

Amendment No. 250

Senate Amendment to Senate Bill No. 327	(BDR 53-574)
<b>Proposed by:</b> Senate Committee on Government Affairs	
<b>Amends:</b> 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.

HAC/BJF



Date: 4/15/2021

S.B. No. 327—Revises provisions relating to discriminatory practices.  
(BDR 53-574)





## SENATE BILL NO. 327—SENATOR NEAL

MARCH 22, 2021

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to discriminatory practices. (BDR 53-574)

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 discrimination; prohibiting certain types of discrimination relating to race in employment and education; revising provisions governing the authority of the Nevada Equal Rights Commission to investigate certain acts of prejudice against a person with regard to employment; revising provisions governing the procedures used by and notices given by the Nevada Equal Rights Commission; establishing certain requirements for testing which is used by a county or city for a decision regarding promotion of an employee; revising provisions governing the subjects that are subject to negotiation for certain collective bargaining agreements; revising provisions governing the policy for all school districts and schools in this State to provide a safe and respectful learning environment; establishing certain requirements for testing which is used by a school district for a decision regarding promotion of an employee; providing penalties; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law establishes that it is the policy of this State to foster the right of all persons to reasonably seek, obtain and hold employment without discrimination, distinction or restriction because of race, religious creed, color, age, sex, disability, sexual orientation, gender identity or expression, national origin or ancestry. (NRS 233.010) In addition, existing law prohibits certain employers, employment agencies, labor organizations, joint labor-management committees or contractors from engaging in certain discriminatory employment practices. For example, it is an unlawful employment practice to fail to hire or to fire or otherwise discriminate against a person, or to limit or segregate or classify an employee on the basis of race, color, religion, sex, sexual orientation, age, disability or national origin, except in certain circumstances. (NRS 338.125, 613.330, 613.340, 613.350, 613.380) ~~Sections 1, 2, 4, 9 and 14~~ **Sections 1, 2, 4, 9 and 14** of this bill define “race” to include ~~ancestry, color, ethnic group identification, ethnic background and~~ **traits** ~~historically~~ associated with race, including, without limitation, hair texture and protective hairstyles. Similar protections are provided in other contexts by the following sections. **Section 10** of this bill defines “race” to include ~~certain characteristics~~ **traits** associated with race for the purpose of prohibiting discrimination on the basis of race within the State Personnel System. (NRS 284.150,

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284.385) **Section 12** of this bill revises provisions governing relations with local government employers to prohibit discrimination on the basis of ~~["certain characteristics"]~~ **traits** associated with race. (NRS 288.270) **Section 15** of this bill revises the restrictions for commercial advertising on a school bus by prohibiting advertising that attacks groups based on ~~["certain characteristics"]~~ **traits** associated with race. (NRS 386.845) **Section 16** of this bill prohibits a dress code or policy that requires pupils to wear school uniforms to discriminate against a pupil based on ~~["his or her"]~~ race. (NRS 386.855) **Sections 21, 22 and 25** of this bill prohibit discrimination based upon ~~["certain characteristics"]~~ **traits** associated with race for enrollment in a charter school, a university school for profoundly gifted pupils or the Nevada System of Higher Education. (NRS 388A.453, 388C.010, 396.530) **Section 24** of this bill prohibits a pupil from being disciplined based on his or her race.

Existing law authorizes the Nevada Equal Rights Commission to investigate tensions, practices of discrimination and acts of prejudice against any person with regard to employment based on race, color, creed, sex, age, disability, gender identity or expression, national origin or ancestry. (NRS 233.150) ~~["Section 6 of this bill provides that, if the Commission determines to conduct an investigation, the Commission is required to complete the investigation not later than 13 months after the complaint was filed with the Commission. (NRS 233.170)"]~~ Existing law provides that, if the Commission does not conclude that an unfair employment practice has occurred, the Commission is required to provide certain information to a complainant regarding his or her rights. (NRS 613.420) **Section 3** of this bill requires the Commission to provide the complainant with certain information relating to the filing of a charge alleging an unlawful employment practice with the United States Equal Employment Opportunity Commission and the process by which the Equal Employment Opportunity Commission conducts a review of the Nevada Equal Rights Commission's conclusion. **Section 5** of this bill defines "race" to include ~~["certain characteristics"]~~ **traits** associated with race for the purpose of serving as the basis upon which the Commission may investigate an allegation of discrimination.

**Sections 7, 8 and 23** of this bill set forth certain requirements governing testing that is used by a county, city or school district, respectively, for a decision regarding the promotion of an employee and make it a category E felony to tamper with the score of a test taken by an employee.

Existing law sets forth the subjects that are subject to negotiation with an employee organization for the purposes of a collective bargaining agreement. (NRS 288.150) **Section 11** of this bill provides that the requirements governing testing that is used by a county, city or school district, respectively, for a decision regarding the promotion of an employee are not subject to such negotiation. **Section 13** of this bill makes conforming changes to revise internal references. (NRS 288.500)

Existing law requires the Department of Education to prescribe a policy for all school districts and schools in this State to provide a safe and respectful learning environment that is free of bullying and cyber-bullying, including the provision of training to school personnel and requirements for reporting violations of the policy. (NRS 388.133) **Sections 18 and 19** of this bill define "race" to include ~~["certain characteristics"]~~ **traits** associated with race for the purposes of those provisions which require safe and respectful learning environments and prohibit bullying and cyber-bullying. **Section 20** of this bill makes a conforming change to indicate the placement of **sections 18 and 19** ~~["of this bill"]~~ within the Nevada Revised Statutes.

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

**Section 1. Chapter 610 of NRS is hereby amended by adding thereto a new section to read as follows:**

**Notwithstanding the protections in this chapter for hair texture and protective hairstyles, an employer may enforce health and safety requirements set forth in federal or state law.**

**Sec. 1.3.** NRS 610.010 is hereby amended to read as follows:

610.010 As used in this chapter, unless the context otherwise requires:

1           1. “Agreement” means a written and signed agreement of indenture as an  
2 apprentice.

3           2. “Apprentice” means a person who is covered by a written agreement,  
4 issued pursuant to a program with an employer, or with an association of employers  
5 or an organization of employees acting as agent for an employer.

6           3. “Council” means the State Apprenticeship Council created by NRS  
7 610.030.

8           4. “Disability” means, with respect to a person:

9           (a) A physical or mental impairment that substantially limits one or more of the  
10 major life activities of the person;

11           (b) A record of such an impairment; or

12           (c) Being regarded as having such an impairment.

13           5. “Executive Director” means the Executive Director of the Office of  
14 Workforce Innovation.

15           6. “Gender identity or expression” means a gender-related identity,  
16 appearance, expression or behavior of a person, regardless of the person’s assigned  
17 sex at birth.

18           7. “Office of Workforce Innovation” means the Office of Workforce  
19 Innovation in the Office of the Governor created by NRS 223.800.

20           8. “Program” means a program of training and instruction as an apprentice in  
21 an occupation in which a person may be apprenticed.

22           9. *“Protective hairstyle” includes, without limitation, hairstyles such as*  
23 *natural hairstyles, afros, bantu knots, curls, braids, locks and twists.*

24           10. *“Race” includes ~~[ancestry, color, ethnic group identification, ethnic~~*  
25 *~~background and] traits [historically] associated with race, including, without~~*  
26 *limitation, hair texture and protective hairstyles.*

27           11. “Sexual orientation” means having or being perceived as having an  
28 orientation for heterosexuality, homosexuality or bisexuality.

