

ASSEMBLY BILL NO. 230—ASSEMBLYMEN BOBZIEN, EISEN, SPRINKLE, ELLIOT ANDERSON, HAMBRICK; AIZLEY, BENITEZ-THOMPSON, HORNE, KIRKPATRICK AND NEAL

MARCH 11, 2013

JOINT SPONSORS: SENATORS SPEARMAN, PARKS, SEGERBLOM AND MANENDO

Referred to Committee on Education

SUMMARY—Revises provisions governing courses of instruction in sex education. (BDR 34-1034)

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 a comprehensive, 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:

1 Existing law requires the board of trustees of a school district to establish a
2 course or a unit of a course of instruction concerning acquired immune deficiency
3 syndrome, the human reproductive system, related communicable diseases and
4 sexual responsibility which must be taught by a teacher or school nurse whose
5 qualifications have been approved by the board of trustees. Existing law further
6 requires the board of trustees to appoint an advisory committee to advise the district
7 concerning the content of and materials to be used in such a course of instruction
8 and requires the parent or guardian of a pupil to consent in writing before the pupil
9 may participate in the course. (NRS 389.065) **Section 1** of this bill requires the
10 board of trustees of each school district to establish a course of factual instruction
11 in sex education and prescribes the topics which must be included in the course of
12 instruction. **Section 1** requires that the course of instruction in sex education be



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13 age-appropriate for the pupils who receive the instruction, comprehensive and, as
14 applicable, medically accurate. **Section 1** additionally revises the composition of
15 the membership of the advisory committee and revises the qualifications which
16 authorize a person to teach the course of instruction in sex education. **Section 1**
17 establishes the general rule that requires the consent in writing of the parent or
18 guardian of a pupil before the pupil may participate in a course of instruction in sex
19 education. This general rule does not apply if the board of trustees of a school
20 district has adopted a policy that allows each pupil in the school district to attend a
21 course of instruction in sex education unless the parent or guardian of the pupil opts
22 the pupil out of the course of instruction.

23 Existing law requires the Council to Establish Academic Standards for Public
24 Schools to establish standards of content and performance for certain courses of
25 study, including health. (NRS 389.520) **Section 2** of this bill requires the Council to
26 establish standards of content and performance for the course of instruction in sex
27 education required by **section 1** as part of the course of study in health.

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

1 **Section 1.** NRS 389.065 is hereby amended to read as follows:
2 389.065 1. The board of trustees of ~~the~~ *each* school district
3 shall establish ~~a course or unit of~~ a course of ~~the~~
4 ~~—(a) Factual~~ *factual* instruction ~~concerning acquired~~ *in sex*
5 *education. The course of instruction must comply with the*
6 *standards of content and performance for a course of study in*
7 *health established by the Council to Establish Academic Standards*
8 *for Public Schools pursuant to NRS 389.520 and must be age-*
9 *appropriate for the pupils who receive the instruction. Based upon*
10 *the grade level of pupils designated by the board of trustees, the*
11 *course of instruction must include comprehensive, and as*
12 *applicable, medically accurate, information regarding:*
13 (a) *Acquired* immune deficiency syndrome ~~and~~ , *including*
14 *the human immunodeficiency virus;*
15 (b) ~~Instruction on the~~ *The* human reproductive system, ~~related~~
16 ~~communicable~~ *including anatomy and physiology, puberty,*
17 *pregnancy, parenting, body image, gender stereotypes and the*
18 *biological, psychosocial and emotional changes that accompany*
19 *maturation;*
20 (c) *Communicable* diseases ~~and sexual responsibility~~ *that are*
21 *known to be sexually transmitted, including the proper use and*
22 *effectiveness of methods to avoid such diseases, and the*
23 *availability, effectiveness and safety of any vaccinations, tests and*
24 *treatments for such diseases;*
25 (d) *Domestic violence, sexual abuse, sexual assault,*
26 *exploitation and human trafficking;*
27 (e) *The development of skills necessary to promote sexual*
28 *responsibility, including skills to assist pupils in setting and*



1 *meeting goals, identifying the characteristics of a healthy*
2 *relationship, negotiating, communicating with parents and family,*
3 *and refusing unwanted sexual advances or activity;*

4 *(f) Methods of contraception which may be used to prevent*
5 *pregnancy, including the proper use, effectiveness, safety, health*
6 *benefits and side effects of each method of contraception;*

7 *(g) The importance of abstinence as the most effective method*
8 *of preventing an unwanted pregnancy or a sexually transmitted*
9 *disease;*

10 *(h) The identification and explanation of available counseling*
11 *and legal and medical information concerning health services,*
12 *including resources to assist pupils with addressing and escaping*
13 *a violent or exploitative relationship, effective and safe methods of*
14 *contraception and contraceptive devices, and screening and*
15 *treatment for sexually transmitted diseases and other related*
16 *communicable diseases;*

17 *(i) The effects of alcohol and drug use on responsible decision*
18 *making;*

19 *(j) Data to counter misinformation about and the effects of*
20 *peer pressure and of social and other media on a pupil's thoughts,*
21 *feelings and behaviors related to sexuality and sexual behavior;*
22 *and*

