ASSEMBLY BILL NO. 357–ASSEMBLYMEN BILBRAY-AXELROD, TORRES, WATTS AND PETERS

MARCH 20, 2023

JOINT SPONSOR: SENATOR D. HARRIS

Referred to Committee on Education

SUMMARY—Revises provisions governing sexual education in public schools. (BDR 34-163)

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; replacing the required course or unit of a course of instruction concerning the human immunodeficiency virus, the human reproductive system, related communicable diseases and sexual responsibility with a required course or unit of a course in sexuality education; revising the membership and duties of the advisory committee established in each school district for such a course; revising provisions governing consent to participate in such a course or unit of a course; requiring the board of trustees of each school district to submit to the Legislature an annual report concerning such a course or unit of a course of instruction; requiring the adoption of statewide standards concerning such a course or unit of a course; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of trustees of each school district to establish a course or unit of a course of instruction concerning the human immunodeficiency virus, 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 requires each board of trustees to establish an advisory committee to advise the district concerning the content of and materials to be used in such a course. (NRS 389.036)

Section 2 of this bill revises these requirements by requiring the board of trustees of a school district to establish a course or unit of a course of instruction in evidence-based, factual instruction in sexuality education. **Section 2** also: (1) adds two pupils who attend schools in the district to the membership of the advisory committee; and (2) requires each member of the advisory committee to have one vote on each matter requiring a vote. **Section 2** additionally requires the advisory committee to make recommendations on the persons who will provide instruction in a course or unit of a course in sexuality education. **Section 3** of this bill requires the standards adopted by the Council to Establish Academic Standards for Public Schools for instruction in health to include standards for sexuality education. **Section 2** requires the course or unit of a course of instruction to: (1) comply with such standards of content and performance established by the Council for a course of study in health; and (2) be appropriate for the ages of pupils who receive the instruction. **Section 3** also authorizes the Council to include topics related to sexuality education in the standards for other courses where appropriate.

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. (NRS 389.036) **Section 2** replaces this form by requiring the school district to provide a form for the parent or guardian of a pupil to refuse to authorize a pupil's participation in specific lessons in the course or the entire course. **Section 2** 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 refuse permission for the pupil to participate in a course of sexuality education: (1) for that school year only; or (2) for any school year in which the pupil is enrolled in the school district.

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 Joint Interim Standing 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. On or before July 1 of each year, the board of trustees of each school district shall prepare and submit a report on the status of the establishment of a course or unit of a course of instruction in sexuality education pursuant to NRS 389.036 to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing 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; and

(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.

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. 2. NRS 389.036 is hereby amended to read as follows:

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

(a) Establish a course or unit of a course of ~~[:~~

~~(a) Factual]~~ ***evidence-based, factual*** instruction ~~[concerning the human immunodeficiency virus; and~~

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

~~2.]~~ ***in sexuality education. The course or unit of a 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 appropriate for the ages of the pupils who receive the instruction. The course must include, without limitation, instruction concerning:***

(1) Reproductive and sexual anatomy and physiology, including, without limitation, biological, psychological and emotional changes that accompany maturation;

(2) Puberty, pregnancy, parenting, body image and gender stereotypes;

(3) Sexually transmitted infections and related communicable diseases;

(4) The benefits, potential side effects and proper use of methods approved by the United States Food and Drug Administration for preventing pregnancy and sexually transmitted infections;

(5) The ways in which the use of alcohol and drugs affect responsible decision making;

(6) The impact of media and peers on the thoughts, feelings and behaviors of pupils related to sexuality;

(7) How to identify, prevent and respond to domestic violence, sexual abuse and sexual assault, including, without limitation, medical and legal resources and counseling for survivors of such crimes;

(8) Statutes related to age of consent and statutory rape, including, without limitation, NRS 200.366, 200.727, 201.230, 201.540 and 201.550, and preventing statutory rape;

(9) Statutes related to the transmission and possession of sexually explicit images, including, without limitation, NRS 200.604, 200.727, 200.730 and 200.780, and avoiding participation in such acts and the exploitation of others through the creation and transmission of such images over the Internet or in any other manner; and

(10) The manner in which to locate and access reproductive health services, including, without limitation, obtaining contraceptives, barrier methods, cancer screenings and testing for and the treatment of sexually transmitted infections; and

(b) Periodically revise the content of the course or unit of a course of instruction established pursuant to paragraph (a) as necessary to ensure that the content is current, appropriate for the ages of the pupils and, as applicable, medically accurate.

