

ASSEMBLY BILL NO. 348—ASSEMBLYWOMAN JOINER

MARCH 20, 2017

Referred to Committee on Education

SUMMARY—Revises provisions governing courses of instruction in sex education. (BDR 34-285)

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 an evidence-based, 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 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 legal guardian of a pupil to consent in writing before the
9 pupil may participate in the course. (NRS 389.036) **Section 1** of this bill instead
10 requires the board of trustees of each school district to establish a course of
11 instruction in sex education which is factual and prescribes the topics which must
12 be included in the course of instruction. **Section 1** also requires that the course of
13 instruction in sex education be age-appropriate for the pupils who receive the
14 instruction, evidence-based and, as applicable, medically accurate and allows a
15 person approved by the board of trustees to be an instructor of such a course if the
16 person demonstrates a certain level of competency. **Section 1** additionally revises
17 the composition of the membership of the advisory committee and revises the
18 qualifications which authorize a person to teach a course of instruction in sex
19 education. **Section 1** requires the notice given to a parent or guardian of a pupil to



20 whom a course of instruction in sex education will be offered to include a form that
21 allows the parent or guardian to opt the pupil out of the course of instruction.

22 Existing law requires the Council to Establish Academic Standards for Public
23 Schools to establish standards of content and performance for certain courses of
24 study, including, without limitation, health. (NRS 389.520) **Section 2** of this bill
25 requires the Council to establish standards of content and performance for the
26 course of instruction in sex education required by **section 1** as part of such a course
27 of study in health.

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

- 1 **Section 1.** NRS 389.036 is hereby amended to read as follows:
2 389.036 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~~ instruction ~~concerning acquired~~ *in sex education*
5 *which is factual. 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 evidence-based 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, without limitation, anatomy and*
17 *physiology, puberty, pregnancy, parenting, body image, gender*
18 *stereotypes and the biological, psychosocial and emotional*
19 *changes that accompany maturation;*
20 (c) *Communicable* diseases ~~and sexual responsibility~~ *that are*
21 *known to be sexually transmitted, including, without limitation,*
22 *the proper use and effectiveness of methods to avoid such diseases,*
23 *and the availability, effectiveness and safety of any vaccinations,*
24 *tests and treatments for such diseases;*
25 (d) *Forms of domestic violence, sexual abuse, sexual assault,*
26 *exploitation and human trafficking, including, without limitation,*
27 *information relating to the prevention of these forms of violence*
28 *and local resources and crisis centers which are available to*
29 *victims;*
30 (e) *The development of skills necessary to promote sexual*
31 *responsibility, including, without limitation, the skills to:*
32 (1) *Assist pupils in setting and meeting goals;*
33 (2) *Identify the characteristics of a healthy relationship;*
34 (3) *Negotiate;*



- 1 (4) *Communicate with parents and family;*
2 (5) *Refuse unwanted sexual advances or activity; and*
3 (6) *Obtain and provide affirmative consent before engaging*
4 *in sexual activity.*
5 (f) *Methods of contraception which may be used to prevent*
6 *pregnancy, including, without limitation, the proper use,*
7 *effectiveness, safety, health benefits and side effects of each*
8 *method of contraception;*
9 (g) *All options authorized by law for family planning in the*
10 *event of a pregnancy;*
11 (h) *The importance of abstinence as the most effective method*
12 *of preventing an unwanted pregnancy and sexually transmitted*
13 *diseases;*
14 (i) *The identification and explanation of available counseling*
15 *and legal and medical information concerning health services,*
16 *including, without limitation, resources to assist pupils with*
17 *addressing and escaping a violent or exploitative relationship,*
18 *effective and safe methods of contraception and contraceptive*
19 *devices, and screening and treatment for sexually transmitted*
20 *diseases and other related communicable diseases;*
21 (j) *The effects of alcohol and drug use on responsible decision*
22 *making;*
23 (k) *Data to counter misinformation about and the effects of*
24 *peer pressure and of social and other media on the thoughts,*
25 *feelings and behaviors of a pupil that are related to sexuality and*
26 *sexual behavior; and*
27 (l) *The state and federal laws relating to consent, the age of*
28 *consent, statutory rape, the electronic transmission of sexual*
29 *images prohibited by NRS 200.737 and any other legal issues*
30 *relevant to sex education.*
31 2. *The board of trustees shall periodically revise the content*
32 *of the course of instruction established pursuant to subsection 1 as*
33 *necessary to ensure that the content is current, age-appropriate*
34 *and, as applicable, medically accurate.*
35 3. *The course of instruction established pursuant to*
36 *subsection 1 must:*
37 (a) *Use methods of teaching and include materials which are*
38 *appropriate for a pupil of any race, sex, gender identity or*
39 *expression, sexual orientation or ethnic or cultural background or*
40 *a pupil who is an English learner or who is a pupil with a physical*
41 *or mental disability;*
42 (b) *Appropriately prepare pupils who have or are currently*
43 *engaged in sexual activity and pupils who may engage in sexual*
44 *activity in the future; and*



