

Amendment No. 747

Assembly Amendment to Senate Bill No. 420 First Reprint (BDR 34-776)
Proposed by: Assembly Committee on Education
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION		Initial and Date		SENATE ACTION		Initial and Date			
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>		Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>		Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>		Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

KRO/JWP



Date: 5/21/2017

S.B. No. 420—Revises provisions governing pupil publications in public schools and student publications in the Nevada System of Higher Education. (BDR 34-776)



SENATE BILL NO. 420—SENATOR CANNIZZARO

MARCH 20, 2017

Referred to Committee on Education

SUMMARY—Revises provisions governing pupil publications in public schools and student publications in the Nevada System of Higher Education. (BDR 34-776)

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; requiring the board of trustees of each school district, the governing body of each charter school and the governing body of each university school for profoundly gifted pupils to adopt a written policy relating to the distribution of and right of expression for pupils working as journalists on pupil publications; requiring the Board of Regents of the University of Nevada to adopt a similar policy for student publications; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides that each pupil of a public school, including a pupil enrolled in a
 2 charter school or a university school for profoundly gifted pupils, is entitled to express himself
 3 or herself in a manner consistent with the rights guaranteed by the First and Fourteenth
 4 Amendments to the United States Constitution. (NRS 388.077) **Section 1** of this bill requires
 5 the board of trustees of each school district, the governing body of each charter school and the
 6 governing body of each university school for profoundly gifted pupils to adopt a written
 7 policy for pupil publications which: (1) establishes reasonable provisions governing the time,
 8 place and manner for the distribution of those publications; (2) protects the right of expression
 9 for pupils working on those publications as journalists; (3) prohibits restrictions on the
 10 publication of any content in a pupil publication unless the content would substantially disrupt
 11 the performance of the school’s educational mission ~~for taking certain adverse actions against~~
 12 ~~a pupil or adviser relating to pupil publications; (4) includes procedures for disciplining~~
 13 ~~pupils, and persons acting as advisers on pupil publications who violate the policy; and (5) ;~~
 14 ~~and (4) includes a disclaimer indicating that any content published in a pupil publication is~~
 15 ~~not endorsed by the public school. Section 2 of this bill requires the Board of Regents of the~~
 16 ~~University of Nevada to adopt a similar written policy for student publications. In addition,~~
 17 ~~section 1 requires the written policy for pupil publications adopted by the board of trustees of~~
 18 ~~a school district, the governing body of a charter school or the governing body of a university~~
 19 ~~school for profoundly gifted pupils to include procedures for determining before publication~~
 20 ~~whether any content would substantially disrupt the performance of the school’s educational~~
 21 ~~mission.~~

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

Section 1. NRS 388.077 is hereby amended to read as follows:

388.077 1. Each pupil of a public school, including, without limitation, each pupil of a university school for profoundly gifted pupils, is entitled to express himself or herself in a manner consistent with the rights guaranteed by the First and Fourteenth Amendments to the United States Constitution.

2. Any expression described in subsection 1 must not be disruptive of instruction at a public school, including, without limitation, a university school for profoundly gifted pupils, must not be used to ~~bully~~ engage in bullying or cyber-bullying or intimidate any person and must not be organized, broadcast or endorsed by a public school, including, without limitation, a university school for profoundly gifted pupils.

3. *The board of trustees of each school district, the governing body of each charter school and the governing body of each university school for profoundly gifted pupils shall adopt a written policy for pupil publications which:*

(a) Establishes reasonable provisions governing the time, place and manner for the distribution of pupil publications;

(b) Protects the right of expression described in subsection 1 for pupils working on pupil publications as journalists in their determination of the news, opinions, feature content, advertising content and other content of the pupil publications;

~~*(c) Includes procedures for determining before publication whether the content would substantially disrupt the ability of the public school to perform its educational mission if published in a pupil publication;*~~

~~*(d) Includes procedures for disciplining a pupil, employee or other person acting as an adviser for a pupil publication or as an adviser of pupils working as journalists on a pupil publication who violates the policy;*~~

