

Amendment No. 570

Assembly Amendment to Senate Bill No. 327 First Reprint	(BDR 53-574)
Proposed by: Assembly Committee on Commerce and Labor	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No	

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.



SENATE BILL NO. 327—SENATORS NEAL AND D. HARRIS

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:

1 Existing law establishes that it is the policy of this State to foster the right of all persons
2 to reasonably seek, obtain and hold employment without discrimination, distinction or
3 restriction because of race, religious creed, color, age, sex, disability, sexual orientation,
4 gender identity or expression, national origin or ancestry. (NRS 233.010) In addition, existing
5 law prohibits certain employers, employment agencies, labor organizations, joint labor-
6 management committees or contractors from engaging in certain discriminatory employment
7 practices. For example, it is an unlawful employment practice to fail to hire or to fire or
8 otherwise discriminate against a person, or to limit or segregate or classify an employee on the
9 basis of race, color, religion, sex, sexual orientation, age, disability or national origin, except
10 in certain circumstances. (NRS 338.125, 613.330, 613.340, 613.350, 613.380) **Sections 1, 3, 2,**
11 **4, 9 and 14** of this bill define “race” to include traits associated with race, including, without
12 limitation, hair texture and protective hairstyles. Similar protections are provided in other
13 contexts by the following sections. **Section 10** of this bill defines “race” to include traits
14 associated with race for the purpose of prohibiting discrimination on the basis of race within
15 the State Personnel System. (NRS 284.150, 284.385) **Section 12** of this bill revises provisions
16 governing relations with local government employers to prohibit discrimination on the basis

17 of traits associated with race. (NRS 288.270) **Section 15** of this bill revises the restrictions for
18 commercial advertising on a school bus by prohibiting advertising that attacks groups based
19 on traits associated with race. (NRS 386.845) **Section 16** of this bill prohibits a dress code or
20 policy that requires pupils to wear school uniforms to discriminate against a pupil based on
21 race. (NRS 386.855) **Sections 21, 22 and 25** of this bill prohibit discrimination based upon
22 traits associated with race for enrollment in a charter school, a university school for
23 profoundly gifted pupils or the Nevada System of Higher Education. (NRS 388A.453,
24 388C.010, 396.530) **Section 24** of this bill prohibits a pupil from being disciplined based on
25 his or her race.

26 Existing law authorizes the Nevada Equal Rights Commission to investigate tensions,
27 practices of discrimination and acts of prejudice against any person with regard to
28 employment based on race, color, creed, sex, age, disability, gender identity or expression,
29 national origin or ancestry. (NRS 233.150) Existing law provides that, if the Commission does
30 not conclude that an unfair employment practice has occurred, the Commission is required to
31 provide certain information to a complainant regarding his or her rights. (NRS 613.420)
32 **Section 3** of this bill requires the Commission to provide the complainant with certain
33 information relating to the filing of a charge alleging an unlawful employment practice with
34 the United States Equal Employment Opportunity Commission and the process by which the
35 Equal Employment Opportunity Commission conducts a review of the Nevada Equal Rights
36 Commission's conclusion. **Section 5** of this bill defines "race" to include traits associated with
37 race for the purpose of serving as the basis upon which the Commission may investigate an
38 allegation of discrimination.

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

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

49 Existing law requires the Department of Education to prescribe a policy for all school
50 districts and schools in this State to provide a safe and respectful learning environment that is
51 free of bullying and cyber-bullying, including the provision of training to school personnel
52 and requirements for reporting violations of the policy. (NRS 388.133) **Sections 18 and 19** of
53 this bill define "protective hairstyle" and "race" for the purposes of those provisions which
54 require safe and respectful learning environments and prohibit bullying and cyber-bullying.
55 **Section 20** of this bill makes a conforming change to indicate the placement of **sections 18**
56 **and 19** within the Nevada Revised Statutes.

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

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

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

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

7 610.010 As used in this chapter, unless the context otherwise requires:

8 1. "Agreement" means a written and signed agreement of indenture as an
9 apprentice.

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

4 3. “Council” means the State Apprenticeship Council created by NRS
5 610.030.

