

ASSEMBLY BILL NO. 120—ASSEMBLYMEN WHEELER, ELLISON,
JONES, OSCARSON; DICKMAN, DOOLING, MOORE AND O’NEILL

FEBRUARY 6, 2015

Referred to Committee on Education

SUMMARY—Clarifies rights of public school pupils regarding the free exercise of religion. (BDR 34-520)

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; clarifying the rights of pupils at public schools regarding the free exercise of religion; providing a grievance process for pupils claiming that their rights of free exercise of religion have been violated; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 **Section 2** of this bill clarifies that pupils at public schools are entitled to: (1)
2 pray to the same extent and under the same circumstances as pupils are allowed to
3 meditate, reflect or speak on nonreligious matters; (2) express a religious viewpoint
4 to the same extent and under the same circumstances as pupils are allowed to
5 express a viewpoint on a nonreligious matter; (3) possess or distribute religious
6 literature to the same extent and under the same circumstances as pupils are
7 allowed to possess or distribute literature on a nonreligious matter; and (4) organize
8 or participate in any prayer group, religious club or religious gathering before,
9 during or after regular school hours to the same extent and under the same
10 circumstances as pupils are allowed to organize and participate in any
11 extracurricular group or activity before, during and after regular school hours.
12 **Section 2** also authorizes the boards of trustees of each school district and the
13 governing bodies of charter schools and university schools for profoundly gifted
14 pupils to disclaim sponsorship of extracurricular groups and activities held at a
15 school or facility of the school district, charter school or university school for
16 profoundly gifted pupils in a manner that neither favors nor disfavors religious
17 groups.
18 **Section 3** of this bill provides a grievance process for pupils claiming that a
19 right conferred by **section 2** has been violated. **Section 3** authorizes pupils at most
20 public schools to allege such a violation first to the principal at the school, then to
21 the superintendent of the school district in which the school is located and finally to
22 the board of trustees of the school district. For pupils at a charter school or a
23 university school for profoundly gifted pupils, **section 3** authorizes pupils to allege



24 a violation to the administrative head of the school and then to the governing body
25 of the school. **Section 3** also provides a right of action to any pupil whose rights
26 have allegedly been violated and who has exhausted the grievance process
27 described above.

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 the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2. 1.** *Each pupil of a public school, including, without*
4 *limitation, each pupil of a university school for profoundly gifted*
5 *pupils, is entitled to:*

6 *(a) Pray, either silently or audibly and either alone or with*
7 *other pupils, to the same extent and under the same circumstances*
8 *as each pupil is allowed to meditate, reflect or speak on a*
9 *nonreligious matter, either alone or with other pupils.*

10 *(b) Speak or otherwise express a religious viewpoint,*
11 *including, without limitation, express a religious viewpoint in any*
12 *school work, to the same extent and under the same circumstances*
13 *as each pupil is allowed to speak or otherwise express a viewpoint*
14 *on a nonreligious matter.*

15 *(c) Possess or distribute religious literature to the same extent*
16 *and under the same circumstances as each pupil is allowed to*
17 *possess or distribute literature on a nonreligious matter.*

18 *(d) Organize or participate in a prayer group, religious club or*
19 *any other religious gathering before, during or after regular*
20 *school hours to the same extent and under the same circumstances*
21 *as each pupil is allowed to organize or participate in any other*
22 *extracurricular group or activity before, during or after regular*
23 *school hours.*

24 **2.** *The board of trustees of each school district and the*
25 *governing body of each charter school or university school for*
26 *profoundly gifted pupils may disclaim sponsorship of any*
27 *extracurricular school group or any activity held at a school or*
28 *other facility of the school district, charter school or university*
29 *school for profoundly gifted pupils in a manner that neither favors*
30 *nor disfavors any group that meets to pray or otherwise express a*
31 *viewpoint on a religious matter.*

32 **Sec. 3. 1.** *Pursuant to the provisions of subsection 2 or 3,*
33 *as applicable, a pupil of a public school, including, without*
34 *limitation, a university school for profoundly gifted pupils, may*
35 *complain that a right of the pupil conferred by section 2 of this act*
36 *has been violated.*



1 2. For a public school that is not a charter school or a
2 university school for profoundly gifted pupils:

3 (a) A pupil may complain, orally or in writing, to the principal
4 of the school that a right of the pupil conferred by section 2 of this
5 act has been violated. As soon as practicable upon receipt of the
6 complaint, the principal shall schedule a meeting to discuss the
7 complaint with the pupil, with a parent or legal guardian of
8 the pupil, or with the pupil and a parent or legal guardian of the
9 pupil. The meeting must be held not later than 10 days after the
10 receipt of the complaint unless the pupil agrees to a later date.