23 *(k) The state and federal laws relating to consent, the age of*
24 *consent, statutory rape, the electronic transmission of sexual*
25 *images prohibited by NRS 200.737 or other material and any other*
26 *legal issues relevant to sex education.*

27 *↳ The board of trustees shall periodically revise the content of the*
28 *course of instruction as necessary to ensure that the content of the*
29 *course of instruction is current, age-appropriate and, as*
30 *applicable, medically accurate.*

31 *2. The course of instruction offered pursuant to this section*
32 *must:*

33 *(a) Use methods of teaching and include materials which*
34 *ensure nondiscriminatory instruction of all pupils, regardless of*
35 *race, gender, gender identity or expression, religion, sexual*
36 *orientation, ethnic or cultural background or disability.*

37 *(b) Appropriately prepare pupils who have or are currently*
38 *engaged in sexual activity and pupils who may engage in sexual*
39 *activity in the future.*

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

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

44 *(b) Two pupils who attend a school in the district; and*



1 (c) Four representatives, one from each of ~~four of~~ the
2 following professions, ~~or~~ occupations ~~or~~ backgrounds:

- 3 (1) Medicine or nursing;
- 4 (2) Counseling;
- 5 (3) Religion ~~or spirituality; and~~
- 6 (4) ~~Pupils who attend schools in the district; or~~
- 7 ~~(5) Teaching.~~

8 → ~~This~~ *The board of trustees may appoint not more than three*
9 *additional members to the advisory committee who are*
10 *representatives of the community.*

11 4. *The advisory committee appointed pursuant to subsection 3*
12 *shall advise the ~~district~~ board of trustees concerning all aspects of*
13 *the course of instruction established pursuant to this section,*
14 *including:*

15 (a) *Instructors who have demonstrated an appropriate level of*
16 *competency to teach a comprehensive, age-appropriate and*
17 *medically accurate course of instruction in sex education;*

18 (b) *The content of and materials to be used in ~~a~~ the course of*
19 *instruction ; ~~established pursuant to this section;~~ and ~~the~~*
20 *recommended*

21 (c) *The ages of the pupils to whom each subject of the course*
22 *~~is~~ of instruction may be offered.*

23 → The final decision on these matters must be that of the board of
24 trustees.

25 ~~3-~~ 5. The subjects of the ~~courses~~ *course of instruction* may
26 be taught only by a teacher *or other professional educator* or school
27 nurse ~~whose qualifications have been previously approved by the~~
28 ~~board of trustees.~~ *who has been approved by the board of trustees*
29 *as demonstrating an appropriate level of competency to teach a*
30 *comprehensive, age-appropriate and medically accurate course of*
31 *instruction in sex education. The board of trustees may authorize*
32 *other instructors who demonstrate the same level of competency to*
33 *teach the course of instruction if the board of trustees determines*
34 *that the use of such other instructors is necessary.*

35 ~~4-~~ 6. The parent or guardian of each pupil to whom a course
36 *of instruction* is offered *pursuant to this section* must first be
37 furnished written notice that the course will be offered. The notice
38 must be given in the usual manner used by the local district to
39 transmit written material to parents, and , *unless the board of*
40 *trustees adopts a policy pursuant to subsection 7,* must contain a
41 form for the signature of the parent or guardian of the pupil
42 consenting to the pupil's attendance. Upon receipt of the written
43 consent of the parent or guardian, the pupil may attend the course ~~or~~
44 *of instruction.* If the written consent of the parent or guardian is not
45 received ~~or~~ *and the board of trustees has not adopted a policy*



1 *pursuant to subsection 7*, the pupil must be excused from such
2 attendance without any penalty as to credits or academic standing.
3 Any course *of instruction* offered pursuant to this section is not a
4 requirement for graduation.

5 ~~§~~ 7. *The board of trustees of a school district may adopt a*
6 *policy to allow each pupil in the school district to attend a course*
7 *of instruction that is offered pursuant to this section unless the*
8 *parent or guardian of the pupil opts the pupil out of the course of*
9 *instruction. If the parent or guardian opts the pupil out of the*
10 *course of instruction, the pupil must be excused from such*
11 *attendance without any penalty as to credits or academic standing.*

12 8. All instructional materials to be used in a course of
13 *instruction offered pursuant to this section* must be available for
14 inspection by parents or guardians of pupils at reasonable times and
15 locations before the course is taught, and appropriate written notice
16 of the availability of the material must be furnished to all parents
17 and guardians.

