

ASSEMBLY BILL NO. 348—ASSEMBLYWOMAN JOINER

MARCH 20, 2017

Referred to Committee on Education

SUMMARY—Revises provisions governing a course or unit of a course of instruction concerning acquired immune deficiency syndrome, the human reproductive system, related communicable diseases and sexual responsibility. (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; 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; 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)

Existing law further requires notice to be given to a parent or guardian of a pupil to whom such a course or unit of such a course of instruction 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 or unit of a 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 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.

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 such a course or unit of such a course of instruction 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 or unit of a course of instruction 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 the course or unit of a course of instruction, categorized by school and grade level:

(a) The number of pupils who participated in the course or unit of a course of instruction;

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

(c) The number of pupils who did not participate in the course or unit of a course of instruction 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 of the course or unit of a course of instruction established by the school district pursuant to NRS 389.036 for each grade level in the school district in which the instruction was taught.

4. If only a portion of the curriculum of the school district relating to the course or unit of a course of instruction was taught or if fewer hours of instruction were taught than the number of hours of instruction reported pursuant to subsection 3, the report must indicate which portion of the curriculum was not taught, if any, and the reason for its exclusion.

Sec. 1.5. NRS 389.036 is hereby amended to read as follows:
389.036 1. The board of trustees of a school district shall establish a course or unit of a course of:



(a) Factual instruction concerning acquired immune deficiency syndrome; and

(b) Instruction on the human reproductive system, related communicable diseases and sexual responsibility.

2. *The board of trustees shall periodically revise the content of the course or unit of a 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 or unit of a course of instruction established pursuant to subsection 1 must 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.*

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.

~~1-3-1 This~~

5. *The advisory committee appointed pursuant to subsection 4 shall advise the district concerning the content of and materials to be used in a course or unit of a course of instruction established pursuant to this section, and the recommended ages of the pupils to whom the course or unit is offered. The final decision on these matters must be that of the board of trustees.*

~~13-1~~ 6. The subjects of the ~~1-3-1 courses~~ *course or unit of a course of instruction* may be taught only by a teacher or school nurse whose qualifications have been previously approved by the board of trustees.

~~14-1~~ 7. The parent or guardian of each pupil to whom a course or unit of a course of instruction established pursuant to this section is offered must first be furnished written notice that the course or unit of a course of instruction will be offered. ~~1-3-1 The~~ *Except as otherwise provided in subsection 8, 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 ~~H~~ *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~~ 8. *The form required to be provided to a parent or guardian of a pupil pursuant to subsection 7:*

(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 or unit of 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 7 when a course or unit of a course of instruction established pursuant to subsection 1 will be offered.*

9. *If the form provided to a parent or guardian of a pupil pursuant to subsection 7 is not returned within 2 weeks, the school district must contact the parent or guardian before instruction begins 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 or unit of a course of instruction established pursuant to this section; and*

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

10. All instructional materials to be used in a course *or unit of 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.

Sec. 2. (Deleted by amendment.)

Sec. 2.3. The report of the board of trustees of a school district required pursuant to section 1 of this act for the 2016-2017 school



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1 year must be submitted to the Director of the Legislative Counsel
2 Bureau on or before October 1, 2017.

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

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