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

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

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

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

11 5. “Executive Director” means the Executive Director of the Office of
12 Workforce Innovation.

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

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

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

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

22 10. *“Race” includes traits associated with race, including, without*
23 *limitation, hair texture and protective hairstyles.*

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

26 ~~10.~~ 12. “State Apprenticeship Director” means the person appointed
27 pursuant to NRS 610.110.

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

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

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

34 613.310 As used in NRS 613.310 to 613.4383, inclusive, unless the context
35 otherwise requires:

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

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

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

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

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

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

46 (b) Any Indian tribe.

47 (c) Any private membership club exempt from taxation pursuant to 26 U.S.C. §
48 501(c).

49 3. “Employment agency” means any person regularly undertaking with or
50 without compensation to procure employees for an employer or to procure for
51 employees opportunities to work for an employer, but does not include any agency
52 of the United States.

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

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

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

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

12 8. *"Race" includes traits associated with race, including, without limitation,*
13 *hair texture and protective hairstyles.*

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

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

17 613.420 1. If the Nevada Equal Rights Commission does not conclude that
18 an unfair employment practice within the scope of NRS 613.310 to 613.4383,
19 inclusive, has occurred, the Commission shall issue:

20 (a) A letter to the person who filed the complaint pursuant to NRS 613.405
21 notifying the person of his or her rights pursuant to subsection 2. ~~{-and}~~

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

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

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

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

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

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

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

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

44 233.010 1. It is hereby declared to be the public policy of the State of
45 Nevada to protect the welfare, prosperity, health and peace of all the people of the
46 State, and to foster the right of all persons reasonably to seek and obtain housing
47 accommodations without discrimination, distinction or restriction because of race,
48 religious creed, color, age, sex, disability, sexual orientation, gender identity or
49 expression, national origin or ancestry.

50 2. It is hereby declared to be the public policy of the State of Nevada to
51 protect the welfare, prosperity, health and peace of all the people of the State, and
52 to foster the right of all persons reasonably to seek and be granted services in places
53 of public accommodation without discrimination, distinction or restriction because

1 of race, religious creed, color, age, sex, disability, sexual orientation, national
2 origin, ancestry or gender identity or expression.

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

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

11 (b) *“Race” includes traits associated with race, including, without limitation,*
12 *hair texture and protective hairstyles.*

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

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

18 233.150 The Commission may:

19 1. Order its Administrator to:

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

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

28 (c) With regard to employment, investigate:

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

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

36 *↪ As used in this paragraph, “race” includes traits associated with race,*
37 *including, without limitation, hair texture and protective hairstyles, as defined in*
38 *paragraph (a) of subsection 3 of NRS 233.010.*

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

41 3. Issue subpoenas for the attendance of witnesses or for the production of
42 documents or tangible evidence relevant to any investigations or hearings
43 conducted by the Commission.

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

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

48 **Sec. 6.** (Deleted by amendment.)

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

51 *1. Except as otherwise provided in subsection 4, notwithstanding the*
52 *provisions of any collective bargaining agreement to the contrary, if a board of*
53 *county commissioners, a county officer or any other person acting on behalf of a*

1 *county includes testing as a factor in a decision regarding the vertical promotion*
2 *of an employee:*

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

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

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

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

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

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

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

21 *(2) The questions which the employee answered incorrectly.*

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

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

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

29 *5. As used in this section, "test" and "testing" includes, without limitation,*
30 *a written test or oral board.*

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

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

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

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

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

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

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

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

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

53 *(2) The questions which the employee answered incorrectly.*

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

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

6 4. *The provisions of this section do not apply to ~~§§~~:*

7 *(a) A city department that has less than 200 employees §§; or*

8 *(b) An incorporated city if the city has a civil service commission that*
9 *appoints a chief examiner and the chief examiner:*

10 *(1) Serves at the pleasure of the civil service commission;*

11 *(2) Is not answerable to any city officer or the governing body of the*
12 *incorporated city other than the civil service commission; and*

13 *(3) Is not a director of human resources for the civil service commission*
14 *or the city.*

15 5. *As used in this section, "test" and "testing" includes, without limitation,*
16 *a written test or oral board.*

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

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

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

23 281.370 1. All personnel actions taken by state, county or municipal
24 departments, housing authorities, agencies, boards or appointing officers thereof
25 must be based solely on merit and fitness.

