

Amendment No. 324

Assembly Amendment to Assembly Bill No. 120
(BDR 34-520)

Proposed by: Assembly Committee on Education

Amends: Summary: Yes Title: Yes 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) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

SJA/JWP



Date: 4/14/2015

A.B. No. 120—Clarifies rights of public school pupils regarding the free exercise of religion. (BDR 34-520)



ASSEMBLY BILL NO. 120—ASSEMBLYMEN WHEELER, ELLISON, JONES, OSCARSON;
DICKMAN, DOOLING, MOORE AND O'NEILL

FEBRUARY 6, 2015

Referred to Committee on Education

SUMMARY—Clarifies rights of public school pupils regarding the free exercise of religion ~~and~~ **and freedom of expression.** (BDR 34-520)FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to education; clarifying the rights of pupils at public schools regarding the free exercise of religion ~~and~~ **and freedom of expression; requiring the governing body of each public school to adopt a policy providing** a grievance process for pupils claiming that ~~their~~ **those** rights ~~of free exercise of religion~~ have been violated; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill clarifies that pupils at public schools are entitled to ~~the same extent and under the same circumstances as pupils are allowed to meditate, reflect or speak on nonreligious matters; (2) express a religious viewpoint to the same extent and under the same circumstances as pupils are allowed to express a viewpoint on a nonreligious matter; (2) possess or distribute religious literature to the same extent and under the same circumstances as pupils are allowed to possess or distribute literature on a nonreligious matter; and (4) organize or participate in any prayer group, religious club or religious gathering before, during or after regular school hours to the same extent and under the same circumstances as pupils are allowed to organize and participate in any extracurricular group or activity before, during and after regular school hours. Section 2 also authorizes the boards of trustees of each school district and the governing bodies of charter schools and university schools for profoundly gifted pupils to disclaim sponsorship of extracurricular groups and activities held at a school or facility of the school district, charter school or university school for profoundly gifted pupils in a manner that neither favors nor disfavors religious groups.~~

~~Section 2 of this bill provides a grievance process for pupils claiming that a right conferred by section 2 has been violated. Section 2 authorizes pupils at most public schools to allege such a violation first to the principal at the school, then to the superintendent of the school district in which the school is located and finally to the board of trustees of the school district. For pupils at a charter school or a university school for profoundly gifted pupils, section 2 authorizes pupils to allege a violation to the administrative head of the school and then to the governing body of the school. Section 2 also provides a right of action to any pupil whose rights have allegedly been violated and who has exhausted the grievance process described above.~~ **express themselves in a manner consistent with the rights guaranteed by the First and Fourteenth Amendments to the United States Constitution, provided that such expression does not disrupt instruction at a public school, is not used to bully or intimidate any person and is not organized, broadcast or endorsed by the public**

school. Section 2 also requires the board of trustees of each school district and the governing body of each charter school and university school for profoundly gifted pupils to adopt a grievance policy prescribing procedures for the resolution of a complaint that the rights described in section 2 have been violated.

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

Section 1. ~~[Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.] (Deleted by amendment.)~~

Sec. 2. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each pupil of a public school, including, without limitation, each pupil of a university school for profoundly gifted pupils, is entitled to:

~~(a) Pray, either silently or audibly and either alone or with other pupils, to the same extent and under the same circumstances as each pupil is allowed to meditate, reflect or speak on a nonreligious matter, either alone or with other pupils.~~

~~(b) Speak or otherwise express a religious viewpoint, including, without limitation, express a religious viewpoint in any school work, to the same extent and under the same circumstances as each pupil is allowed to speak or otherwise express a viewpoint on a nonreligious matter.~~

~~(c) Possess or distribute religious literature to the same extent and under the same circumstances as each pupil is allowed to possess or distribute literature on a nonreligious matter.~~

~~(d) Organize or participate in a prayer group, religious club or any other religious gathering before, during or after regular school hours to the same extent and under the same circumstances as each pupil is allowed to organize or participate in any other extracurricular group or activity before, during or after regular school hours.~~

2. The board of trustees of each school district and the governing body of each charter school or university school for profoundly gifted pupils may disclaim sponsorship of any extracurricular school group or any activity held at a school or other facility of the school district, charter school or university school for profoundly gifted pupils in a manner that neither favors nor disfavors any group that meets to pray or otherwise express a viewpoint on a religious matter, express himself or herself in a manner consistent with the rights guaranteed by the First and Fourteenth Amendments to the United States Constitution.

2. Any expression described in subsection 1 must not be disruptive of instruction at a public school, including, without limitation, a university school for profoundly gifted pupils, must not be used to bully or intimidate any person and must not be organized, broadcast or endorsed by a public school, including, without limitation, a university school for profoundly gifted pupils.

3. The board of trustees of each school district, the governing body of each charter school and the governing body of each university school for profoundly gifted pupils must adopt a policy prescribing procedures for the resolution of a complaint by a pupil of the school district, charter school or university school for profoundly gifted pupils that the rights of the pupil described in subsection 1 have been violated. The policy required by this subsection may be part of a comprehensive discrimination grievance policy of the school district, charter

school or university school for profoundly gifted pupils or may be a separate policy.

