

ASSEMBLY BILL NO. 348—ASSEMBLYWOMAN JOINER

MARCH 20, 2017

Referred to Committee on Education

SUMMARY—Revises provisions governing courses of instruction in sex education. (BDR 34-285)

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 an evidence-based, age-appropriate and medically accurate course of instruction in sex education; requiring each board of trustees to submit an annual report concerning such a course of instruction to the Legislature; 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 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, other professional educator or school nurse whose qualifications have been approved by the board of trustees. (NRS 389.036) **Section 1.5** of this bill authorizes the board of trustees of a school district to approve a person other than a teacher, professional educator or school nurse to teach a course of instruction in sex education in certain circumstances.

Existing law requires notice to be given to a parent or guardian of a pupil to whom a course of instruction in sex education will be offered and requires the school district to provide a form for the parent or guardian of a pupil to provide written permission for the pupil to participate in the course of instruction. (NRS 389.036) **Section 1.5** of this bill authorizes a school district to make this form available on a secure Internet website and requires the form to include an option for a parent or guardian of a pupil to provide permission for the pupil to participate in a course of sex education: (1) for that school year only; or (2) for as long as the pupil is enrolled in the school district. **Section 1.5** also requires a school district to follow



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up with a parent or guardian and provide certain information to the parent or guardian if the form is not returned to the school district within 2 weeks.

Existing law further requires the board of trustees of a school district to appoint an advisory committee to advise the district concerning the content and materials to be used in a course of instruction relating to sex education. (NRS 389.036) **Section 1.5** of this bill instead requires the board of trustees of each school district to establish a course of instruction in sex education which is factual and prescribes the topics which must be included in the course of instruction. **Section 1.5** also requires that the course of instruction in sex education be age-appropriate for the pupils who receive the instruction, evidence-based and, as applicable, medically accurate.

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, without limitation, 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 1.5** as part of such a course of study in health.

Section 1 of this bill requires the board of trustees of each school district to submit an annual report on the status of the establishment of a course of instruction in sex education in the district to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Education.

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

Section 1. Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 4, on or before July 1 of each year, the board of trustees of a school district shall prepare and submit a report on the status of the establishment of a course of instruction in sex education pursuant to NRS 389.036 to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Education.

2. The report submitted pursuant to subsection 1 must include, without limitation, the following information relating to sex education, categorized by school and grade level:

(a) The number of pupils who participated in a course of instruction in sex education;

(b) The number of pupils who did not participate in a course of instruction in sex education based on the choice of the parent or guardian of the pupil; and

(c) The number of pupils who did not participate in a course of instruction in sex education based on the failure of the parent or guardian of the pupil to provide the consent required pursuant to NRS 389.036.

3. The report must also include the total number of hours of instruction and the content of the curriculum for a course of instruction in sex education which was taught in each grade level in the school district, if the curriculum of the school district



1 relating to sex education was taught in one grade level, the report
2 may indicate that the curriculum was taught at that grade level
3 only.

4 4. If only a portion of the curriculum of the school district
5 relating to sex education was taught, the report must indicate
6 which portion of the curriculum was not taught and the reason for
7 its exclusion.

8 5. If an alternative curriculum relating to sex education was
9 used by the school district, the report must include a copy of the
10 alternative curriculum or a link to the Internet website which
11 includes such curriculum and an explanation of the reason for
12 using the alternative curriculum.

13 **Sec. 1.5.** NRS 389.036 is hereby amended to read as follows:
14 389.036 1. The board of trustees of ~~the~~ each school district
15 shall establish ~~a course or unit of~~ a course of ~~the~~
16 ~~—(a) Factual~~ instruction ~~concerning acquired~~ in sex education
17 which is factual. The course of instruction must comply with the
18 standards of content and performance for a course of study in
19 health established by the Council to Establish Academic Standards
20 for Public Schools pursuant to NRS 389.520 and must be age-
21 appropriate for the pupils who receive the instruction. Based upon
22 the grade level of pupils designated by the board of trustees, the
23 course of instruction must include evidence-based and, as
24 applicable, medically accurate information regarding:

25 (a) Acquired immune deficiency syndrome ~~and~~, including
26 the human immunodeficiency virus;

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

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

37 (d) Forms of domestic violence, sexual abuse, sexual assault,
38 exploitation and human trafficking, including, without limitation,
39 information relating to the prevention of these forms of violence
40 and local resources and crisis centers which are available to
41 victims;

42 (e) The development of skills necessary to promote sexual
43 responsibility, including, without limitation, the skills to:

44 (1) Assist pupils in setting and meeting goals;

45 (2) Identify the characteristics of a healthy relationship;



(3) *Negotiate;*
(4) *Communicate with parents and family;*
(5) *Refuse unwanted sexual advances or activity; and*
(6) *Obtain and provide affirmative consent before engaging in sexual activity.*

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

(g) *All options authorized by law for family planning in the event of a pregnancy;*

(h) *The importance of abstinence as the most effective method of preventing an unwanted pregnancy and sexually transmitted diseases;*

(i) *The identification and explanation of available counseling and legal and medical information concerning health services, including, 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;*

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

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

(l) *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 and any other legal issues relevant to sex education.*

2. *The board of trustees shall periodically revise the content of the course of instruction established pursuant to subsection 1 as necessary to ensure that the content is current, age-appropriate and, as applicable, medically accurate.*

3. *The course of instruction established pursuant to subsection 1 must:*

(a) *Use methods of teaching and include materials which are appropriate for a pupil of any race, sex, gender identity or expression, sexual orientation or ethnic or cultural background or a pupil who is an English learner or who is a pupil with a physical or mental 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; and*



(c) *Recognize the different sexual orientations and be inclusive of persons of all sexual orientations in any examples which may be provided to pupils.*

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

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

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

(1) Medicine or nursing;

(2) Counseling;

(3) Religion;

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

(5) Teaching.