29 ~~10.~~ 12. “State Apprenticeship Director” means the person appointed  
30 pursuant to NRS 610.110.

31           **Sec. 1.7. Chapter 613 of NRS is hereby amended by adding thereto a**  
32 **new section to read as follows:**

33           **Notwithstanding the protections in this chapter for hair texture and protective**  
34 **hairstyles, an employer may enforce health and safety requirements set forth in**  
35 **federal or state law.**

36           **Sec. 2.** NRS 613.310 is hereby amended to read as follows:

37           613.310 As used in NRS 613.310 to 613.4383, inclusive, unless the context  
38 otherwise requires:

39           1. “Disability” means, with respect to a person:

40           (a) A physical or mental impairment that substantially limits one or more of the  
41 major life activities of the person, including, without limitation, the human  
42 immunodeficiency virus;

43           (b) A record of such an impairment; or

44           (c) Being regarded as having such an impairment.

45           2. “Employer” means any person who has 15 or more employees for each  
46 working day in each of 20 or more calendar weeks in the current or preceding  
47 calendar year, but does not include:

48           (a) The United States or any corporation wholly owned by the United States.

49           (b) Any Indian tribe.

50           (c) Any private membership club exempt from taxation pursuant to 26 U.S.C. §  
51 501(c).

52           3. “Employment agency” means any person regularly undertaking with or  
53 without compensation to procure employees for an employer or to procure for

1 employees opportunities to work for an employer, but does not include any agency  
2 of the United States.

3 4. "Gender identity or expression" means a gender-related identity,  
4 appearance, expression or behavior of a person, regardless of the person's assigned  
5 sex at birth.

6 5. "Labor organization" means any organization of any kind, or any agency or  
7 employee representation committee or plan, in which employees participate and  
8 which exists for the purpose, in whole or in part, of dealing with employers  
9 concerning grievances, labor disputes, wages, rates of pay, hours of employment or  
10 other conditions of employment.

11 6. "Person" includes the State of Nevada and any of its political subdivisions.

12 7. *"Protective hairstyle" includes, without limitation, hairstyles such as*  
13 *natural hairstyles, afros, bantu knots, curls, braids, locks and twists.*

14 8. *"Race" includes ~~ancestry, color, ethnic group identification, ethnic~~*  
15 *~~background and~~ traits ~~historically~~ associated with race, including, without*  
16 *limitation, hair texture and protective hairstyles.*

17 9. "Sexual orientation" means having or being perceived as having an  
18 orientation for heterosexuality, homosexuality or bisexuality.

19 **Sec. 3.** NRS 613.420 is hereby amended to read as follows:

20 613.420 1. If the Nevada Equal Rights Commission does not conclude that  
21 an unfair employment practice within the scope of NRS 613.310 to 613.4383,  
22 inclusive, has occurred, the Commission shall issue:

23 (a) A letter to the person who filed the complaint pursuant to NRS 613.405  
24 notifying the person of his or her rights pursuant to subsection 2. ~~[-and]~~

25 (b) A right-to-sue notice. The right-to-sue notice must indicate that the person  
26 may, not later than 90 days after the date of receipt of the right-to-sue notice, bring  
27 a civil action in district court against the person named in the complaint.

28 (c) *To the person who filed the complaint pursuant to NRS 613.405, basic*  
29 *information relating to:*

30 (1) *Filing a charge alleging an unlawful employment practice with the*  
31 *United States Equal Employment Opportunity Commission; and*

32 (2) *The process by which the United States Equal Employment*  
33 *Opportunity Commission conducts a review of the Nevada Equal Rights*  
34 *Commission's conclusion pursuant to 42 U.S.C. § 2000e-5(b).*

35 2. If the Nevada Equal Rights Commission has issued a right-to-sue notice  
36 pursuant to this section or NRS 613.412, the person alleging such a practice has  
37 occurred may bring a civil action in the district court not later than 90 days after the  
38 date of receipt of the right-to-sue notice for any appropriate relief, including,  
39 without limitation, an order granting or restoring to that person the rights to which  
40 the person is entitled under those sections.

41 **Sec. 3.5.** Chapter 233 of NRS is hereby amended by adding thereto a  
42 new section to read as follows:

43 Notwithstanding the protections in this chapter for hair texture and protective  
44 hairstyles, an employer may enforce health and safety requirements set forth in  
45 federal or state law.

46 **Sec. 4.** NRS 233.010 is hereby amended to read as follows:

47 233.010 1. It is hereby declared to be the public policy of the State of  
48 Nevada to protect the welfare, prosperity, health and peace of all the people of the  
49 State, and to foster the right of all persons reasonably to seek and obtain housing  
50 accommodations without discrimination, distinction or restriction because of race,  
51 religious creed, color, age, sex, disability, sexual orientation, gender identity or  
52 expression, national origin or ancestry.

1           2. It is hereby declared to be the public policy of the State of Nevada to  
2 protect the welfare, prosperity, health and peace of all the people of the State, and  
3 to foster the right of all persons reasonably to seek and be granted services in places  
4 of public accommodation without discrimination, distinction or restriction because  
5 of race, religious creed, color, age, sex, disability, sexual orientation, national  
6 origin, ancestry or gender identity or expression.

7           3. It is hereby declared to be the public policy of the State of Nevada to  
8 protect the welfare, prosperity, health and peace of all the people of the State, and  
9 to foster the right of all persons reasonably to seek, obtain and hold employment  
10 without discrimination, distinction or restriction because of race, religious creed,  
11 color, age, sex, disability, sexual orientation, gender identity or expression, national  
12 origin or ancestry. *As used in this subsection:*

13           (a) *“Protective hairstyle” includes, without limitation, hairstyles such as*  
14 *natural hairstyles, afros, bantu knots, curls, braids, locks and twists.*

15           (b) *“Race” includes ~~[ancestry, color, ethnic group identification, ethnic~~*  
16 *~~background and] traits [historically] associated with race, including, without~~*  
17 *limitation, hair texture and protective hairstyles.*

18           4. It is recognized that the people of this State should be afforded full and  
19 accurate information concerning actual and alleged practices of discrimination and  
20 acts of prejudice, and that such information may provide the basis for formulating  
21 statutory remedies of equal protection and opportunity for all citizens in this State.

22           **Sec. 5.** NRS 233.150 is hereby amended to read as follows:

23           233.150 The Commission may:

24           1. Order its Administrator to:

25           (a) With regard to public accommodation, investigate tensions, practices of  
26 discrimination and acts of prejudice against any person or group because of race,  
27 color, creed, sex, age, disability, sexual orientation, national origin, ancestry or  
28 gender identity or expression and may conduct hearings with regard thereto.

29           (b) With regard to housing, investigate tensions, practices of discrimination  
30 and acts of prejudice against any person or group because of race, color, creed, sex,  
31 age, disability, sexual orientation, gender identity or expression, national origin or  
32 ancestry, and may conduct hearings with regard thereto.

33           (c) With regard to employment, investigate:

34           (1) Tensions, practices of discrimination and acts of prejudice against any  
35 person or group because of race, color, creed, sex, age, disability, sexual  
36 orientation, gender identity or expression, national origin or ancestry, and may  
37 conduct hearings with regard thereto; and

38           (2) Any unlawful employment practice by an employer pursuant to the  
39 provisions of NRS 613.4353 to 613.4383, inclusive, and may conduct hearings with  
40 regard thereto.