11 (b) If, after the meeting, the concerns of the pupil are not
12 resolved to the satisfaction of the pupil, the pupil may complain in
13 writing to the superintendent of schools of the school district in
14 which the school is located that a right of the pupil conferred by
15 section 2 of this act has been violated. The complaint must:

16 (1) Be submitted to the superintendent not later than 30
17 days after the meeting held pursuant to paragraph (a); and

18 (2) Include specific allegations regarding the violation of a
19 right of the pupil conferred by section 2 of this act.

20 (c) As soon as practicable after receiving the complaint, the
21 superintendent shall begin an investigation of the allegations
22 included in the complaint. Not later than 30 days after receiving
23 the complaint, the superintendent shall notify the pupil of any
24 action that the superintendent has taken or will take to resolve the
25 concerns of the pupil.

26 (d) If the superintendent notifies the pupil that no action has
27 been or will be taken, or if any action taken does not resolve the
28 concerns of the pupil to the satisfaction of the pupil, the pupil may
29 make a written request to the board of trustees of the school
30 district in which the school is located to hear a complaint that a
31 right of the pupil conferred by section 2 of this act has been
32 violated. The request must:

33 (1) Be submitted to the board of trustees not later than 30
34 days after the pupil is notified pursuant to paragraph (c); and

35 (2) Include specific allegations regarding the violation of a
36 right of the pupil conferred by section 2 of this act.

37 (e) Not later than 45 days after receiving the request, the board
38 of trustees shall determine whether to hold a hearing on the
39 complaint and shall notify the pupil of the determination. If the
40 board of trustees determines to hold a hearing, the hearing must
41 be held not later than the next regular meeting of the board of
42 trustees to be held after making the determination. At the hearing,
43 the board of trustees shall determine whether to take any action to
44 resolve the concerns of the pupil.



1 (f) *If the board of trustees determines not to hold a hearing, or*
2 *if a hearing is held but any action taken by the board does not*
3 *satisfy the concerns of the pupil, the pupil may file a civil action in*
4 *the district court of the county in which the school is located for*
5 *declaratory, injunctive and monetary relief against the board of*
6 *trustees. Such an action must be filed not later than:*

7 (1) *Thirty days after the hearing; or*

8 (2) *If the board of trustees determines not to hold a*
9 *hearing, 30 days after the pupil is notified of that determination.*

10 3. *For a charter school or a university school for profoundly*
11 *gifted pupils:*

12 (a) *A pupil may complain, orally or in writing, to the*
13 *administrative head of the charter school or university school for*
14 *profoundly gifted pupils that a right of the pupil conferred by*
15 *section 2 of this act has been violated. As soon as practicable upon*
16 *receipt of the complaint, the administrative head shall schedule a*
17 *meeting to discuss the complaint with the pupil, with a parent or*
18 *legal guardian of the pupil, or with the pupil and a parent or legal*
19 *guardian of the pupil. The meeting must be held not later than 10*
20 *days after the receipt of the complaint unless the pupil agrees to a*
21 *later date.*

22 (b) *If, after the meeting, the concerns of the pupil are not*
23 *resolved to the satisfaction of the pupil, the pupil may make a*
24 *written request to the governing body of the charter school or*
25 *university school for profoundly gifted pupils to hear a complaint*
26 *that a right of the pupil conferred by section 2 of this act has been*
27 *violated. The request must:*

28 (1) *Be submitted to the governing body not later than 30*
29 *days after the meeting held pursuant to paragraph (a); and*

30 (2) *Include specific allegations regarding the violation of a*
31 *right of the pupil conferred by section 2 of this act.*

32 (c) *Not later than 45 days after receiving the request, the*
33 *governing body shall determine whether to hold a hearing on*
34 *the complaint and shall notify the pupil of the determination. If*
35 *the governing body determines to hold a hearing, the hearing must*
36 *be held not later than the next regularly scheduled public meeting*
37 *of the governing body to be held after making the determination.*
38 *At the hearing, the governing body shall determine whether to*
39 *take any action to resolve the concerns of the pupil.*

40 (d) *If the governing body determines not to hold a hearing, or*
41 *if a hearing is held but any action taken by the governing body*
42 *does not satisfy the concerns of the pupil, the pupil may file a civil*
43 *action in the district court of the county in which the school is*
44 *located for declaratory, injunctive and monetary relief against the*
45 *governing body. Such an action must be filed not later than:*



1 (1) *Thirty days after the hearing; or*
2 (2) *If the governing body determines not to hold a hearing,*
3 *30 days after the pupil is notified of that determination.*

4 4. *In a civil action filed pursuant to this section:*

5 (a) *The prevailing party is entitled to recover reasonable*
6 *attorney’s fees and costs of suit.*

7 (b) *If the court finds for the pupil, the court shall award the*
8 *pupil the sum of \$10,000 or the amount of his or her actual*
9 *damages, whichever is greater.*

10 5. *As used in this section, unless the context otherwise*
11 *requires, “pupil” includes a parent or guardian of a pupil.*

12 **Sec. 4.** This act becomes effective on July 1, 2015.