~~{→ This}~~

5. *The advisory committee appointed pursuant to subsection 4 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 an evidence-based, age-appropriate and medically accurate course of instruction in sex education;*

(b) *The content of and materials to be used in ~~{a}~~ 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.*

6. The final decision on ~~{these matters}~~ *the course of instruction established pursuant to subsection 1* must be that of the board of trustees.

~~{3-}~~ 7. ~~{The}~~ *Except as otherwise provided in this subsection, the subjects of the ~~{courses}~~ course of instruction established pursuant to subsection 1* may be taught only by a teacher ~~{or}~~ , *other professional educator or school nurse . ~~{whose qualifications have been previously approved by the board of trustees.}~~*

~~—4-}~~ *If a school does not have a sufficient number of teachers, other professional educators or school nurses to teach the course of instruction established pursuant to subsection 1 or does not have adequate funds to hire such a person to teach the course of instruction, the board of trustees of the school district may approve another person whom it determines to have an appropriate level of competency to teach the course of instruction.*

8. The parent or guardian of each pupil to whom a course is offered must first be furnished written notice that the course *of instruction* will be offered. ~~{The}~~ *Except as otherwise provided in*



subsection 9, the notice must be given in the usual manner used by the local district to transmit written material to parents, and must contain a form for the signature of the parent or guardian of the pupil consenting to the pupil's attendance. Upon receipt of the written consent of the parent or guardian, the pupil may attend the course ~~+~~ during the school year in which consent was provided by the parent or guardian of the pupil or during any school year in which the pupil is enrolled in the school district, depending on the permission granted by the parent or guardian on the form. If the written consent of the parent or guardian is not received, the pupil must be excused from such attendance without any penalty as to credits or academic standing. Any course offered pursuant to this section is not a requirement for graduation.

~~15-1~~ *9. The form required to be provided to a parent or guardian of a pupil pursuant to subsection 8:*

(a) May be made available on the secure Internet website of the school district for the electronic signature of the parent or guardian and may be included with any on-line registration to register a child with a school.

(b) Must allow the parent or guardian of a pupil to consent to the pupil attending a course of instruction pursuant to this section during:

(1) The school year in which the consent is provided; or

(2) Any school year in which the pupil is enrolled in the school district.

(c) Must include a notification that consent may be revoked at any time and regardless of how consent is provided, the parent or guardian will receive written notice pursuant to subsection 8 when a course of instruction established pursuant to subsection 1 will be offered.

10. If the form provided to a parent or guardian of a pupil pursuant to subsection 8 is not returned within 2 weeks, the school district must contact the parent or guardian to inform the parent or guardian that:

(a) The form was provided for the parent or guardian of a pupil to consent to the pupil attending a course of instruction in sex education; and

(b) The parent or guardian may complete the form at the school of the pupil or electronically, if available.

11. All instructional materials to be used in a course of instruction established 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.



12. *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) *“Evidence-based” means that a program has been proven effective on the basis of rigorous scientific research and evaluation and has been identified through a systematic independent review.*

(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) *“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.*

(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, family planning and disease prevention.*

(f) *“Sexual orientation” means having or being perceived as having a particular orientation within the continuum of sexual orientation, including, without limitation, heterosexuality, homosexuality and 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 4, based upon the content of each course, that is expected of pupils for the following courses of study:

(1) English language arts;

(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;*

(8) Physical education; and

(9) A foreign or world language.

(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 390.115 of the results of pupils on the examinations administered pursuant to NRS 390.105.

(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 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



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(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 standards for social studies must include multicultural education, including, without limitation, information relating to contributions made by men and women from various racial and ethnic backgrounds. The Council shall consult with members of the community who represent the racial and ethnic diversity of this State in developing such standards.

4. The Council shall establish standards of content and performance for each grade level in kindergarten and grades 1 to 8, inclusive, for English language arts 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.

5. 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.

6. 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.

7. The Council shall work in cooperation with the State Board to prescribe the examinations required by NRS 390.105.

8. As used in this section:

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

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

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



1 **Sec. 2.3.** The report of the board of trustees of a school district
2 required pursuant to section 1 of this act for the 2016-2017 school
3 year must be submitted to the Director of the Legislative Counsel
4 Bureau on or before October 1, 2017.

5 **Sec. 2.7.** The provisions of subsection 1 of NRS 218D.380 do
6 not apply to any provision of this act which adds or revises a
7 requirement to submit a report to the Legislature.

8 **Sec. 3.** This act becomes effective on July 1, 2017.