41           ↪ *As used in this paragraph, “race” includes ~~[ancestry, color, ethnic group~~*  
42 *~~identification, ethnic background and] traits [historically] associated with race,~~*  
43 *including, without limitation, hair texture and protective hairstyles, as defined in*  
44 *paragraph (a) of subsection 3 of NRS 233.010.*

45           2. Mediate between or reconcile the persons or groups involved in those  
46 tensions, practices and acts.

47           3. Issue subpoenas for the attendance of witnesses or for the production of  
48 documents or tangible evidence relevant to any investigations or hearings  
49 conducted by the Commission.

50           4. Delegate its power to hold hearings and issue subpoenas to any of its  
51 members or any hearing officer in its employ.

52           5. Adopt reasonable regulations necessary for the Commission to carry out  
53 the functions assigned to it by law.

1       **Sec. 6.** ~~NRS 223.170 is hereby amended to read as follows:~~

2       ~~223.170 1. When a complaint is filed whose allegations if true would~~  
3 ~~support a finding of unlawful practice, the Commission shall determine whether to~~  
4 ~~hold an informal meeting to attempt a settlement of the dispute in accordance with~~  
5 ~~the regulations adopted pursuant to NRS 223.157. If the Commission determines to~~  
6 ~~hold an informal meeting, the Administrator may, to prepare for the meeting,~~  
7 ~~request from each party any information which is reasonably relevant to the~~  
8 ~~complaint. No further action may be taken if the parties agree to a settlement.~~

9       ~~2. If an agreement is not reached at the informal meeting, the Administrator~~  
10 ~~shall determine whether to conduct an investigation into the alleged unlawful~~  
11 ~~practice in accordance with the regulations adopted pursuant to NRS 223.157. *If*~~  
12 ~~*the Administrator makes a determination to conduct an investigation, the*~~  
13 ~~*investigation must be completed not later than 13 months after the date on which*~~  
14 ~~*the complaint was filed with the Commission.* After the investigation, if the~~  
15 ~~Administrator determines that an unlawful practice has occurred, the Administrator~~  
16 ~~shall attempt to mediate between or reconcile the parties. The party against whom a~~  
17 ~~complaint was filed may agree to cease the unlawful practice. If an agreement is~~  
18 ~~reached, no further action may be taken by the complainant or by the Commission.~~

19       ~~3. If the attempts at mediation or conciliation fail, the Commission may hold~~  
20 ~~a public hearing on the matter. After the hearing, if the Commission determines that~~  
21 ~~an unlawful practice has occurred, it may:~~

22       ~~(a) Serve a copy of its findings of fact within 10 calendar days upon any person~~  
23 ~~found to have engaged in the unlawful practice; and~~

24       ~~(b) Order the person to:~~

25       ~~(1) Cease and desist from the unlawful practice. The order must include,~~  
26 ~~without limitation, the corrective action the person must take.~~

27       ~~(2) In cases involving an unlawful employment practice, restore all~~  
28 ~~benefits and rights to which the aggrieved person is entitled, including, but not~~  
29 ~~limited to, rehiring, back pay for a period described in subsection 4, annual leave~~  
30 ~~time, sick leave time or pay, other fringe benefits and seniority, with interest~~  
31 ~~thereon from the date of the Commission's decision at a rate equal to the prime rate~~  
32 ~~at the largest bank in Nevada, as ascertained by the Commissioner of Financial~~  
33 ~~Institutions, on January 1 or July 1, as the case may be, immediately preceding the~~  
34 ~~date of the Commission's decision, plus 2 percent. The rate of interest must be~~  
35 ~~adjusted accordingly on each January 1 and July 1 thereafter until the judgment is~~  
36 ~~satisfied.~~

37       ~~(3) In cases involving an unlawful employment practice relating to~~  
38 ~~discrimination on the basis of sex, pay an amount determined to be appropriate by~~  
39 ~~the Commission for lost wages that would have been earned in the absence of~~  
40 ~~discrimination or other economic damages resulting from the discrimination,~~  
41 ~~including, without limitation, lost payment for overtime, shift differential, cost of~~  
42 ~~living adjustments, merit increases or promotions, or other fringe benefits.~~

43       ~~(4) In cases involving an unlawful employment practice committed by an~~  
44 ~~employer with 50 or more employees that the Commission determines was willful,~~  
45 ~~pay a civil penalty of:~~

46       ~~(I) For the first unlawful employment practice that the person has~~  
47 ~~engaged in during the immediately preceding 5 years which the Commission~~  
48 ~~determines was willful, not more than \$5,000.~~

49       ~~(II) For the second unlawful employment practice that the person has~~  
50 ~~engaged in during the immediately preceding 5 years which the Commission~~  
51 ~~determines was willful, not more than \$10,000.~~



~~(III) For the third and any subsequent unlawful employment practice that the person has engaged in during the immediately preceding 5 years which the Commission determines was willful, not more than \$15,000.~~

~~4. For the purposes of subparagraph (2) of paragraph (b) of subsection 3, the period for back pay must not exceed a period beginning 2 years before the date on which the complaint was filed and ending on the date the Commission issues an order pursuant to paragraph (b) of subsection 3.~~

~~5. Before imposing a civil penalty pursuant to subparagraph (4) of paragraph (b) of subsection 3, the Commission must allow the person found to have willfully engaged in an unlawful employment practice 30 days to take corrective action from the date of service of the order pursuant to paragraph (a) of subsection 3. If the person takes such corrective action, the Commission shall not impose the civil penalty.~~

~~6. The order of the Commission is a final decision in a contested case for the purpose of judicial review. If the person fails to comply with the Commission's order, the Commission shall apply to the district court for an order compelling such compliance, but failure or delay on the part of the Commission does not prejudice the right of an aggrieved party to judicial review. The court shall issue the order unless it finds that the Commission's findings or order are not supported by substantial evidence or are otherwise arbitrary or capricious. If the court upholds the Commission's order and finds that the person has violated the order by failing to cease and desist from the unlawful practice or to make the payment ordered, the court shall award the aggrieved party actual damages for any economic loss and no more.~~

~~7. After the Commission has held a public hearing and rendered a decision, the complainant is barred from proceeding on the same facts and legal theory before any other administrative body or officer.~~

~~8. For the purposes of this section, an unlawful employment practice shall be deemed to be willful if a person engages in the practice with knowledge that it is unlawful or with reckless indifference to whether it is lawful or unlawful.] (Deleted by amendment.)~~

Sec. 7. Chapter 245 of NRS is hereby amended by adding thereto a new section to read as follows:

1. [Notwithstanding] Except as otherwise provided in subsection 4, notwithstanding the provisions of any collective bargaining agreement to the contrary, if a board of county commissioners, a county officer or any other person acting on behalf of a county includes testing as a factor in a decision regarding the vertical promotion of an employee:

(a) The testing must be conducted by a third party which is independent from the board of county commissioners, county officer or other person acting on behalf of the county, as applicable.

(b) A third party which conducts a test must send to each employee who takes the test a confidential electronic mail message which contains the employee's test score. The third party must send an employee's test score to the employee and the board of county commissioners, the county officer or other person acting on behalf of a county at the same time.

(c) The board of county commissioners, county officer or other person acting on behalf of the county shall not produce a list of the employees who took the test, ranked in order of their test scores, until after the third party which conducted the test has sent each employee his or her test score pursuant to paragraph (b).

(d) An employee who is aggrieved by his or her test score may appeal the testing process.

