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 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 or school nurse whose qualifications have been approved by the board of trustees. Existing law further requires the board of trustees to appoint an advisory committee to advise the district concerning the content of and materials to be used in such a course of instruction and requires the parent or legal guardian of a pupil to consent in writing before the pupil may participate in the course. (NRS 389.036) **Section 1** 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** 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 and allows a person approved by the board of trustees to be an instructor of such a course if the person demonstrates a certain level of competency. **Section 1** additionally revises the composition of the membership of the advisory committee and revises the qualifications which authorize a person to teach a course of instruction in sex education. **Section 1** requires the notice given to a parent or guardian of a pupil to

whom a course of instruction in sex education will be offered to include a form that allows the parent or guardian to opt the pupil out of the course of instruction.

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** as part of such a course of study in health.

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

Section 1. NRS 389.036 is hereby amended to read as follows:

389.036 1. The board of trustees of ~~[a]~~ ***each*** school district shall establish ~~[a course or unit of]~~ a course of ~~[:~~

~~(a) Factual]~~ instruction ~~[concerning acquired]~~ ***in sex education which is factual. The course of instruction must comply with the standards of content and performance for a course of study in health established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520 and must be age-appropriate for the pupils who receive the instruction. Based upon the grade level of pupils designated by the board of trustees, the course of instruction must include evidence-based and, as applicable, medically accurate information regarding:***

(a) Acquired immune deficiency syndrome ~~[; and]~~ ***, including the human immunodeficiency virus;***

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

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

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

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

(1) Assist pupils in setting and meeting goals;

(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]~~ ***a school*** in the district; ~~[and]~~

(b) Two pupils who attend school in the district;

(c) Four representatives, one from each of ~~[four of]~~ the following professions ***,*** ~~[or]~~ occupations ~~[:]~~ ***or backgrounds:***

(1) Medicine or nursing;

(2) Counseling;

(3) Religion ~~[;]~~ ***or spirituality; and***

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

~~(5)]~~ Teaching ~~[.~~

~~This]~~ ***; and***

(d) Not more than three members who are representatives of the community, if the board of trustees so chooses.

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 subjects of the ~~[courses]~~ ***course of instruction established pursuant to subsection 1*** may be taught only by a teacher ~~[or]~~ ***, other professional educator,*** school nurse ~~[whose qualifications have been previously approved by the board of trustees.~~

~~4.]~~ ***or other instructor approved by the board of trustees who demonstrates the same level of competency to teach an evidence-based, age-appropriate and medically accurate course of instruction in sex education.***

8. The parent or guardian of each pupil to whom a course ***of instruction*** is offered ***pursuant to this section*** must first be furnished written notice that the course will be offered. The notice

must be given in the usual manner used by the local district to transmit written material to parents, and must ~~[contain]~~ ***include*** a form ~~[for the signature of]~~ ***to allow*** the parent or guardian of the pupil ~~[consenting]~~ to ***opt*** the ~~[pupil's attendance. Upon receipt of the written consent of the parent or guardian, the]~~ pupil ~~[may attend]~~ ***out of*** the course ~~[.]~~ ***of instruction.*** If the ~~[written consent of the]~~ parent or guardian ~~[is not received,]~~ ***opts the pupil out of the course of instruction,*** the pupil must be excused from ~~[such attendance]~~ ***attending the course of instruction*** without any penalty as to credits or academic standing. Any course ***of instruction*** offered pursuant to this section is not a requirement for graduation.

~~[5.]~~ ***9.*** 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.

10. 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 programs or information that have been proven in at least one evaluation to have a positive outcome on behavior.

(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 ~~[.]~~ ***, 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

(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.

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

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