18 9. *As used in this section:*

19 (a) *“Age-appropriate” means designed to teach concepts,*
20 *information and skills based on the social, cognitive, emotional*
21 *and experience level of most pupils of a particular age.*

22 (b) *“Comprehensive” means an abstinence-based curriculum*
23 *of instruction on a full range of topics relating to human*
24 *sexuality.*

25 (c) *“Gender identity or expression” means a gender-related*
26 *identity, appearance, expression or behavior of a person,*
27 *regardless of the person’s assigned sex at birth.*

28 (d) *“Medically accurate” means:*

29 (1) *Verified or supported by current or prevailing scientific*
30 *evidence;*

31 (2) *Published by peer-reviewed scientific or medical*
32 *journals; or*

33 (3) *Recognized as accurate and objective by a professional*
34 *organization or agency, including the Centers for Disease Control*
35 *and Prevention of the United States Department of Health and*
36 *Human Services, the American Academy of Pediatrics, the*
37 *American Public Health Association or the American Congress of*
38 *Obstetricians and Gynecologists.*

39 (e) *“Sex education” means a sexuality education program that*
40 *builds a foundation of knowledge and skills relating to human*
41 *development, relationships, decision-making, abstinence,*
42 *contraception and disease prevention.*

43 (f) *“Sexual orientation” means having or being perceived as*
44 *having an orientation of heterosexuality, homosexuality or*
45 *bisexuality.*



1 **Sec. 2.** NRS 389.520 is hereby amended to read as follows:

2 389.520 1. The Council shall:

3 (a) Establish standards of content and performance, including,
4 without limitation, a prescription of the resulting level of
5 achievement, for the grade levels set forth in subsection 3, based
6 upon the content of each course, that is expected of pupils for the
7 following courses of study:

8 (1) English, including reading, composition and writing;

9 (2) Mathematics;

10 (3) Science;

11 (4) Social studies, which includes only the subjects of
12 history, geography, economics and government;

13 (5) The arts;

14 (6) Computer education and technology;

15 (7) Health ~~H~~, *including, without limitation, the course of*
16 *instruction in sex education required by NRS 389.065;* and

17 (8) Physical education.

18 (b) Establish a schedule for the periodic review and, if
19 necessary, revision of the standards of content and performance. The
20 review must include, without limitation, the review required
21 pursuant to NRS 389.570 of the results of pupils on the
22 examinations administered pursuant to NRS 389.550.

23 (c) Assign priorities to the standards of content and performance
24 relative to importance and degree of emphasis and revise the
25 standards, if necessary, based upon the priorities.

26 2. The standards for computer education and technology must
27 include a policy for the ethical, safe and secure use of computers
28 and other electronic devices. The policy must include, without
29 limitation:

30 (a) The ethical use of computers and other electronic devices,
31 including, without limitation:

32 (1) Rules of conduct for the acceptable use of the Internet
33 and other electronic devices; and

34 (2) Methods to ensure the prevention of:

35 (I) Cyber-bullying;

36 (II) Plagiarism; and

37 (III) The theft of information or data in an electronic
38 form;

39 (b) The safe use of computers and other electronic devices,
40 including, without limitation, methods to:

41 (1) Avoid harassment, cyber-bullying and other unwanted
42 electronic communication, including, without limitation,
43 communication with on-line predators;

44 (2) Recognize when an on-line electronic communication is
45 dangerous or potentially dangerous; and



1 (3) Report a dangerous or potentially dangerous on-line
2 electronic communication to the appropriate school personnel;

3 (c) The secure use of computers and other electronic devices,
4 including, without limitation:

5 (1) Methods to maintain the security of personal identifying
6 information and financial information, including, without limitation,
7 identifying unsolicited electronic communication which is sent for
8 the purpose of obtaining such personal and financial information for
9 an unlawful purpose;

10 (2) The necessity for secure passwords or other unique
11 identifiers;

12 (3) The effects of a computer contaminant;

13 (4) Methods to identify unsolicited commercial material; and

14 (5) The dangers associated with social networking Internet
15 sites; and

16 (d) A designation of the level of detail of instruction as
17 appropriate for the grade level of pupils who receive the instruction.

18 3. The Council shall establish standards of content and
19 performance for each grade level in kindergarten and grades 1 to 8,
20 inclusive, for English and mathematics. The Council shall establish
21 standards of content and performance for the grade levels selected
22 by the Council for the other courses of study prescribed in
23 subsection 1.

24 4. The Council shall forward to the State Board the standards
25 of content and performance established by the Council for each
26 course of study. The State Board shall:

27 (a) Adopt the standards for each course of study, as submitted
28 by the Council; or

29 (b) If the State Board objects to the standards for a course of
30 study or a particular grade level for a course of study, return those
31 standards to the Council with a written explanation setting forth the
32 reason for the objection.

33 5. If the State Board returns to the Council the standards of
34 content and performance for a course of study or a grade level, the
35 Council shall:

36 (a) Consider the objection provided by the State Board and
37 determine whether to revise the standards based upon the objection;
38 and

39 (b) Return the standards or the revised standards, as applicable,
40 to the State Board.

41 ➔ The State Board shall adopt the standards of content and
42 performance or the revised standards, as applicable.

43 6. The Council shall work in cooperation with the State Board
44 to prescribe the examinations required by NRS 389.550.

45 7. As used in this section:



1 (a) "Computer contaminant" has the meaning ascribed to it in
2 NRS 205.4737.

3 (b) "Cyber-bullying" has the meaning ascribed to it in
4 NRS 388.123.

5 (c) "Electronic communication" has the meaning ascribed to it
6 in NRS 388.124.

7 **Sec. 3.** This act becomes effective on July 1, 2013.

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