2. During the appeal process authorized by paragraph (d) of subsection 1:

(a) The employee who appeals the testing process is entitled to see:

(1) How his or her test was graded; and

(2) The questions which the employee answered incorrectly. ~~and~~

~~(3) The correct answers for the questions which the employee answered incorrectly.]~~

(b) The board of county commissioners, county officer or other person acting on behalf of the county, as applicable, shall ensure that the employee was ranked properly based on the employee's test score.

3. A person who tampers with the score of a test taken by an employee is guilty of a category E felony and shall be punished as provided in NRS 193.130.

4. The provisions of this section do not apply to a county department that has less than 200 employees.

5. As used in this section, "test" and "testing" includes, without limitation, a written test ~~or~~ or oral board ~~for any other form or format of test of knowledge, skills, achievement or aptitude.~~

Sec. 8. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Notwithstanding]~~ Except as otherwise provided in subsection 4, notwithstanding the provisions of any collective bargaining agreement to the contrary, if the governing body of an incorporated city or a city officer includes testing as a factor in a decision regarding the vertical promotion of an employee:

(a) The testing must be conducted by a third party which is independent from the governing body or city officer, as applicable.

(b) A third party which conducts a test must send to each employee who takes the test a confidential electronic mail message which contains the employee's test score. The third party must send an employee's test score to the employee and the governing body of an incorporated city or the city officer, as applicable, at the same time.

(c) The governing body or city officer, as applicable, shall not produce a list of the employees who took the test, ranked in order of their test scores, until after the third party which conducted the test has sent each employee his or her test score pursuant to paragraph (b).

(d) An employee who is aggrieved by his or her test score may appeal the testing process.

2. During the appeal process authorized by paragraph (d) of subsection 1:

(a) The employee who appeals the testing process is entitled to see:

(1) How his or her test was graded; and

(2) The questions which the employee answered incorrectly. ~~and~~

~~(3) The correct answers for the questions which the employee answered incorrectly.]~~

(b) The governing body of an incorporated city or the city officer, as applicable, shall ensure that the employee was ranked properly based on the employee's test score.

3. A person who tampers with the score of a test taken by an employee is guilty of a category E felony and shall be punished as provided in NRS 193.130.

4. The provisions of this section do not apply to a city department that has less than 200 employees.

5. As used in this section, "test" and "testing" includes, without limitation, a written test ~~or~~ or oral board ~~for any other form or format of test of knowledge, skills, achievement or aptitude.~~

Sec. 8.5. Chapter 281 of NRS is hereby amended by adding thereto a new section to read as follows:

1 *Notwithstanding the protections in this chapter for hair texture and protective*  
2 *hairstyles, an employer may enforce health and safety requirements set forth in*  
3 *federal or state law.*

4 **Sec. 9.** NRS 281.370 is hereby amended to read as follows:

5 281.370 1. All personnel actions taken by state, county or municipal  
6 departments, housing authorities, agencies, boards or appointing officers thereof  
7 must be based solely on merit and fitness.

8 2. State, county or municipal departments, housing authorities, agencies,  
9 boards or appointing officers thereof shall not refuse to hire a person, discharge or  
10 bar any person from employment or discriminate against any person in  
11 compensation or in other terms or conditions of employment because of the  
12 person's race, creed, color, national origin, sex, sexual orientation, gender identity  
13 or expression, age, political affiliation or disability, except when based upon a bona  
14 fide occupational qualification.

15 3. As used in this section:

16 (a) "Disability" means, with respect to a person:

17 (1) A physical or mental impairment that substantially limits one or more  
18 of the major life activities of the person;

19 (2) A record of such an impairment; or

20 (3) Being regarded as having such an impairment.

21 (b) "Gender identity or expression" means a gender-related identity,  
22 appearance, expression or behavior of a person, regardless of the person's assigned  
23 sex at birth.

24 (c) "*Protective hairstyle*" includes, without limitation, *hairstyles such as*  
25 *natural hairstyles, afros, bantu knots, curls, braids, locks and twists.*

26 (d) "*Race*" includes ~~[ancestry, color, ethnic group identification, ethnic~~  
27 ~~background and] traits [historically] associated with race, including, without~~  
28 ~~limitation, hair texture and protective hairstyles.~~

29 (e) "Sexual orientation" means having or being perceived as having an  
30 orientation for heterosexuality, homosexuality or bisexuality.

31 **Sec. 9.5.** *Chapter 284 of NRS is hereby amended by adding thereto a*  
32 *new section to read as follows:*

33 *Notwithstanding the protections in this chapter for hair texture and protective*  
34 *hairstyles, an employer may enforce health and safety requirements set forth in*  
35 *federal or state law.*

36 **Sec. 10.** NRS 284.015 is hereby amended to read as follows:

37 284.015 As used in this chapter, unless the context otherwise requires:

38 1. "Administrator" means the Administrator of the Division.

39 2. "Commission" means the Personnel Commission.

40 3. "Disability," includes, but is not limited to, physical disability, intellectual  
41 disability and mental or emotional disorder.

42 4. "Division" means the Division of Human Resource Management of the  
43 Department of Administration.

44 5. "Essential functions" has the meaning ascribed to it in 29 C.F.R. § 1630.2.

45 6. "*Protective hairstyle*" includes, without limitation, *hairstyles such as*  
46 *natural hairstyles, afros, bantu knots, curls, braids, locks and twists.*

47 7. "Public service" means positions providing service for any office,  
48 department, board, commission, bureau, agency or institution in the Executive  
49 Department of the State Government operating by authority of the Constitution or  
50 law, and supported in whole or in part by any public money, whether the money is  
51 received from the Government of the United States or any branch or agency  
52 thereof, or from private or any other sources.

1 ~~[7.]~~ 8. “Race” includes ~~[ancestry, color, ethnic group identification, ethnic~~  
2 ~~background and] traits [historically] associated with race, including, without~~  
3 ~~limitation, hair texture and protective hairstyles.~~

4 9. “Veteran” means a person who:

5 (a) Was regularly enlisted, drafted, inducted or commissioned in the:

6 (1) Armed Forces of the United States and was accepted for and assigned  
7 to active duty in the Armed Forces of the United States;

8 (2) National Guard or a reserve component of the Armed Forces of the  
9 United States and was accepted for and assigned to duty for a minimum of 6  
10 continuous years; or

11 (3) Commissioned Corps of the United States Public Health Service or the  
12 Commissioned Corps of the National Oceanic and Atmospheric Administration of  
13 the United States and served in the capacity of a commissioned officer while on  
14 active duty in defense of the United States; and

15 (b) Was separated from such service under conditions other than dishonorable.

16 ~~[8.]~~ 10. “Veteran with a service-connected disability” has the meaning  
17 ascribed to it in NRS 338.13843 and includes a veteran who is deemed to be a  
18 veteran with a service-connected disability pursuant to NRS 417.0187.

19 **Sec. 10.5. Chapter 288 of NRS is hereby amended by adding thereto a**  
20 **new section to read as follows:**

21 **Notwithstanding the protections in this chapter for hair texture and protective**  
22 **hairstyles, an employer may enforce health and safety requirements set forth in**  
23 **federal or state law.**

24 **Sec. 11.** NRS 288.150 is hereby amended to read as follows:

25 288.150 1. Except as otherwise provided in subsection ~~[5.]~~ 6 and NRS  
26 354.6241, every local government employer shall negotiate in good faith through  
27 one or more representatives of its own choosing concerning the mandatory subjects  
28 of bargaining set forth in subsection 2 with the designated representatives of the  
29 recognized employee organization, if any, for each appropriate bargaining unit  
30 among its employees. If either party so requests, agreements reached must be  
31 reduced to writing.

