

Amendment No. 752

Senate Amendment to Assembly Bill No. 230 First Reprint (BDR 34-1034)

Proposed by: Senate Committee on Education

Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

| ASSEMBLY ACTION | | | | Initial and Date | SENATE ACTION | | | | Initial and Date |
|-----------------|--------------------------|------|--------------------------|------------------|---------------|--------------------------|------|--------------------------|------------------|
| Adopted | <input type="checkbox"/> | Lost | <input type="checkbox"/> | _____ | Adopted | <input type="checkbox"/> | Lost | <input type="checkbox"/> | _____ |
| Concurred In | <input type="checkbox"/> | Not | <input type="checkbox"/> | _____ | Concurred In | <input type="checkbox"/> | Not | <input type="checkbox"/> | _____ |
| Receded | <input type="checkbox"/> | Not | <input type="checkbox"/> | _____ | Receded | <input type="checkbox"/> | Not | <input type="checkbox"/> | _____ |

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

AAK/RRY



Date: 5/21/2013

A.B. No. 230—Revises provisions governing courses of instruction in sex education. (BDR 34-1034)



ASSEMBLY BILL NO. 230—ASSEMBLYMEN BOBZIEN, EISEN, SPRINKLE, ELLIOT
ANDERSON, HAMBRICK; AIZLEY, BENITEZ-THOMPSON, HORNE,
KIRKPATRICK AND NEAL

MARCH 11, 2013

JOINT SPONSORS: SENATORS SPEARMAN,
PARKS, SEGERBLOM AND MANENDO

Referred to Committee on Education

SUMMARY—Revises provisions governing courses of instruction in sex education. (BDR 34-1034)

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; requiring the board of trustees of each school district to establish a comprehensive, age-appropriate and medically accurate course of instruction in sex education; requiring the Council to Establish Academic Standards for Public Schools to establish standards of content and performance for a course of instruction in sex education as part of a course of study in health; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of trustees of a school district to establish a course or a unit of a course of instruction concerning acquired immune deficiency syndrome, the human reproductive system, related communicable diseases and sexual responsibility which must be taught by a teacher or school nurse whose qualifications have been approved by the board of trustees. Existing law further requires the board of trustees to appoint an advisory committee to advise the district concerning the content of and materials to be used in such a course of instruction and requires the parent or guardian of a pupil to consent in writing before the pupil may participate in the course. (NRS 389.065) **Section 1** of this bill requires the board of trustees of each school district to establish a course of factual instruction in sex education and prescribes the topics which must be included in the course of instruction. **Section 1** requires that the course of instruction in sex education be age-appropriate for the pupils who receive the instruction, comprehensive and, as applicable, medically accurate. **Section 1** additionally revises the composition of the membership of the advisory committee and revises the qualifications which authorize a person to teach the course of instruction in sex education. **Section 1** establishes the general rule that requires the ~~notice to~~ consent in writing of the parent or guardian of a pupil ~~to whom~~ before the pupil may participate in a course of instruction in sex education. ~~He offered to include a form for the parent or guardian to opt the pupil out of the course of instruction.~~ This general rule does not apply if the board of trustees of a school district has adopted a policy that allows each pupil in the school

district to attend a course of instruction in sex education unless the parent or guardian of the pupil opts the pupil out of the course of instruction.

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 health. (NRS 389.520) **Section 2** of this bill requires the Council to establish standards of content and performance for the course of instruction in sex education required by **section 1** as part of the course of study in health.

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 ~~the~~ *each* school district shall establish ~~a~~ *a course of* ~~course or unit of~~ a course of ~~the~~:

~~(a) Factual~~ *factual* instruction ~~concerning acquired~~ *in sex education. The course of instruction must comply with the standards of content and performance for a course of study in health established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520 and must be age-appropriate for the pupils who receive the instruction. Based upon the grade level of pupils designated by the board of trustees, the course of instruction must include comprehensive, and as applicable, medically accurate, information regarding:*

(a) Acquired immune deficiency syndrome ~~the~~ and, including ~~the~~ without limitation, the human immunodeficiency virus;

(b) ~~Instruction on the~~ The human reproductive system, ~~related communicable~~ including ~~the~~ without limitation, anatomy and physiology, puberty, pregnancy, parenting, body image, gender stereotypes and the biological, psychosocial and emotional changes that accompany maturation;

(c) Communicable diseases ~~and sexual responsibility~~ that are known to be sexually transmitted, including ~~the~~ without limitation, the proper use and effectiveness of methods to avoid such diseases, and the availability, effectiveness and safety of any vaccinations, tests and treatments for such diseases;

(d) Domestic violence, sexual abuse, sexual assault, exploitation and human trafficking;

(e) The development of skills necessary to promote sexual responsibility, including ~~the~~ without limitation, skills to assist pupils in setting and meeting goals, identifying the characteristics of a healthy relationship, negotiating, communicating with parents and family, and refusing unwanted sexual advances or activity;

(f) Methods of contraception which may be used to prevent pregnancy, including ~~the~~ without limitation, the proper use, effectiveness, safety, health benefits and side effects of each method of contraception;

(g) The importance of abstinence as the most effective method of preventing an unwanted pregnancy or a sexually transmitted disease;

(h) The identification and explanation of available counseling and legal and medical information concerning health services, including ~~the~~ without limitation, resources to assist pupils with addressing and escaping a violent or exploitative relationship, effective and safe methods of contraception and contraceptive devices, and screening and treatment for sexually transmitted diseases and other related communicable diseases;

(i) The effects of alcohol and drug use on responsible decision making;

(j) Data to counter misinformation about and the effects of peer pressure and of social and other media on a pupil's thoughts, feelings and behaviors related to sexuality and sexual behavior; and

(k) The state and federal laws relating to consent, the age of consent, statutory rape, the electronic transmission of sexual images prohibited by NRS 200.737 or other material and any other legal issues relevant to sex education.