1 (c) *Recognize the different sexual orientations and be inclusive*
2 *of persons of all sexual orientations in any examples which may*
3 *be provided to pupils.*

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

6 (a) Five parents of children who attend ~~{schools}~~ *a school* in the
7 district; ~~{and}~~

8 (b) *Two pupils who attend school in the district;*

9 (c) Four representatives, one from each of ~~{four of}~~ the
10 following professions, ~~{or}~~ occupations ~~{:}~~ *or backgrounds:*

11 (1) Medicine or nursing;

12 (2) Counseling;

13 (3) Religion ~~{:}~~ *or spirituality; and*

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

15 ~~{(5)} Teaching {:~~

16 ~~{: This}; and~~

17 (d) *Not more than three members who are representatives of*
18 *the community, if the board of trustees so chooses.*

19 5. *The advisory committee appointed pursuant to subsection 4*
20 *shall advise the ~~{district}~~ board of trustees concerning all aspects of*
21 *the course of instruction established pursuant to this section,*
22 *including, without limitation:*

23 (a) *Instructors who have demonstrated an appropriate level of*
24 *competency to teach an evidence-based, age-appropriate and*
25 *medically accurate course of instruction in sex education;*

26 (b) *The content of and materials to be used in ~~{a}~~ the course of*
27 *instruction ; ~~{established pursuant to this section;}~~ and ~~{the~~*
28 *recommended}*

29 (c) *The ages of the pupils to whom each subject of the course*
30 *~~{is}~~ of instruction may be offered.*

31 6. The final decision on ~~{these matters}~~ *the course of*
32 *instruction established pursuant to subsection 1* must be that of the
33 board of trustees.

34 ~~{3.}~~ 7. The subjects of the ~~{courses}~~ *course of instruction*
35 *established pursuant to subsection 1* may be taught only by a
36 teacher ~~{or}~~ , *other professional educator*, school nurse ~~{whose~~
37 ~~qualifications have been previously approved by the board of~~
38 ~~trustees.~~

39 ~~{4.}~~ *or other instructor approved by the board of trustees who*
40 *demonstrates the same level of competency to teach an evidence-*
41 *based, age-appropriate and medically accurate course of*
42 *instruction in sex education.*

43 8. The parent or guardian of each pupil to whom a course of
44 *instruction* is offered *pursuant to this section* must first be
45 furnished written notice that the course will be offered. The notice



1 must be given in the usual manner used by the local district to
2 transmit written material to parents, and must ~~contain~~ **include** a
3 form ~~for the signature of~~ **to allow** the parent or guardian of the
4 pupil ~~consenting~~ **to opt** the ~~pupil's attendance. Upon receipt of the~~
5 ~~written consent of the parent or guardian, the~~ pupil ~~may attend~~
6 **out of** the course ~~of instruction.~~ If the ~~written consent of the~~
7 parent or guardian ~~is not received,~~ **opts the pupil out of the course**
8 **of instruction,** the pupil must be excused from ~~such attendance~~
9 **attending the course of instruction** without any penalty as to credits
10 or academic standing. Any course **of instruction** offered pursuant to
11 this section is not a requirement for graduation.