32 2. The scope of mandatory bargaining is limited to:

33 (a) Salary or wage rates or other forms of direct monetary compensation.

34 (b) Sick leave.

35 (c) Vacation leave.

36 (d) Holidays.

37 (e) Other paid or nonpaid leaves of absence.

38 (f) Insurance benefits.

39 (g) Total hours of work required of an employee on each workday or  
40 workweek.

41 (h) Total number of days’ work required of an employee in a work year.

42 (i) Except as otherwise provided in subsections ~~[7.]~~ 8 and ~~[10.]~~ 11, discharge  
43 and disciplinary procedures.

44 (j) Recognition clause.

45 (k) The method used to classify employees in the bargaining unit.

46 (l) Deduction of dues for the recognized employee organization.

47 (m) Protection of employees in the bargaining unit from discrimination  
48 because of participation in recognized employee organizations consistent with the  
49 provisions of this chapter.

50 (n) No-strike provisions consistent with the provisions of this chapter.

51 (o) Grievance and arbitration procedures for resolution of disputes relating to  
52 interpretation or application of collective bargaining agreements.

53 (p) General savings clauses.

1 (q) Duration of collective bargaining agreements.

2 (r) Safety of the employee.

3 (s) Teacher preparation time.

4 (t) Materials and supplies for classrooms.

5 (u) Except as otherwise provided in subsections ~~§ 9~~ and ~~§ 11~~, the policies  
6 for the transfer and reassignment of teachers.

7 (v) Procedures for reduction in workforce consistent with the provisions of this  
8 chapter.

9 (w) Procedures consistent with the provisions of subsection ~~§ 6~~ for the  
10 reopening of collective bargaining agreements for additional, further, new or  
11 supplementary negotiations during periods of fiscal emergency.

12 3. Those subject matters which are not within the scope of mandatory  
13 bargaining and which are reserved to the local government employer without  
14 negotiation include:

15 (a) Except as otherwise provided in paragraph (u) of subsection 2, the right to  
16 hire, direct, assign or transfer an employee, but excluding the right to assign or  
17 transfer an employee as a form of discipline.

18 (b) The right to reduce in force or lay off any employee because of lack of  
19 work or lack of money, subject to paragraph (v) of subsection 2.

20 (c) The right to determine:

21 (1) Appropriate staffing levels and work performance standards, except for  
22 safety considerations;

23 (2) The content of the workday, including without limitation workload  
24 factors, except for safety considerations;

25 (3) The quality and quantity of services to be offered to the public; and

26 (4) The means and methods of offering those services.

27 (d) Safety of the public.

28 4. *The provisions of sections 7, 8 and 23 of this act are not subject to*  
29 *negotiations with an employee organization. Any provision of a collective*  
30 *bargaining agreement negotiated pursuant to this chapter which differs from or*  
31 *conflicts in any way with the provisions of section 7, 8 or 23 of this act is*  
32 *unenforceable and void.*

33 5. If the local government employer is a school district, any money  
34 appropriated by the State to carry out increases in salaries or benefits for the  
35 employees of the school district is subject to negotiations with an employee  
36 organization.

37 ~~§ 6.~~ Notwithstanding the provisions of any collective bargaining agreement  
38 negotiated pursuant to this chapter, a local government employer is entitled to:

39 (a) Reopen a collective bargaining agreement for additional, further, new or  
40 supplementary negotiations relating to compensation or monetary benefits during a  
41 period of fiscal emergency. Negotiations must begin not later than 21 days after the  
42 local government employer notifies the employee organization that a fiscal  
43 emergency exists. For the purposes of this section, a fiscal emergency shall be  
44 deemed to exist:

45 (1) If the amount of revenue received by the general fund of the local  
46 government employer during the last preceding fiscal year from all sources, except  
47 any nonrecurring source, declined by 5 percent or more from the amount of revenue  
48 received by the general fund from all sources, except any nonrecurring source,  
49 during the next preceding fiscal year, as reflected in the reports of the annual audits  
50 conducted for those fiscal years for the local government employer pursuant to  
51 NRS 354.624; or

52 (2) If the local government employer has budgeted an unreserved ending  
53 fund balance in its general fund for the current fiscal year in an amount equal to 4

1 percent or less of the actual expenditures from the general fund for the last  
2 preceding fiscal year, and the local government employer has provided a written  
3 explanation of the budgeted ending fund balance to the Department of Taxation that  
4 includes the reason for the ending fund balance and the manner in which the local  
5 government employer plans to increase the ending fund balance.

6 (b) Take whatever actions may be necessary to carry out its responsibilities in  
7 situations of emergency such as a riot, military action, natural disaster or civil  
8 disorder. Those actions may include the suspension of any collective bargaining  
9 agreement for the duration of the emergency.

10 ➤ Any action taken under the provisions of this subsection must not be construed  
11 as a failure to negotiate in good faith.

12 ~~6.~~ 7. The provisions of this chapter, including without limitation the  
13 provisions of this section, recognize and declare the ultimate right and  
14 responsibility of the local government employer to manage its operation in the most  
15 efficient manner consistent with the best interests of all its citizens, its taxpayers  
16 and its employees.

17 ~~7.~~ 8. If the sponsor of a charter school reconstitutes the governing body of a  
18 charter school pursuant to NRS 388A.330, the new governing body may terminate  
19 the employment of any teachers or other employees of the charter school, and any  
20 provision of any agreement negotiated pursuant to this chapter that provides  
21 otherwise is unenforceable and void.

22 ~~8.~~ 9. The board of trustees of a school district in which a school is  
23 designated as a turnaround school pursuant to NRS 388G.400 or the principal of  
24 such a school, as applicable, may take any action authorized pursuant to NRS  
25 388G.400, including, without limitation:

26 (a) Reassigning any member of the staff of such a school; or

27 (b) If the staff member of another public school consents, reassigning that  
28 member of the staff of the other public school to such a school.

29 ~~9.~~ 10. Any provision of an agreement negotiated pursuant to this chapter  
30 which differs from or conflicts in any way with the provisions of subsection ~~8.~~ 9 or  
31 imposes consequences on the board of trustees of a school district or the principal  
32 of a school for taking any action authorized pursuant to subsection ~~8.~~ 9 is  
33 unenforceable and void.

34 ~~10.~~ 11. The board of trustees of a school district or the governing body of a  
35 charter school or university school for profoundly gifted pupils may use a  
36 substantiated report of the abuse or neglect of a child or a violation of NRS  
37 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central  
38 Registry for the Collection of Information Concerning the Abuse or Neglect of a  
39 Child established by NRS 432.100 or an equivalent registry maintained by a  
40 governmental agency in another jurisdiction for the purposes authorized by NRS  
41 388A.515, 388C.200, 391.033, 391.104 or 391.281, as applicable. Such purposes  
42 may include, without limitation, making a determination concerning the  
43 assignment, discipline or termination of an employee. Any provision of any  
44 agreement negotiated pursuant to this chapter which conflicts with the provisions of  
45 this subsection is unenforceable and void.

46 ~~11.~~ 12. This section does not preclude, but this chapter does not require, the  
47 local government employer to negotiate subject matters enumerated in subsection 3  
48 which are outside the scope of mandatory bargaining. The local government  
49 employer shall discuss subject matters outside the scope of mandatory bargaining  
50 but it is not required to negotiate those matters.

