

ASSEMBLY BILL NO. 73—COMMITTEE ON EDUCATION

(ON BEHALF OF THE JOINT INTERIM STANDING
COMMITTEE ON EDUCATION)

PREFILED JANUARY 30, 2023

Referred to Committee on Education

SUMMARY—Provides right of public school pupils to wear certain
adornments at school graduation ceremonies.
(BDR 34-440)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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; establishing the right of public
school pupils to wear traditional tribal regalia or
recognized objects of religious or cultural significance at
school graduation ceremonies; establishing a process for a
pupil to appeal a decision that prohibits the wearing of
such adornments; and providing other matters properly
relating thereto.

Legislative Counsel's Digest:

1 Under existing law, each pupil of a public school is entitled to express himself
2 or herself in a manner consistent with the rights guaranteed by the First and
3 Fourteenth Amendments to the United States Constitution. Any such expression by
4 pupils must not be disruptive to instruction or used to engage in discrimination
5 based on race or bullying and must not be organized, broadcast or endorsed by a
6 public school. (NRS 388.077) This bill establishes that the pupils of a public school
7 are entitled to wear traditional tribal regalia or recognized objects of religious or
8 cultural significance as an adornment at school graduation ceremonies. This bill
9 provides that the board of trustees of a school district, the governing body of a
10 charter school or the governing body of a university school for profoundly gifted
11 pupils may nonetheless prohibit an item that is likely to cause a substantial
12 disruption of, or material interference with, such a ceremony. This bill authorizes a
13 pupil who is prohibited from wearing such an item to appeal that decision to the
14 Superintendent of Public Instruction, who must consult with certain groups before
15 rendering a decision on such an appeal. This bill further provides that, if the
16 Superintendent of Public Instruction does not render a decision within 5 business



17 days after an appeal is submitted, the appeal is deemed to be decided in favor of the
18 pupil.

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

1 **Section 1.** Chapter 388 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *A pupil of a public school, including, without limitation, a*
4 *pupil of a university school for profoundly gifted pupils, is entitled*
5 *to wear traditional tribal regalia or recognized objects of religious*
6 *or cultural significance as an adornment at a school graduation*
7 *ceremony.*

8 2. *Nothing in this section shall be construed to prohibit the*
9 *board of trustees of a school district, the governing body of a*
10 *charter school or the governing body of a university school for*
11 *profoundly gifted pupils from prohibiting an item that is likely to*
12 *cause a substantial disruption of, or material interference with,*
13 *such a ceremony.*

14 3. *If the board of trustees of a school district, the governing*
15 *body of a charter school or the governing body of a university*
16 *school for profoundly gifted pupils prohibits a pupil from wearing*
17 *an item as an adornment at a school graduation ceremony, the*
18 *pupil may submit a written appeal to the Superintendent of Public*
19 *Instruction which includes an explanation of the religious or*
20 *cultural significance of the item. Before rendering a decision on*
21 *such an appeal, the Superintendent of Public Instruction shall*
22 *consult with the Nevada Indian Commission created by NRS*
23 *233A.020 and the Nevada Commission on Minority Affairs*
24 *created by NRS 232.852. If an appeal is decided in favor of the*
25 *pupil, the board of trustees or governing body shall allow the pupil*
26 *to wear the item as an adornment at the school graduation*
27 *ceremony. If the Superintendent of Public Instruction fails to*
28 *render a decision within 5 business days after the appeal is*
29 *submitted, the appeal is deemed to be decided in favor of the pupil.*

30 4. *As used in this section:*

31 (a) *“Adornment” means something attached to, or worn with,*
32 *but not replacing, the cap and gown customarily worn at school*
33 *graduation ceremonies.*

34 (b) *“Cultural” means recognized practices and traditions of a*
35 *certain group of people.*

36 **Sec. 2.** This act becomes effective upon passage and approval.