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

18 **10. 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) **"Evidence-based"** means **programs or information that**
23 **have been proven in at least one evaluation to have a positive**
24 **outcome on behavior.**

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, without limitation, the Centers**
35 **for Disease Control and Prevention of the United States**
36 **Department of Health and Human Services, the American**
37 **Academy of Pediatrics, the American Public Health Association or**
38 **the American Congress of 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, family planning and disease prevention.**

43 (f) **"Sexual orientation"** means **having or being perceived as**
44 **having a particular orientation within the continuum of sexual**



1 ***orientation, including, without limitation, heterosexuality,***
2 ***homosexuality and bisexuality.***

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

4 389.520 1. The Council shall:

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

10 (1) English language arts;

11 (2) Mathematics;

12 (3) Science;

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

15 (5) The arts;

16 (6) Computer education and technology;

17 (7) Health ~~†~~, ***including, without limitation, the course of***
18 ***instruction in sex education required by NRS 389.065;***

19 (8) Physical education; and

20 (9) A foreign or world language.

21 (b) Establish a schedule for the periodic review and, if
22 necessary, revision of the standards of content and performance. The
23 review must include, without limitation, the review required
24 pursuant to NRS 390.115 of the results of pupils on the
25 examinations administered pursuant to NRS 390.105.

26 (c) Assign priorities to the standards of content and performance
27 relative to importance and degree of emphasis and revise the
28 standards, if necessary, based upon the priorities.

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

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

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

37 (2) Methods to ensure the prevention of:

38 (I) Cyber-bullying;

39 (II) Plagiarism; and

40 (III) The theft of information or data in an electronic
41 form;

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



- 1 (1) Avoid cyber-bullying and other unwanted electronic
2 communication, including, without limitation, communication with
3 on-line predators;
- 4 (2) Recognize when an on-line electronic communication is
5 dangerous or potentially dangerous; and
- 6 (3) Report a dangerous or potentially dangerous on-line
7 electronic communication to the appropriate school personnel;
- 8 (c) The secure use of computers and other electronic devices,
9 including, without limitation:
- 10 (1) Methods to maintain the security of personal identifying
11 information and financial information, including, without limitation,
12 identifying unsolicited electronic communication which is sent for
13 the purpose of obtaining such personal and financial information for
14 an unlawful purpose;
- 15 (2) The necessity for secure passwords or other unique
16 identifiers;
- 17 (3) The effects of a computer contaminant;
- 18 (4) Methods to identify unsolicited commercial material; and
- 19 (5) The dangers associated with social networking Internet
20 sites; and
- 21 (d) A designation of the level of detail of instruction as
22 appropriate for the grade level of pupils who receive the instruction.
- 23 3. The standards for social studies must include multicultural
24 education, including, without limitation, information relating to
25 contributions made by men and women from various racial and
26 ethnic backgrounds. The Council shall consult with members of the
27 community who represent the racial and ethnic diversity of this
28 State in developing such standards.
- 29 4. The Council shall establish standards of content and
30 performance for each grade level in kindergarten and grades 1 to 8,
31 inclusive, for English language arts and mathematics. The Council
32 shall establish standards of content and performance for the grade
33 levels selected by the Council for the other courses of study
34 prescribed in subsection 1.
- 35 5. The Council shall forward to the State Board the standards
36 of content and performance established by the Council for each
37 course of study. The State Board shall:
- 38 (a) Adopt the standards for each course of study, as submitted
39 by the Council; or
- 40 (b) If the State Board objects to the standards for a course of
41 study or a particular grade level for a course of study, return those
42 standards to the Council with a written explanation setting forth the
43 reason for the objection.



1 6. If the State Board returns to the Council the standards of
2 content and performance for a course of study or a grade level, the
3 Council shall:

4 (a) Consider the objection provided by the State Board and
5 determine whether to revise the standards based upon the objection;
6 and

7 (b) Return the standards or the revised standards, as applicable,
8 to the State Board.

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

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

13 8. As used in this section:

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

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

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

20 **Sec. 3.** This act becomes effective on July 1, 2017.