51 ~~12.~~ 13. Contract provisions presently existing in signed and ratified  
52 agreements as of May 15, 1975, at 12 p.m. remain negotiable.

1 ~~13-1~~ 14. As used in this section, “abuse or neglect of a child” has the  
2 meaning ascribed to it in NRS 392.281.

3 **Sec. 12.** NRS 288.270 is hereby amended to read as follows:

4 288.270 1. It is a prohibited practice for a local government employer or its  
5 designated representative willfully to:

6 (a) Interfere, restrain or coerce any employee in the exercise of any right  
7 guaranteed under this chapter.

8 (b) Dominate, interfere or assist in the formation or administration of any  
9 employee organization.

10 (c) Discriminate in regard to hiring, tenure or any term or condition of  
11 employment to encourage or discourage membership in any employee organization.

12 (d) Discharge or otherwise discriminate against any employee because the  
13 employee has signed or filed an affidavit, petition or complaint or given any  
14 information or testimony under this chapter, or because the employee has formed,  
15 joined or chosen to be represented by any employee organization.

16 (e) Refuse to bargain collectively in good faith with the exclusive  
17 representative as required in NRS 288.150. Bargaining collectively includes the  
18 entire bargaining process, including mediation and fact-finding, provided for in this  
19 chapter.

20 (f) Discriminate because of race, color, religion, sex, sexual orientation, gender  
21 identity or expression, age, physical or visual handicap, national origin or because  
22 of political or personal reasons or affiliations.

23 (g) Fail to provide the information required by NRS 288.180.

24 (h) Fail to comply with the requirements of NRS 281.755.

25 2. It is a prohibited practice for a local government employer or for an  
26 employee organization or its designated agent willfully to:

27 (a) Interfere with, restrain or coerce any employee in the exercise of any right  
28 guaranteed under this chapter.

29 (b) Refuse to bargain collectively in good faith with the local government  
30 employer, if it is an exclusive representative, as required in NRS 288.150.  
31 Bargaining collectively includes the entire bargaining process, including mediation  
32 and fact-finding, provided for in this chapter.

33 (c) Discriminate because of race, color, religion, sex, sexual orientation, gender  
34 identity or expression, age, physical or visual handicap, national origin or because  
35 of political or personal reasons or affiliations.

36 (d) Fail to provide the information required by NRS 288.180.

37 3. *As used in this section:*

38 (a) *“Protective hairstyle” includes, without limitation, hairstyles such as*  
39 *natural hairstyles, afros, bantu knots, curls, braids, locks and twists.*

40 (b) *“Race” includes ~~[ancestry, color, ethnic group identification, ethnic~~*  
41 *~~background and] traits [historically] associated with race, including, without~~*  
42 *limitation, hair texture and protective hairstyles.*

43 **Sec. 13.** NRS 288.500 is hereby amended to read as follows:

44 288.500 1. For the purposes of collective bargaining, supplemental  
45 bargaining and other mutual aid or protection, employees have the right to:

46 (a) Organize, form, join and assist labor organizations, engage in collective  
47 bargaining and supplemental bargaining through exclusive representatives and  
48 engage in other concerted activities; and

49 (b) Refrain from engaging in such activity.

50 2. Collective bargaining and supplemental bargaining entail a mutual  
51 obligation of the Executive Department and an exclusive representative to meet at  
52 reasonable times and to bargain in good faith with respect to:

1 (a) The subjects of mandatory bargaining set forth in subsection 2 of NRS  
2 288.150, except paragraph (f) of that subsection;

3 (b) The negotiation of an agreement;

4 (c) The resolution of any question arising under an agreement; and

5 (d) The execution of a written contract incorporating the provisions of an  
6 agreement, if requested by either party.

7 3. The subject matters set forth in subsection 3 of NRS 288.150 are not within  
8 the scope of mandatory bargaining and are reserved to the Executive Department  
9 without negotiation.

10 4. Notwithstanding the provisions of any collective bargaining agreement  
11 negotiated pursuant to the provisions of NRS 288.400 to 288.630, inclusive, the  
12 Executive Department is entitled to take the actions set forth in paragraph (b) of  
13 subsection ~~5~~ 6 of NRS 288.150. Any action taken under the provisions of this  
14 subsection must not be construed as a failure to negotiate in good faith.

15 5. This section does not preclude, but the provisions of NRS 288.400 to  
16 288.630, inclusive, do not require, the Executive Department to negotiate subject  
17 matters set forth in subsection 3 which are outside the scope of mandatory  
18 bargaining. The Executive Department shall discuss subject matters outside the  
19 scope of mandatory bargaining but it is not required to negotiate those matters.

20 6. The Executive Department shall furnish to an exclusive representative data  
21 that is maintained in the ordinary course of business and which is relevant and  
22 necessary to the discussion of the subjects of mandatory bargaining described in  
23 subsection 2. This subsection shall not be construed to require the Executive  
24 Department to furnish to the exclusive representative any advice or training  
25 received by representatives of the Executive Department concerning collective  
26 bargaining.

27 7. To the greatest extent practicable, any decision issued by the Board before  
28 October 1, 2019, relating to the interpretation of, or the performance under, the  
29 provisions of NRS 288.150 shall be deemed to apply to any complaint arising out  
30 of the interpretation of, or performance under, the provisions of this section.

31 **Sec. 13.5. Chapter 338 of NRS is hereby amended by adding thereto a**  
32 **new section to read as follows:**

33 **Notwithstanding the protections in this chapter for hair texture and protective**  
34 **hairstyles, an employer may enforce health and safety requirements set forth in**  
35 **federal or state law.**

36 **Sec. 14.** NRS 338.125 is hereby amended to read as follows:

37 338.125 1. It is unlawful for any contractor in connection with the  
38 performance of work under a contract with a public body, when payment of the  
39 contract price, or any part of such payment, is to be made from public money, to  
40 refuse to employ or to discharge from employment any person because of his or her  
41 race, color, creed, national origin, sex, sexual orientation, gender identity or  
42 expression, or age, or to discriminate against a person with respect to hire, tenure,  
43 advancement, compensation or other terms, conditions or privileges of employment  
44 because of his or her race, creed, color, national origin, sex, sexual orientation,  
45 gender identity or expression, or age.

46 2. Contracts between contractors and public bodies must contain the  
47 following contractual provisions:

48  
49 In connection with the performance of work under this contract, the  
50 contractor agrees not to discriminate against any employee or applicant for  
51 employment because of race, creed, color, national origin, sex, sexual  
52 orientation, gender identity or expression, or age, including, without  
53 limitation, with regard to employment, upgrading, demotion or transfer,



1 recruitment or recruitment advertising, layoff or termination, rates of pay or  
 2 other forms of compensation, and selection for training, including, without  
 3 limitation, apprenticeship.

4 The contractor further agrees to insert this provision in all subcontracts  
 5 hereunder, except subcontracts for standard commercial supplies or raw  
 6 materials.

7  
 8 3. Any violation of such provision by a contractor constitutes a material  
 9 breach of contract.

10 4. As used in this section:

11 (a) "Gender identity or expression" means a gender-related identity,  
 12 appearance, expression or behavior of a person, regardless of the person's assigned  
 13 sex at birth.

