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## Office of the Governor

June 8, 2017

The Honorable Barbara Cegavske  
Nevada Secretary of State  
101 North Carson Street  
Carson City, NV 89701

**RE: Assembly Bill 348 of the 79<sup>th</sup> Legislative Session**

Dear Secretary Cegavske:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 348 ("AB 348"), which is entitled:

AN ACT relating to education; revising provisions governing the establishment of a course or unit of a course of instruction concerning acquired immune deficiency syndrome, the human reproductive system, related communicable diseases and sexual responsibility; requiring each board of trustees to submit an annual report concerning such a course or unit of such a course of instruction in certain topics to the Legislature;

AB 348 is well-intentioned in certain respects. Relevant and appropriate sex education supports important public health policies by helping students to make informed decisions and lead healthy lives. While local school boards and educators play an important role in providing appropriate sex education courses, the role of parents in this system is the most important. AB 348 would upset the school-parent balance potentially depriving parents with a meaningful opportunity to provide informed consent for their children to receive sex education.

Under current law, parental consent is strictly required before a student is allowed to participate in a sex education course. NRS 386.036(4) clearly stipulates that if parental consent for a student to attend a sex education course is not provided, the student may not participate in the course. Such a process is known as "opt-in", whereby a child cannot attend a sex education course unless and until a parent deliberately consents in writing. Thus, current law establishes that the notice provided to parents informing them that a course in sex education will be taught must include a form allowing the parent to consent to their child attending the course.

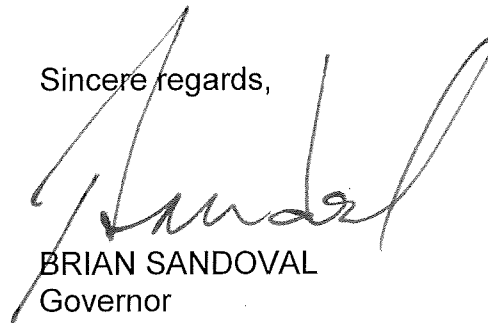
AB348, while preserving some of the current "opt in" system, makes a substantial change to the process. Rather than require parents to consent every time a course of sex education is going to be taught, AB 348 would allow a parent's one-time consent to operate as consent for all future school years. Admittedly, a parent could elect to consent for a single year, and consent could be revoked in the future. However, AB 348 makes it much more likely that a busy parent may be consenting to much more than he or she expected. Such an outcome is untenable in a subject matter that requires maximum levels of parental engagement and awareness.

Given the possibility of universal, one-time consent, AB 348 thus makes it likely that the content of the coursework taught in a sex education class will change after parental consent is given, especially as such education is required to be "age appropriate." Consent to fifth grade sex education is not the same as consent to high school sex education, even if the instruction never changes. Such a policy undermines the quality of parent consent and may expand the parameters of a sex education course beyond what a parent contemplated.

Finally, without a doubt, the policy changes introduced in AB 348 involving sex education are ones that should be determined by parents, educators, and education policy makers at local school boards. These environments invite and include optimum discussion, debate, and decisions for the children who attend the schools in those neighborhoods. Frustrated by a lack of traction at the local level for changes to policies and instruction related to sex education, proponents of AB 348 now seek to accomplish their goals with a statewide policy. But a uniform, once-size-fits-all approach to sex education would be ill-advised, and these policy changes, if made, should be made at the local level.

For these reasons, I veto AB348 and return it without my signature or approval.

Sincere regards,

A handwritten signature in black ink, appearing to read "B. Sandoval", is written over the typed name and title.

BRIAN SANDOVAL  
Governor

*Enclosure*

cc: *The Honorable Mark Hutchison, President of the Senate (without enclosure)*  
*The Honorable Jason Frierson, Speaker of the Nevada Assembly (without enclosure)*  
*The Honorable Barbara Cegavske, Nevada Secretary of State (without enclosure)*  
*Claire J. Clift, Secretary of the Senate (without enclosure)*  
*Susan Furlong, Chief Clerk of the Assembly (without enclosure)*  
*Brenda Erdoes, Esq., Legislative Counsel (without enclosure)*