42 *of trustees.*

43 4. The parent or guardian of each pupil to whom a course is
44 offered *pursuant to subsection 1* must first be furnished written
45 notice that the course will be offered. The notice must be given in



1 the usual manner used by the local district to transmit written
2 material to parents, and must contain a form for the ~~signature of the~~
3 ~~parent or guardian of the pupil consenting to the pupil's attendance.~~
4 ~~Upon receipt of the written consent of the parent or guardian, the~~
5 ~~pupil may attend the course. If the written consent of the parent or~~
6 ~~guardian is not received,]~~ *parent or guardian of the pupil to opt the*
7 *pupil out of attendance in the course or unit thereof. If the parent*
8 *or guardian opts the pupil out of attendance,* the pupil must be
9 excused from such attendance without any penalty as to credits or
10 academic standing. Any course offered pursuant to this section is
11 not a requirement for graduation.

12 5. All instructional materials to be used in a course must be
13 available for inspection by parents or guardians of pupils at
14 reasonable times and locations before the course is taught, and
15 appropriate written notice of the availability of the material must be
16 furnished to all parents and guardians.

17 6. *As used in this section:*

18 (a) *"Dating relationship" means frequent, intimate*
19 *associations, including casual relationships, primarily*
20 *characterized by the expectation of physical affection or sexual*
21 *involvement. The term does not include an ordinary association*
22 *between persons in a business or social context.*

23 (b) *"Dating violence" means a willful act by a person in a*
24 *dating relationship against the other person in the dating*
25 *relationship which is physical, sexual, verbal or nonverbal that is*
26 *intended to cause or actually causes the other person in the dating*
27 *relationship to feel threatened, intimidated or controlled or to*
28 *suffer harm or emotional distress.*

29 (c) *"Medically accurate" means information which is:*

30 (1) *Verified or supported by current or prevailing scientific*
31 *evidence;*

32 (2) *Published by peer-reviewed scientific or medical*
33 *journals; or*

34 (3) *Recognized as accurate and objective by professional*
35 *organizations or agencies, including, without limitation, the*
36 *Centers for Disease Control and Prevention of the United States*
37 *Department of Health and Human Services, the American*
38 *Academy of Pediatrics, the American Public Health Association or*
39 *the American College of Obstetricians and Gynecologists.*


40 **Sec. 2.** NRS 389.520 is hereby amended to read as follows:

41 389.520 1. The Council shall:

42 (a) Establish standards of content and performance, including,
43 without limitation, a prescription of the resulting level of
44 achievement, for the grade levels set forth in subsection 3, based



upon the content of each course, that is expected of pupils for the following courses of study:

- (1) English, including reading, composition and writing;
- (2) Mathematics;
- (3) Science;
- (4) Social studies, which includes only the subjects of history, geography, economics and government;
- (5) The arts;
- (6) Computer education and technology;
- (7) Health  , *including, without limitation, sexual education required by NRS 389.065 which is appropriate for the grade level of pupils receiving the instruction and which is comprehensive, factual and medically accurate;* and
- (8) Physical education.

(b) Establish a schedule for the periodic review and, if necessary, revision of the standards of content and performance. The review must include, without limitation, the review required pursuant to NRS 389.570 of the results of pupils on the examinations administered pursuant to NRS 389.550.

(c) Assign priorities to the standards of content and performance relative to importance and degree of emphasis and revise the standards, if necessary, based upon the priorities.

2. The standards for computer education and technology must include a policy for the ethical, safe and secure use of computers and other electronic devices. The policy must include, without limitation:

(a) The ethical use of computers and other electronic devices, including, without limitation:

(1) Rules of conduct for the acceptable use of the Internet and other electronic devices; and

(2) Methods to ensure the prevention of:

(I) Cyber-bullying;

(II) Plagiarism; and

(III) The theft of information or data in an electronic form;

(b) The safe use of computers and other electronic devices, including, without limitation, methods to:

(1) Avoid harassment, cyber-bullying and other unwanted electronic communication, including, without limitation, communication with on-line predators;

(2) Recognize when an on-line electronic communication is dangerous or potentially dangerous; and

(3) Report a dangerous or potentially dangerous on-line electronic communication to the appropriate school personnel;



(c) The secure use of computers and other electronic devices, including, without limitation:

(1) Methods to maintain the security of personal identifying information and financial information, including, without limitation, identifying unsolicited electronic communication which is sent for the purpose of obtaining such personal and financial information for an unlawful purpose;

(2) The necessity for secure passwords or other unique identifiers;

(3) The effects of a computer contaminant;

(4) Methods to identify unsolicited commercial material; and

(5) The dangers associated with social networking Internet sites; and

(d) A designation of the level of detail of instruction as appropriate for the grade level of pupils who receive the instruction.

3. The Council shall establish standards of content and performance for each grade level in kindergarten and grades 1 to 8, inclusive, for English and mathematics. The Council shall establish standards of content and performance for the grade levels selected by the Council for the other courses of study prescribed in subsection 1.

4. The Council shall forward to the State Board the standards of content and performance established by the Council for each course of study. The State Board shall:

(a) Adopt the standards for each course of study, as submitted by the Council; or

(b) If the State Board objects to the standards for a course of study or a particular grade level for a course of study, return those standards to the Council with a written explanation setting forth the reason for the objection.

5. If the State Board returns to the Council the standards of content and performance for a course of study or a grade level, the Council shall:

(a) Consider the objection provided by the State Board and determine whether to revise the standards based upon the objection; and

(b) Return the standards or the revised standards, as applicable, to the State Board.

➡ The State Board shall adopt the standards of content and performance or the revised standards, as applicable.

6. The Council shall work in cooperation with the State Board to prescribe the examinations required by NRS 389.550.

7. As used in this section:

(a) "Computer contaminant" has the meaning ascribed to it in NRS 205.4737.



1 (b) "Cyber-bullying" has the meaning ascribed to it in
2 NRS 388.123.

3 (c) "Electronic communication" has the meaning ascribed to it
4 in NRS 388.124.

5 (d) *"Medically accurate" has the meaning ascribed to it in*
6 *NRS 389.065.*

7 **Sec. 3.** The Council to Establish Academic Standards for
8 Public Schools shall adopt the regulations necessary for the
9 implementation of this act on or before December 31, 2011.

10 **Sec. 4.** This act becomes effective:

11 1. Upon passage and approval for the purposes of adopting
12 regulations and performing any other preparatory administrative
13 tasks that are necessary to carry out the provisions of this act; and

14 2. On July 1, 2012, for all other purposes.

