
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:

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

11 Existing law requires the board of trustees of a school district to establish a
12 course of instruction concerning acquired immune deficiency syndrome and the
13 human reproductive system which may be taught only by a teacher or nurse whose
14 qualifications have been previously approved by the board of trustees. (NRS
15 389.065) **Section 2** of this bill provides that such a course may not be offered to
16 pupils in kindergarten to grade 6, inclusive. **Section 2** also requires that such a
17 course may be taught only by a teacher or nurse employed full-time by the school
18 district and no other person or entity may assist in teaching the course. **Section 2**



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

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 a new section to read as follows:

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

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

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

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

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

26 389.065 1. The board of trustees of a school district shall
27 establish a course or unit of a course of:

28 (a) Factual instruction concerning acquired immune deficiency
29 syndrome; and

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

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

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

37 (a) Five parents of children who attend schools in the district;
38 and



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

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

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

13 ~~3-~~ 4. The subjects of the courses may be taught only by a
14 teacher or school nurse ~~whose~~ :

15 (a) *Whose* qualifications have been previously approved by the
16 board of trustees ~~;~~

17 ~~4-~~ ; and

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

20 ↪ *No other person or entity may assist in teaching the subjects of*
21 *the courses.*

22 5. The parent or guardian of each pupil to whom a course is
23 offered must first be furnished written notice that the course will be
24 offered. The notice must be given in the usual manner used by the
25 local district to transmit written material to parents, and must
26 contain a form for the signature of the parent or guardian of
27 the pupil consenting to the pupil's attendance. Upon receipt of the
28 written consent of the parent or guardian, the pupil may attend the
29 course. If the written consent of the parent or guardian is not
30 received, the pupil must be excused from such attendance without
31 any penalty as to credits or academic standing. Any course offered
32 pursuant to this section is not a requirement for graduation.

33 ~~5-~~ 6. All instructional materials to be used in a course
34 ~~must~~ :

35 (a) *Must* be available for inspection by parents or guardians of
36 pupils at reasonable times and locations before the course is taught,
37 and appropriate written notice of the availability of the material
38 must be furnished to all parents and guardians ~~;~~ and

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

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

41 651.070 ~~AH~~ *Except as otherwise provided in section 1 of*
42 *this act, all* persons are entitled to the full and equal enjoyment of
43 the goods, services, facilities, privileges, advantages and
44 accommodations of any place of public accommodation, without
45 discrimination or segregation on the ground of race, color, religion,



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

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

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