14 (b) "*Protective hairstyle*" includes, without limitation, *hairstyles such as*  
 15 *natural hairstyles, afros, bantu knots, curls, braids, locks and twists.*

16 (c) "*Race*" includes ~~[ancestry, color, ethnic group identification, ethnic~~  
 17 ~~background and] traits [historically] associated with race, including, without~~  
 18 *limitation, hair texture and protective hairstyles.*

19 (d) "Sexual orientation" means having or being perceived as having an  
 20 orientation for heterosexuality, homosexuality or bisexuality.

21 **Sec. 15.** NRS 386.845 is hereby amended to read as follows:

22 386.845 1. A board of trustees of a school district may:

23 (a) Authorize for commercial advertising the use of buses owned by the school  
 24 district; and

25 (b) Establish the fees and other terms and conditions which are applicable to  
 26 such advertising.

27 2. Any advertising authorized pursuant to subsection 1:

28 (a) Must conform with all applicable local ordinances regarding signs; and

29 (b) Must not:

30 (1) Promote hostility, disorder or violence;

31 (2) Attack groups on the basis of their ethnicity, race, religion, sexual  
 32 orientation, or gender identity or expression;

33 (3) Invade the rights of others;

34 (4) Inhibit the functioning of the school;

35 (5) Override the school's identity;

36 (6) Promote the use of controlled substances, dangerous drugs, intoxicating  
 37 liquor, tobacco or firearms;

38 (7) Promote any religious organization;

39 (8) Contain political advertising; or

40 (9) Promote entertainment deemed improper or inappropriate by the board  
 41 of trustees.

42 3. The board of trustees of each school district that receives money pursuant  
 43 to subsection 1 shall establish a special revenue fund and direct that the money it  
 44 receives pursuant to subsection 1 be deposited in that fund. Money in the fund must  
 45 not be commingled with money from other sources. The board of trustees shall  
 46 disburse the money in the fund to the schools within its district giving preference to  
 47 the schools within the district that the district has classified as serving a significant  
 48 proportion of pupils who are economically disadvantaged.

49 4. A school that receives money pursuant to subsection 3 shall expend the  
 50 money only to purchase textbooks and laboratory equipment and to pay for field  
 51 trips.

52 5. *As used in this section:*

1 (a) “Protective hairstyle” includes, without limitation, hairstyles such as  
 2 natural hairstyles, afros, bantu knots, curls, braids, locks and twists.

3 ~~(b) “Race” includes [ancestry, color, ethnic group identification, ethnic~~  
 4 ~~background and] traits [historically] associated with race, including, without~~  
 5 ~~limitation, hair texture and protective hairstyles.~~

6 **Sec. 16.** NRS 386.855 is hereby amended to read as follows:

7 386.855 1. The board of trustees of a school district may, in consultation  
 8 with the schools within the district, parents and legal guardians of pupils who are  
 9 enrolled in the district, and associations and organizations representing licensed  
 10 educational personnel within the district, establish a policy that requires pupils to  
 11 wear school uniforms.

12 2. The policy must:

13 (a) Describe the uniforms;

14 (b) Designate which pupils must wear the uniforms;

15 (c) Designate the hours or events during which the uniforms must be worn; and

16 (d) To the extent practicable, be consistent with the policy adopted pursuant to  
 17 NRS 392.453.

18 3. If the board of trustees of a school district establishes a policy that requires  
 19 pupils to wear school uniforms, the board shall facilitate the acquisition of school  
 20 uniforms for pupils whose parents or legal guardians request financial assistance to  
 21 purchase the uniforms.

22 4. The board of trustees of a school district may establish a dress code  
 23 enforceable during school hours for the teachers and other personnel employed by  
 24 the board of trustees.

25 5. A dress code or a policy that requires pupils to wear school uniforms may  
 26 not discriminate against a pupil based on [his or her] race. [Discrimination] Race  
 27 discrimination prohibited by this subsection includes, without limitation,  
 28 [considering] the enforcement of a dress code or policy that requires school  
 29 uniforms whereby a pupil’s hair texture, hairstyle, including, without limitation,  
 30 a protective hairstyle, or [protective hairstyles a violation of] other trait associated  
 31 with race violates the dress code or the policy. [that requires pupils to wear  
 32 school uniforms.]

33 6. As used in this section:

34 (a) “Protective hairstyle” includes, without limitation, hairstyles such as  
 35 natural hairstyles, afros, bantu knots, curls, braids, locks and twists.

36 (b) “Race” includes ~~[ancestry, color, ethnic group identification, ethnic~~  
 37 ~~background and] traits [historically] associated with race, including, without~~  
 38 ~~limitation, hair texture and protective hairstyles.~~

39 **Sec. 17.** Chapter 388 of NRS is hereby amended by adding thereto the  
 40 provisions set forth as sections 18 and 19 of this act.

41 **Sec. 18.** “Protective hairstyle” includes, without limitation, hairstyles such  
 42 as natural hairstyles, afros, bantu knots, curls, braids, locks and twists.

43 **Sec. 19.** “Race” includes ~~[ancestry, color, ethnic group identification,~~  
 44 ~~ethnic background and] traits [historically] associated with race, including,~~  
 45 ~~without limitation, hair texture and protective hairstyles.~~

46 **Sec. 20.** NRS 388.121 is hereby amended to read as follows:

47 388.121 As used in NRS 388.121 to 388.1395, inclusive, and sections 18 and  
 48 19 of this act, unless the context otherwise requires, the words and terms defined in  
 49 NRS 388.1215 to 388.127, inclusive, and sections 18 and 19 of this act have the  
 50 meanings ascribed to them in those sections.

1       **Sec. 21.** NRS 388A.453 is hereby amended to read as follows:

2       388A.453 1. An application for enrollment in a charter school may be  
3 submitted annually to the governing body of the charter school by the parent or  
4 legal guardian of any child who resides in this State.

5       2. Except as otherwise provided in subsections 1 to 5, inclusive, NRS  
6 388A.336, subsections 1 and 2 of NRS 388A.456, and any applicable federal law,  
7 including, without limitation, 42 U.S.C. §§ 11301 et seq., a charter school shall  
8 enroll pupils who are eligible for enrollment in the order in which the applications  
9 are received.

10       3. If the board of trustees of the school district in which the charter school is  
11 located has established zones of attendance pursuant to NRS 388.040, the charter  
12 school shall, if practicable, ensure that the racial composition of pupils enrolled in  
13 the charter school does not differ by more than 10 percent from the racial  
14 composition of pupils who attend public schools in the zone in which the charter  
15 school is located.

16       4. If a charter school is sponsored by the board of trustees of a school district  
17 located in a county whose population is 100,000 or more, except for a program of  
18 distance education provided by the charter school, the charter school shall enroll  
19 pupils who are eligible for enrollment who reside in the school district in which the  
20 charter school is located before enrolling pupils who reside outside the school  
21 district.

22       5. Except as otherwise provided in subsections 1 and 2 of NRS 388A.456, if  
23 more pupils who are eligible for enrollment apply for enrollment in the charter  
24 school than the number of spaces which are available, the charter school shall  
25 determine which applicants to enroll pursuant to subsections 1 to 4, inclusive, on  
26 the basis of a lottery system.

27       6. Except as otherwise provided in subsection 8, a charter school shall not  
28 accept applications for enrollment in the charter school or otherwise discriminate  
29 based on the:

- 30       (a) Race;  
31       (b) Gender;  
32       (c) Religion;  
33       (d) Ethnicity;  
34       (e) Disability;  
35       (f) Sexual orientation; or  
36       (g) Gender identity or expression,

37       ↳ of a pupil.