2. The course or unit of a course established pursuant to subsection 1 must:

(a) Use instructional methods and materials that promote the inclusion and acceptance of pupils regardless of race, gender, gender identity or expression, religion, sexual orientation, ethnic or cultural background or disability;

(b) Promote the development of skills, including, without limitation, setting goals that are needed to make responsible decisions about sexuality and sexual behavior throughout life;

(c) Be designed to provide equally meaningful instruction to pupils regardless of their level of sexual experience or whether they are currently engaging in sexual activity;

(d) Emphasize that abstaining from sexual activity is the only way to ensure the avoidance of pregnancy and sexually transmitted infections;

(e) Emphasize the use of interpersonal skills to develop healthy relationships, including, without limitation, friendships, marriage and romantic and familial relationships; and

(f) Involve the parents or guardians of pupils in the instruction provided and encourage pupils to communicate with their families concerning issues related to sexuality.

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

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

(b) ***Two pupils who attend schools in the district; and***

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

(1) Medicine or nursing;

(2) Counseling;

(3) Religion; ***and***

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

~~(5)]~~ Teaching.

~~[➥ This]~~

4. Each member of the advisory committee appointed pursuant to subsection 3 is entitled to one vote on each matter requiring a vote.

5. The advisory committee ***appointed pursuant to subsection 3*** 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 ~~[.]~~ ***and the persons who will provide instruction in such a course. The advisory committee shall ensure that each person recommended to provide such instruction meets the requirements of subsection 6.*** The final decision on these matters must be that of the board of trustees.

~~[3.]~~ ***6.*** The subjects of the ~~[courses]~~ ***course or unit of a course of instruction*** may be taught only by a teacher ***,*** ~~[or]~~ school nurse ~~[whose qualifications have]~~ ***, provider of health care or other person who has*** been ~~[previously]~~ approved by the board of trustees. ***The board of trustees may approve a person for the purposes of this subsection if it determines that the person has demonstrated competency in the applicable subject and the use of the required instructional materials.***

~~[4.]~~ ***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. ~~[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]~~ ***refusing to authorize*** the pupil's attendance. ***The form must allow the parent to refuse authorization for the pupil to attend specific lessons or the entirety of the course or unit of a course.*** Upon receipt of the written ~~[consent]~~ ***refusal*** of the parent or guardian, the pupil ~~[may attend the course. If the written consent of the parent or guardian is not received, the pupil]~~ must be excused from ~~[such~~

~~attendance~~] ***attending the course or unit of a course or the specific lesson for which authorization was refused, as applicable,*** without any penalty as to credits or academic standing. ***If the written refusal of the parent or guardian is not received, the pupil must attend each lesson of the course or unit of a course.*** Any course ***or unit of a course*** offered pursuant to this section is not a requirement for graduation.

~~[5.]~~ ***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 online registration to register a child with a school.

(b) Must allow the parent or guardian of a pupil to refuse to authorize the pupil to attend a course or unit of a course of instruction established pursuant to this section during:

(1) The school year in which the authorization is refused; or

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

(c) Must include a notification that authorization may be refused at any time and, regardless of how authorization is refused, 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. 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.

10. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 3. 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 5, 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, civics, financial literacy and multicultural education;

(5) The arts;

(6) Computer education and technology, which includes computer science and computational thinking;

(7) Health;

(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 standards for health must include ~~[mental]~~ ***:***

(a) Mental health and the relationship between mental health and physical health ~~[.]~~ ***; and***

(b) Standards for sexuality education. The standards for other courses may include topics relating to sexuality education where appropriate.

5. 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.

6. 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.

7. 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.

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

9. 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. 4. The report of the board of trustees of a school district required pursuant to section 1 of this act for the 2022-2023 school year must:

1. Consist of information concerning the course or unit of a course of instruction concerning human immunodeficiency virus, the human reproductive system, related communicable diseases and sexual responsibility established pursuant to NRS 389.036, as that section existed on June 30, 2023.

2. Be submitted to the Director of the Legislative Counsel Bureau on or before October 1, 2023.

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

Sec. 6. This act becomes effective on July 1, 2023.

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