~~*(e)*~~ *Prohibits, without limitation, the following:*

(1) Restricting the publication of any content in pupil publications unless the content would substantially disrupt the ability of the public school to perform its educational mission;

(2) Dismissing, suspending, disciplining or retaliating against an employee or other person acting as an adviser for a pupil publication or as an adviser for pupils working as journalists on a pupil publication for acting within the scope of that position, including, without limitation, taking responsible and appropriate action to protect a pupil engaged in conduct protected pursuant to the written policy or refusing to perform an action which violates the written policy; and

(3) Expelling, suspending or otherwise disciplining a pupil for engaging in conduct in accordance with the policy, ~~even iff~~ unless such conduct substantially disrupts the ability of the public school to perform its educational mission ~~iff~~ and the disruption was intentional; and

~~*(d)*~~ *Includes a disclaimer indicating that any content published in a pupil publication is not endorsed by the public school.*

4. The board of trustees of each school district, the governing body of each charter school and the governing body of each university school for profoundly gifted pupils ~~must~~ shall adopt a policy prescribing procedures for the resolution of a complaint by a pupil of the school district, charter school or university school for profoundly gifted pupils that the rights of the pupil described in subsection 1 ~~or 3~~ have been violated. The policy required by this subsection may be part of a

1 comprehensive discrimination grievance policy of the school district, charter school
2 or university school for profoundly gifted pupils or may be a separate policy.

3 5. As used in this section:

4 (a) "Bullying" has the meaning ascribed to it in NRS 388.122.

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

6 **Sec. 2.** Chapter 396 of NRS is hereby amended by adding thereto a new
7 section to read as follows:

8 *The Board of Regents shall adopt a written policy for the Universities, state*
9 *colleges and community colleges within the System for student publications*
10 *which:*

11 *1. Establishes reasonable provisions governing the time, place and manner*
12 *for the distribution of student publications;*

13 *2. Protects the right of expression in a manner consistent with the rights*
14 *guaranteed by the First and Fourteenth Amendments to the United States*
15 *Constitution for students working on student publications as journalists in their*
16 *determination of the news, opinions, feature content, advertising content and*
17 *other content of the student publications;*

18 ~~*3. Includes procedures for disciplining a student, faculty member,*~~
19 ~~*employee or other person acting as an adviser for a student publication or as an*~~
20 ~~*adviser for students working as journalists on a student publication who violates*~~
21 ~~*the policy;*~~

22 ~~*4. Prohibits, without limitation, the following:*~~

23 ~~*(a) Restricting the publication of any content in student publications unless*~~
24 ~~*the content would substantially disrupt the ability of the institution to perform its*~~
25 ~~*educational mission;*~~

26 ~~*(b) Dismissing, suspending, disciplining or retaliating against a faculty*~~
27 ~~*member, employee or other person acting as an adviser for a student publication*~~
28 ~~*or as an adviser to students working as journalists on a student publication for*~~
29 ~~*acting within the scope of that position, including, without limitation, taking*~~
30 ~~*responsible and appropriate action to protect a student engaged in conduct*~~
31 ~~*protected pursuant to the written policy or refusing to perform an action which*~~
32 ~~*violates the written policy; and*~~

33 ~~*(c) Expelling, suspending or otherwise disciplining a student for engaging in*~~
34 ~~*conduct in accordance with the policy, ~~even if~~ unless such conduct substantially*~~
35 ~~*disrupts the ability of the institution to perform its educational mission ~~if~~ and the*~~
36 ~~*disruption was intentional; and*~~

37 ~~*~~5. 4. Includes a disclaimer indicating that any content published in a~~*~~
38 ~~*student publication is not endorsed by the Board of Regents, the System or a*~~
39 ~~*university, state college or community college within the System.*~~

40 **Sec. 3.** ~~*[This act becomes effective on July 1, 2017.]*~~ **(Deleted by**
41 **amendment.)**