↳ The board of trustees shall periodically revise the content of the course of instruction as necessary to ensure that the content of the course of instruction is current, age-appropriate and, as applicable, medically accurate.

2. The course of instruction offered pursuant to this section must:

(a) Use methods of teaching and include materials which ensure nondiscriminatory instruction of all pupils, regardless of race, gender, gender identity or expression, religion, sexual orientation, ethnic or cultural background or disability.

(b) Appropriately prepare pupils who have or are currently engaged in sexual activity and pupils who may engage in sexual activity in the future.

3. Each board of trustees shall appoint an advisory committee consisting of:

(a) Five parents of children who attend ~~schools~~ a school in the district; ~~and~~

(b) Two pupils who attend a school in the district; and

(c) Four representatives, one from each of ~~four of~~ the following professions, ~~or~~ occupations ~~or~~ backgrounds:

(1) Medicine or nursing;

(2) Counseling;

(3) Religion ~~or spirituality~~; ~~for community life~~ and

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

~~(5) Teaching, Education~~

↳ ~~This~~ The board of trustees may appoint not more than three additional members to the advisory committee who are representatives of the community.

4. The advisory committee appointed pursuant to subsection 3 shall advise the ~~district~~ board of trustees concerning all aspects of the course of instruction established pursuant to this section, including: ~~without limitation~~

(a) Instructors who have demonstrated an appropriate level of competency to teach a comprehensive, age-appropriate and medically accurate course of instruction in sex education;

(b) The content of and materials to be used in ~~the~~ the course of instruction; ~~established pursuant to this section~~ and ~~the recommended~~

(c) The ages of the pupils to whom each subject of the course ~~is~~ of instruction may be offered.

↳ The final decision on these matters must be that of the board of trustees.

~~3-1~~ 5. The subjects of the ~~courses~~ course of instruction may be taught only by a ~~the~~

~~(a) A~~ teacher or other professional educator or school ~~the~~

~~(b) A professional educator~~

~~(c) A nurse or~~

~~(d) A provider of health care,~~

~~as advised by the advisory committee pursuant to paragraph (a) of subsection 4 and whose qualifications have been previously approved by the board of trustees. who has been approved by the board of trustees as demonstrating an appropriate level of competency to teach a comprehensive, age-appropriate and medically accurate course of instruction in sex education. The board of trustees may authorize other instructors who demonstrate the same level of competency to teach the course of instruction if the board of trustees determines that the use of such other instructors is necessary.~~

~~6. The parent or guardian of each pupil to whom a course of instruction is offered pursuant to this section must first be furnished written notice that the course will be offered. The notice must be given in the usual manner used by the local district to transmit written material to parents, and, unless the board of trustees adopts a policy pursuant to subsection 7, must contain ~~include~~ a form for the signature of the parent or guardian of the pupil consenting to ~~opt~~ the pupil's attendance. Upon receipt of the written consent of the parent or guardian, the pupil may attend ~~out of~~ the course of instruction. If the written consent of the parent or guardian is not received, ~~the pupil is opted out of the course of instruction, and the board of trustees has not adopted a policy pursuant to subsection 7,~~ the pupil must be excused from such attendance without any penalty as to credits or academic standing. Any course of instruction offered pursuant to this section is not a requirement for graduation.~~

~~7. The board of trustees of a school district may adopt a policy to allow each pupil in the school district to attend a course of instruction that is offered pursuant to this section unless the parent or guardian of the pupil opts the pupil out of the course of instruction. If the parent or guardian opts the pupil out of the course of instruction, the pupil must be excused from such attendance without any penalty as to credits or academic standing.~~

8. All instructional materials to be used in a course of instruction offered pursuant to this section must be available for inspection by parents or guardians of pupils at reasonable times and locations before the course is taught, and appropriate written notice of the availability of the material must be furnished to all parents and guardians.

~~9. As used in this section:~~

(a) "Age-appropriate" means designed to teach concepts, information and skills based on the social, cognitive, emotional and experience level of most pupils of a particular age.

(b) "Comprehensive" means an abstinence-based curriculum of instruction on a full range of topics relating to human sexuality.

(c) "Gender identity or expression" means a gender-related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth.

~~(d)~~ (d) "Medically accurate" means:

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

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

(3) Recognized as accurate and objective by a professional organization or agency, including ~~without limitation,~~ the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the American Academy of Pediatrics, the American Public Health Association or the American Congress of Obstetricians and Gynecologists.

~~(d) "Provider of health care" means a person who is licensed, certified or otherwise authorized by the laws of this State to administer health care in the ordinary course of business or practice of a profession.~~

(e) "Sex education" means a sexuality education program that builds a foundation of knowledge and skills relating to human development, relationships, decision-making, abstinence, contraception and disease prevention.

(f) "Sexual orientation" means having or being perceived as having an orientation of heterosexuality, homosexuality or bisexuality.

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

389.520 1. The Council shall:

(a) Establish standards of content and performance, including, without limitation, a prescription of the resulting level of 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 ~~H~~, *including, without limitation, the course of instruction in sex education required by NRS 389.065;* 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

1 mathematics. The Council shall establish standards of content and performance for
2 the grade levels selected by the Council for the other courses of study prescribed in
3 subsection 1.

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

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

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

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

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

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

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

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

22 7. As used in this section:

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

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

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

27 **Sec. 3.** This act becomes effective on July 1, 2013.