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

33 3. As used in this section:

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

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

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

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

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

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

44 (d) "*Race*" includes traits associated with race, including, without limitation,
45 *hair texture and protective hairstyles.*

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

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

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

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

2 284.015 As used in this chapter, unless the context otherwise requires:

3 1. “Administrator” means the Administrator of the Division.

4 2. “Commission” means the Personnel Commission.

5 3. “Disability,” includes, but is not limited to, physical disability, intellectual
6 disability and mental or emotional disorder.

7 4. “Division” means the Division of Human Resource Management of the
8 Department of Administration.

9 5. “Essential functions” has the meaning ascribed to it in 29 C.F.R. § 1630.2.

10 6. *“Protective hairstyle” includes, without limitation, hairstyles such as*
11 *natural hairstyles, afros, bantu knots, curls, braids, locks and twists.*

12 7. “Public service” means positions providing service for any office,
13 department, board, commission, bureau, agency or institution in the Executive
14 Department of the State Government operating by authority of the Constitution or
15 law, and supported in whole or in part by any public money, whether the money is
16 received from the Government of the United States or any branch or agency
17 thereof, or from private or any other sources.

18 ~~7.7~~ 8. *“Race” includes traits associated with race, including, without*
19 *limitation, hair texture and protective hairstyles.*

20 9. “Veteran” means a person who:

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

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

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

27 (3) Commissioned Corps of the United States Public Health Service or the
28 Commissioned Corps of the National Oceanic and Atmospheric Administration of
29 the United States and served in the capacity of a commissioned officer while on
30 active duty in defense of the United States; and

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

32 ~~8.8~~ 10. “Veteran with a service-connected disability” has the meaning
33 ascribed to it in NRS 338.13843 and includes a veteran who is deemed to be a
34 veteran with a service-connected disability pursuant to NRS 417.0187.

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

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

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

41 288.150 1. Except as otherwise provided in subsection ~~5.5~~ 6 and NRS
42 354.6241, every local government employer shall negotiate in good faith through
43 one or more representatives of its own choosing concerning the mandatory subjects
44 of bargaining set forth in subsection 2 with the designated representatives of the
45 recognized employee organization, if any, for each appropriate bargaining unit
46 among its employees. If either party so requests, agreements reached must be
47 reduced to writing.

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

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

50 (b) Sick leave.

51 (c) Vacation leave.

52 (d) Holidays.

53 (e) Other paid or unpaid leaves of absence.

- 1 (f) Insurance benefits.
- 2 (g) Total hours of work required of an employee on each workday or
3 workweek.
- 4 (h) Total number of days' work required of an employee in a work year.
- 5 (i) Except as otherwise provided in subsections ~~{7}~~ 8 and ~~{10}~~ 11, discharge
6 and disciplinary procedures.
- 7 (j) Recognition clause.
- 8 (k) The method used to classify employees in the bargaining unit.
- 9 (l) Deduction of dues for the recognized employee organization.
- 10 (m) Protection of employees in the bargaining unit from discrimination
11 because of participation in recognized employee organizations consistent with the
12 provisions of this chapter.
- 13 (n) No-strike provisions consistent with the provisions of this chapter.
- 14 (o) Grievance and arbitration procedures for resolution of disputes relating to
15 interpretation or application of collective bargaining agreements.
- 16 (p) General savings clauses.
- 17 (q) Duration of collective bargaining agreements.
- 18 (r) Safety of the employee.
- 19 (s) Teacher preparation time.
- 20 (t) Materials and supplies for classrooms.
- 21 (u) Except as otherwise provided in subsections ~~{8}~~ 9 and ~~{10}~~ 11, the policies
22 for the transfer and reassignment of teachers.
- 23 (v) Procedures for reduction in workforce consistent with the provisions of this
24 chapter.
- 25 (w) Procedures consistent with the provisions of subsection ~~{5}~~ 6 for the
26 reopening of collective bargaining agreements for additional, further, new or
27 supplementary negotiations during periods of fiscal emergency.
- 28 3. Those subject matters which are not within the scope of mandatory
29 bargaining and which are reserved to the local government employer without
30 negotiation include:
- 31 (a) Except as otherwise provided in paragraph (u) of subsection 2, the right to
32 hire, direct, assign or transfer an employee, but excluding the right to assign or
33 transfer an employee as a form of discipline.
- 34 (b) The right to reduce in force or lay off any employee because of lack of
35 work or lack of money, subject to paragraph (v) of subsection 2.
- 36 (c) The right to determine:
- 37 (1) Appropriate staffing levels and work performance standards, except for
38 safety considerations;
- 39 (2) The content of the workday, including without limitation workload
40 factors, except for safety considerations;
- 41 (3) The quality and quantity of services to be offered to the public; and
42 (4) The means and methods of offering those services.
- 43 (d) Safety of the public.
- 44 4. *The provisions of sections 7, 8 and 23 of this act are not subject to*
45 *negotiations with an employee organization. Any provision of a collective*
46 *bargaining agreement negotiated pursuant to this chapter which differs from or*
47 *conflicts in any way with the provisions of section 7, 8 or 23 of this act is*
48 *unenforceable and void.*
- 49 5. If the local government employer is a school district, any money
50 appropriated by the State to carry out increases in salaries or benefits for the
51 employees of the school district is subject to negotiations with an employee
52 organization.