~~Sec. 3. 1. Pursuant to the provisions of subsection 2 or 3, as applicable, a pupil of a public school, including, without limitation, a university school for profoundly gifted pupils, may complain that a right of the pupil conferred by section 2 of this act has been violated.~~

~~2. For a public school that is not a charter school or a university school for profoundly gifted pupils:~~

~~(a) A pupil may complain, orally or in writing, to the principal of the school that a right of the pupil conferred by section 2 of this act has been violated. As soon as practicable upon receipt of the complaint, the principal shall schedule a meeting to discuss the complaint with the pupil, with a parent or legal guardian of the pupil, or with the pupil and a parent or legal guardian of the pupil. The meeting must be held not later than 10 days after the receipt of the complaint unless the pupil agrees to a later date.~~

~~(b) If, after the meeting, the concerns of the pupil are not resolved to the satisfaction of the pupil, the pupil may complain in writing to the superintendent of schools of the school district in which the school is located that a right of the pupil conferred by section 2 of this act has been violated. The complaint must:~~

~~(1) Be submitted to the superintendent not later than 30 days after the meeting held pursuant to paragraph (a); and~~

~~(2) Include specific allegations regarding the violation of a right of the pupil conferred by section 2 of this act.~~

~~(c) As soon as practicable after receiving the complaint, the superintendent shall begin an investigation of the allegations included in the complaint. Not later than 30 days after receiving the complaint, the superintendent shall notify the pupil of any action that the superintendent has taken or will take to resolve the concerns of the pupil.~~

~~(d) If the superintendent notifies the pupil that no action has been or will be taken, or if any action taken does not resolve the concerns of the pupil to the satisfaction of the pupil, the pupil may make a written request to the board of trustees of the school district in which the school is located to hear a complaint that a right of the pupil conferred by section 2 of this act has been violated. The request must:~~

~~(1) Be submitted to the board of trustees not later than 30 days after the pupil is notified pursuant to paragraph (c); and~~

~~(2) Include specific allegations regarding the violation of a right of the pupil conferred by section 2 of this act.~~

~~(e) Not later than 45 days after receiving the request, the board of trustees shall determine whether to hold a hearing on the complaint and shall notify the pupil of the determination. If the board of trustees determines to hold a hearing, the hearing must be held not later than the next regular meeting of the board of trustees to be held after making the determination. At the hearing, the board of trustees shall determine whether to take any action to resolve the concerns of the pupil.~~

~~(f) If the board of trustees determines not to hold a hearing, or if a hearing is held but any action taken by the board does not satisfy the concerns of the pupil, the pupil may file a civil action in the district court of the county in which the school is located for declaratory, injunctive and monetary relief against the board of trustees. Such an action must be filed not later than:~~

~~(1) Thirty days after the hearing; or~~

~~(2) If the board of trustees determines not to hold a hearing, 30 days after the pupil is notified of that determination.~~

~~3. For a charter school or a university school for profoundly gifted pupils:
(a) A pupil may complain, orally or in writing, to the administrative head of the charter school or university school for profoundly gifted pupils that a right of the pupil conferred by section 2 of this act has been violated. As soon as practicable upon receipt of the complaint, the administrative head shall schedule a meeting to discuss the complaint with the pupil, with a parent or legal guardian of the pupil, or with the pupil and a parent or legal guardian of the pupil. The meeting must be held not later than 10 days after the receipt of the complaint unless the pupil agrees to a later date.~~

~~(b) If, after the meeting, the concerns of the pupil are not resolved to the satisfaction of the pupil, the pupil may make a written request to the governing body of the charter school or university school for profoundly gifted pupils to hear a complaint that a right of the pupil conferred by section 2 of this act has been violated. The request must:~~

~~(1) Be submitted to the governing body not later than 30 days after the meeting held pursuant to paragraph (a); and~~

~~(2) Include specific allegations regarding the violation of a right of the pupil conferred by section 2 of this act.~~

~~(c) Not later than 45 days after receiving the request, the governing body shall determine whether to hold a hearing on the complaint and shall notify the pupil of the determination. If the governing body determines to hold a hearing, the hearing must be held not later than the next regularly scheduled public meeting of the governing body to be held after making the determination. At the hearing, the governing body shall determine whether to take any action to resolve the concerns of the pupil.~~

~~(d) If the governing body determines not to hold a hearing, or if a hearing is held but any action taken by the governing body does not satisfy the concerns of the pupil, the pupil may file a civil action in the district court of the county in which the school is located for declaratory, injunctive and monetary relief against the governing body. Such an action must be filed not later than:~~

~~(1) Thirty days after the hearing; or~~

~~(2) If the governing body determines not to hold a hearing, 30 days after the pupil is notified of that determination.~~

~~4. In a civil action filed pursuant to this section:~~

~~(a) The prevailing party is entitled to recover reasonable attorney's fees and costs of suit.~~

~~(b) If the court finds for the pupil, the court shall award the pupil the sum of \$10,000 or the amount of his or her actual damages, whichever is greater.~~

~~5. As used in this section, unless the context otherwise requires, "pupil" includes a parent or guardian of a pupil.~~ (Deleted by amendment.)

Sec. 4. This act becomes effective on July 1, 2015.