38       7. A lottery held pursuant to subsection 5 must be held not sooner than 45  
39 days after the date on which a charter school begins accepting applications for  
40 enrollment unless the sponsor of the charter school determines there is good cause  
41 to hold it sooner.

42       8. This section does not preclude the formation of a charter school that is  
43 dedicated to provide educational services exclusively to pupils:

- 44       (a) With disabilities;  
45       (b) Who pose such severe disciplinary problems that they warrant a specific  
46 educational program, including, without limitation, a charter school specifically  
47 designed to serve a single gender that emphasizes personal responsibility and  
48 rehabilitation; or

49       (c) Who are at risk or, for a charter school that is eligible to be rated using the  
50 alternative performance framework pursuant to subsection 4 of NRS 385A.740,  
51 who are described in subparagraphs (1) to (6), inclusive, of paragraph (a) of  
52 subsection 3 of NRS 385A.740.

1     ↳ If more eligible pupils apply for enrollment in such a charter school than the  
2     number of spaces which are available, the charter school shall determine which  
3     applicants to enroll pursuant to this subsection on the basis of a lottery system.

4     **9. As used in this section:**

5     (a) *“Protective hairstyle” includes, without limitation, hairstyles such as*  
6     *natural hairstyles, afros, bantu knots, curls, braids, locks and twists.*

7     (b) *“Race” includes ~~[ancestry, color, ethnic group identification, ethnic~~*  
8     *~~background and] traits [historically] associated with race, including, without~~*  
9     *limitation, hair texture and protective hairstyles.*

10    **Sec. 22.** NRS 388C.010 is hereby amended to read as follows:

11    388C.010 1. The Legislature declares that the primary consideration of the  
12    Legislature when enacting legislation regarding the appropriate instruction of  
13    profoundly gifted pupils in Nevada is to pursue all suitable means for the promotion  
14    of intellectual, literary and scientific improvements to the system of public  
15    instruction in a manner that will best serve the interests of all pupils, including  
16    profoundly gifted pupils.

17    2. The Legislature further declares that there are pupils enrolled in the public  
18    middle schools, junior high schools and high schools in this State who are so  
19    profoundly gifted that their educational needs are not being met by the schools in  
20    which they are enrolled, and by participating in an accelerated program of  
21    education, these pupils may obtain early admission to university studies. These  
22    accelerated programs should be designed to address the different and distinct  
23    learning styles and needs of these profoundly gifted pupils.

24    3. It is the intent of the Legislature that participation in such accelerated  
25    programs of education for profoundly gifted pupils be open to all qualified  
26    applicants, regardless of race, culture, ethnicity, economic means, sexual  
27    orientation, or gender identity or expression, and that specific criteria for admission  
28    into those programs be designed to determine the potential for success of an  
29    applicant.

30    4. It is further the intent of the Legislature to support and encourage the  
31    ongoing development of innovative educational programs and tools to improve the  
32    educational opportunities of profoundly gifted pupils, regardless of race, culture,  
33    ethnicity, economic means, sexual orientation, or gender identity or expression and  
34    to increase the educational opportunities of pupils who are identified as profoundly  
35    gifted, gifted and talented, having special educational needs or being at risk for  
36    underachievement.

37    **5. As used in this section:**

38    (a) *“Protective hairstyle” includes, without limitation, hairstyles such as*  
39    *natural hairstyles, afros, bantu knots, curls, braids, locks and twists.*

40    (b) *“Race” includes ~~[ancestry, color, ethnic group identification, ethnic~~*  
41    *~~background and] traits [historically] associated with race, including, without~~*  
42    *limitation, hair texture and protective hairstyles.*

43    **Sec. 23.** Chapter 391 of NRS is hereby amended by adding thereto a new  
44    section to read as follows:

45    1. ~~[Notwithstanding]~~ *Except as otherwise provided in subsection 4,*  
46    *notwithstanding the provisions of any collective bargaining agreement to the*  
47    *contrary, if the superintendent of schools or the board of trustees of a school*  
48    *district includes testing as a factor in a decision regarding the vertical promotion*  
49    *of an employee:*

50    (a) *The testing must be conducted by a third party which is independent from*  
51    *the superintendent or the board of trustees, as applicable.*

52    (b) *A third party which conducts a test must send to each employee who takes*  
53    *the test a confidential electronic mail message which contains the employee’s test*

1 score. The third party must send an employee's test score to the employee and the  
 2 superintendent or the board of trustees at the same time.

3 (c) The superintendent or the board of trustees, as applicable, shall not  
 4 produce a list of the employees who took the test, ranked in order of their test  
 5 scores, until after the third party which conducted the test has sent each employee  
 6 his or her test score pursuant to paragraph (b).

7 (d) An employee who is aggrieved by his or her test score may appeal the  
 8 testing process.

9 2. During the appeal process authorized by paragraph (d) of subsection 1:

10 (a) The employee who appeals the testing process is entitled to see:

11 (1) How his or her test was graded; and

12 (2) The questions which the employee answered incorrectly. ~~and~~

13 ~~(3) The correct answers for the questions which the employee answered~~  
 14 ~~incorrectly.]~~

15 (b) The superintendent or the board of trustees, as applicable, shall ensure  
 16 that the employee was ranked properly based on the employee's test score.

17 3. A person who tampers with the score of a test taken by an employee is  
 18 guilty of a category E felony and shall be punished as provided in NRS 193.130.

19 4. The provisions of this section do not apply to a district or school  
 20 department that has less than 200 employees.

21 5. As used in this section, "test" and "testing" includes, without limitation,  
 22 a written test, oral board or any other form or format of test of knowledge, skills,  
 23 achievement or aptitude.

24 **Sec. 24.** Chapter 392 of NRS is hereby amended by adding thereto a new  
 25 section to read as follows:

26 1. A pupil enrolled in a public school may not be disciplined, including,  
 27 without limitation, pursuant to subsection 5 of NRS 386.855 or NRS 392.466 or  
 28 392.467, based on the race of the pupil.

29 2. As used in this section:

30 (a) "Protective hairstyle" includes, without limitation, hairstyles such as  
 31 natural hairstyles, afros, bantu knots, curls, braids, locks and twists.

32 (b) "Race" includes ~~[ancestry, color, ethnic group identification, ethnic~~  
 33 ~~background and] traits [historically] associated with race, including, without~~  
 34 ~~limitation, hair texture and protective hairstyles.~~

35 **Sec. 25.** NRS 396.530 is hereby amended to read as follows:

36 396.530 1. The Board of Regents shall not discriminate in the admission of  
 37 students on account of national origin, religion, age, physical disability, sex, sexual  
 38 orientation, gender identity or expression, race or color.

39 2. As used in this section:

40 (a) "Protective hairstyle" includes, without limitation, hairstyles such as  
 41 natural hairstyles, afros, bantu knots, curls, braids, locks and twists.

42 (b) "Race" includes ~~[ancestry, color, ethnic group identification, ethnic~~  
 43 ~~background and] traits [historically] associated with race, including, without~~  
 44 ~~limitation, hair texture and protective hairstyles.~~

45 **Sec. 26.** 1. This section and sections 1 to 6, inclusive, 9 to 22, inclusive,  
 46 24 and 25 of this act [become] become effective upon passage and approval.

47 2. Sections 7, 8 and 23 of this act become effective on October 1, 2021.