1 ~~§5.~~ 6. Notwithstanding the provisions of any collective bargaining agreement
2 negotiated pursuant to this chapter, a local government employer is entitled to:

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

9 (1) If the amount of revenue received by the general fund of the local
10 government employer during the last preceding fiscal year from all sources, except
11 any nonrecurring source, declined by 5 percent or more from the amount of revenue
12 received by the general fund from all sources, except any nonrecurring source,
13 during the next preceding fiscal year, as reflected in the reports of the annual audits
14 conducted for those fiscal years for the local government employer pursuant to
15 NRS 354.624; or

16 (2) If the local government employer has budgeted an unreserved ending
17 fund balance in its general fund for the current fiscal year in an amount equal to 4
18 percent or less of the actual expenditures from the general fund for the last
19 preceding fiscal year, and the local government employer has provided a written
20 explanation of the budgeted ending fund balance to the Department of Taxation that
21 includes the reason for the ending fund balance and the manner in which the local
22 government employer plans to increase the ending fund balance.

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

27 ~~↳~~ Any action taken under the provisions of this subsection must not be construed
28 as a failure to negotiate in good faith.

29 ~~§6.~~ 7. The provisions of this chapter, including without limitation the
30 provisions of this section, recognize and declare the ultimate right and
31 responsibility of the local government employer to manage its operation in the most
32 efficient manner consistent with the best interests of all its citizens, its taxpayers
33 and its employees.

34 ~~§7.~~ 8. If the sponsor of a charter school reconstitutes the governing body of a
35 charter school pursuant to NRS 388A.330, the new governing body may terminate
36 the employment of any teachers or other employees of the charter school, and any
37 provision of any agreement negotiated pursuant to this chapter that provides
38 otherwise is unenforceable and void.

39 ~~§8.~~ 9. The board of trustees of a school district in which a school is
40 designated as a turnaround school pursuant to NRS 388G.400 or the principal of
41 such a school, as applicable, may take any action authorized pursuant to NRS
42 388G.400, including, without limitation:

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

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

46 ~~§9.~~ 10. Any provision of an agreement negotiated pursuant to this chapter
47 which differs from or conflicts in any way with the provisions of subsection ~~§8.~~ 9 or
48 imposes consequences on the board of trustees of a school district or the principal
49 of a school for taking any action authorized pursuant to subsection ~~§8.~~ 9 is
50 unenforceable and void.

51 ~~§10.~~ 11. The board of trustees of a school district or the governing body of a
52 charter school or university school for profoundly gifted pupils may use a
53 substantiated report of the abuse or neglect of a child or a violation of NRS

1 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central
2 Registry for the Collection of Information Concerning the Abuse or Neglect of a
3 Child established by NRS 432.100 or an equivalent registry maintained by a
4 governmental agency in another jurisdiction for the purposes authorized by NRS
5 388A.515, 388C.200, 391.033, 391.104 or 391.281, as applicable. Such purposes
6 may include, without limitation, making a determination concerning the
7 assignment, discipline or termination of an employee. Any provision of any
8 agreement negotiated pursuant to this chapter which conflicts with the provisions of
9 this subsection is unenforceable and void.

