ASSEMBLY BILL NO. 375–ASSEMBLYWOMAN DOOLING

MARCH 17, 2015

JOINT SPONSOR: SENATOR HAMMOND

Referred to Committee on Education

SUMMARY—Revises certain provisions concerning public schools. (BDR 34-806)

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; providing certain requirements for school facilities that are designated for use by persons of one biological sex; revising certain provisions governing courses on acquired immune deficiency syndrome and the human reproductive system; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires that any school facility in a public school, including a restroom, locker room or shower which is designated for use by persons of one biological sex must only be used by persons of that biological sex, as determined at birth. **Section 1** also requires a public school to provide separate, private areas designated for use by pupils based on their biological sex for any school facility where pupils may be in a state of undress in the presence of other pupils. For the purposes of **section 1**, **section 3** of this bill provides an exception from the provisions of existing law that otherwise make it unlawful to deny equal access to places of public accommodation on the ground of gender identity or expression. (NRS 651.070)

Existing law requires the board of trustees of a school district to establish a course of instruction concerning acquired immune deficiency syndrome and the human reproductive system which may be taught only by a teacher or nurse whose qualifications have been previously approved by the board of trustees. (NRS 389.065) **Section 2** of this bill provides that such a course may not be offered to pupils in kindergarten to grade 6, inclusive. **Section 2** also requires that such a course may be taught only by a teacher or nurse employed full-time by the school district and no other person or entity may assist in teaching the course. **Section 2**

further requires that any instructional material used in such a course may not contain explicit depictions of sexual activity.

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

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

1. Any school facility in a public school, including, without limitation, a restroom, locker room or shower which is designated for use by persons of one biological sex must only be used by persons of that biological sex.

2. In any school facility or setting where a pupil may be in a state of undress in the presence of other pupils, a public school shall provide separate, private areas designated for use by pupils based on their biological sex.

3. For any pupil who asserts at school a gender that is different than the pupil's biological sex, a public school shall provide the best available accommodation that meets the needs of the pupil, but such accommodation must not include access to a school restroom, locker room or shower designated for use by persons whose biological sex is different from the pupil's biological sex. Such accommodation may include, without limitation, access to a single-stall restroom, access to a unisex restroom or controlled use of a faculty restroom, locker room or shower.

4. As used in this section, "biological sex" means the biological condition of being male or female as determined at birth based on physical differences or, if necessary, at the chromosomal level.

Sec. 2. NRS 389.065 is hereby amended to read as follows:

389.065 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. ***A course or unit of a course of instruction established pursuant to subsection 1 may not be offered to pupils enrolled in kindergarten to grade 6, inclusive.***

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) 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.

➥ This committee shall advise the district concerning the content of and materials to be used in a course of instruction established pursuant to this section, and the recommended ages of the pupils to whom the course is offered. The final decision on these matters must be that of the board of trustees.

~~[3.]~~ ***4.*** The subjects of the courses may be taught only by a teacher or school nurse ~~[whose]~~ ***:***

(a) Whose qualifications have been previously approved by the board of trustees ~~[.~~

~~4.]~~ ***; and***

(b) Who is a permanent, full-time employee of the school district.

➥ No other person or entity may assist in teaching the subjects of the courses.

5. The parent or guardian of each pupil to whom a course is offered 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 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. 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.

~~[5.]~~ ***6.*** All instructional materials to be used in a course ~~[must]~~ ***:***

(a) 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 ~~[.]~~ ***; and***

(b) May not contain explicit depictions of sexual activity.

Sec. 3. NRS 651.070 is hereby amended to read as follows:

651.070 ~~[All]~~ ***Except as otherwise provided in section 1 of this act, all*** persons are entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any place of public accommodation, without discrimination or segregation on the ground of race, color, religion,

national origin, disability, sexual orientation, sex, gender identity or expression.

Sec. 4. This act becomes effective upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks to carry out the provisions of this act, and on January 1, 2016, for all other purposes.