10 ~~11.1~~ 12. This section does not preclude, but this chapter does not require, the
11 local government employer to negotiate subject matters enumerated in subsection 3
12 which are outside the scope of mandatory bargaining. The local government
13 employer shall discuss subject matters outside the scope of mandatory bargaining
14 but it is not required to negotiate those matters.

15 ~~12.2~~ 13. Contract provisions presently existing in signed and ratified
16 agreements as of May 15, 1975, at 12 p.m. remain negotiable.

17 ~~13.3~~ 14. As used in this section, "abuse or neglect of a child" has the
18 meaning ascribed to it in NRS 392.281.

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

20 288.270 1. It is a prohibited practice for a local government employer or its
21 designated representative willfully to:

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

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

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

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

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

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

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

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

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

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

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

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

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

53 **3. 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 traits associated with race, including, without limitation,*
4 *hair texture and protective hairstyles.*

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

6 288.500 1. For the purposes of collective bargaining, supplemental
7 bargaining and other mutual aid or protection, employees have the right to:

8 (a) Organize, form, join and assist labor organizations, engage in collective
9 bargaining and supplemental bargaining through exclusive representatives and
10 engage in other concerted activities; and

11 (b) Refrain from engaging in such activity.

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

15 (a) The subjects of mandatory bargaining set forth in subsection 2 of NRS
16 288.150, except paragraph (f) of that subsection;

17 (b) The negotiation of an agreement;

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

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

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

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

29 5. This section does not preclude, but the provisions of NRS 288.400 to
30 288.630, inclusive, do not require, the Executive Department to negotiate subject
31 matters set forth in subsection 3 which are outside the scope of mandatory
32 bargaining. The Executive Department shall discuss subject matters outside the
33 scope of mandatory bargaining but it is not required to negotiate those matters.

34 6. The Executive Department shall furnish to an exclusive representative data
35 that is maintained in the ordinary course of business and which is relevant and
36 necessary to the discussion of the subjects of mandatory bargaining described in
37 subsection 2. This subsection shall not be construed to require the Executive
38 Department to furnish to the exclusive representative any advice or training
39 received by representatives of the Executive Department concerning collective
40 bargaining.

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

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

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

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

51 338.125 1. It is unlawful for any contractor in connection with the
52 performance of work under a contract with a public body, when payment of the
53 contract price, or any part of such payment, is to be made from public money, to

1 refuse to employ or to discharge from employment any person because of his or her
2 race, color, creed, national origin, sex, sexual orientation, gender identity or
3 expression, or age, or to discriminate against a person with respect to hire, tenure,
4 advancement, compensation or other terms, conditions or privileges of employment
5 because of his or her race, creed, color, national origin, sex, sexual orientation,
6 gender identity or expression, or age.

7 2. Contracts between contractors and public bodies must contain the
8 following contractual provisions:
9

10 In connection with the performance of work under this contract, the
11 contractor agrees not to discriminate against any employee or applicant for
12 employment because of race, creed, color, national origin, sex, sexual
13 orientation, gender identity or expression, or age, including, without
14 limitation, with regard to employment, upgrading, demotion or transfer,
15 recruitment or recruitment advertising, layoff or termination, rates of pay or
16 other forms of compensation, and selection for training, including, without
17 limitation, apprenticeship.

18 The contractor further agrees to insert this provision in all subcontracts
19 hereunder, except subcontracts for standard commercial supplies or raw
20 materials.
21

22 3. Any violation of such provision by a contractor constitutes a material
23 breach of contract.

24 4. As used in this section:

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

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

30 (c) "*Race*" includes *traits associated with race, including, without limitation,*
31 *hair texture and protective hairstyles.*

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

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

35 386.845 1. A board of trustees of a school district may:

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

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

40 2. Any advertising authorized pursuant to subsection 1:

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

42 (b) Must not:

43 (1) Promote hostility, disorder or violence;

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

46 (3) Invade the rights of others;

47 (4) Inhibit the functioning of the school;

48 (5) Override the school's identity;

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

51 (7) Promote any religious organization;

52 (8) Contain political advertising; or

1 (9) Promote entertainment deemed improper or inappropriate by the board
2 of trustees.

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

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

13 5. *As used in this section:*

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

16 (b) *“Race” includes traits associated with race, including, without limitation,*
17 *hair texture and protective hairstyles.*

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

19 386.855 1. The board of trustees of a school district may, in consultation
20 with the schools within the district, parents and legal guardians of pupils who are
21 enrolled in the district, and associations and organizations representing licensed
22 educational personnel within the district, establish a policy that requires pupils to
23 wear school uniforms.

24 2. The policy must:

25 (a) Describe the uniforms;

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

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

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

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

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

37 5. *A dress code or a policy that requires pupils to wear school uniforms may*
38 *not discriminate against a pupil based on race. Race discrimination prohibited by*
39 *this subsection includes, without limitation, the enforcement of a dress code or*
40 *policy that requires school uniforms whereby a pupil’s hair texture, hairstyle,*
41 *including, without limitation, a protective hairstyle, or other trait associated with*
42 *race violates the dress code or the policy.*

43 6. *As used in this section:*

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

46 (b) *“Race” includes traits associated with race, including, without limitation,*
47 *hair texture and protective hairstyles.*

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

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

52 **Sec. 19.** *“Race” includes traits associated with race, including, without*
53 *limitation, hair texture and protective hairstyles.*

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

2 388.121 As used in NRS 388.121 to 388.1395, inclusive, *and sections 18 and*
3 *19 of this act*, unless the context otherwise requires, the words and terms defined in
4 NRS 388.1215 to 388.127, inclusive, *and sections 18 and 19 of this act* have the
5 meanings ascribed to them in those sections.

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

7 388A.453 1. An application for enrollment in a charter school may be
8 submitted annually to the governing body of the charter school by the parent or
9 legal guardian of any child who resides in this State.

10 2. Except as otherwise provided in subsections 1 to 5, inclusive, NRS
11 388A.336, subsections 1 and 2 of NRS 388A.456, and any applicable federal law,
12 including, without limitation, 42 U.S.C. §§ 11301 et seq., a charter school shall
13 enroll pupils who are eligible for enrollment in the order in which the applications
14 are received.

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

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

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

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

- 35 (a) Race;
36 (b) Gender;
37 (c) Religion;
38 (d) Ethnicity;
39 (e) Disability;
40 (f) Sexual orientation; or
41 (g) Gender identity or expression,
42 ↳ of a pupil.

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

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

- 49 (a) With disabilities;
50 (b) Who pose such severe disciplinary problems that they warrant a specific
51 educational program, including, without limitation, a charter school specifically
52 designed to serve a single gender that emphasizes personal responsibility and
53 rehabilitation; or

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

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

8 **9. As used in this section:**

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

11 (b) *“Race” includes traits associated with race, including, without limitation,*
12 *hair texture and protective hairstyles.*

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

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

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

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

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

40 **5. As used in this section:**

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

43 (b) *“Race” includes traits associated with race, including, without limitation,*
44 *hair texture and protective hairstyles.*

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

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

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

1 ***(b) A third party which conducts a test must send to each employee who takes***
2 ***the test a confidential electronic mail message which contains the employee's test***
3 ***score. The third party must send an employee's test score to the employee and the***
4 ***superintendent or the board of trustees at the same time.***

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

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

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

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

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

14 ***(2) The questions which the employee answered 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 traits associated with race, including, without limitation,***
33 ***hair texture and protective hairstyles.***

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

35 396.530 ***1.*** The Board of Regents shall not discriminate in the admission of
36 students on account of national origin, religion, age, physical disability, sex, sexual
37 orientation, gender identity or expression, race or color.

38 ***2. As used in this section:***

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

41 ***(b) "Race" includes traits associated with race, including, without limitation,***
42 ***hair texture and protective hairstyles.***

43 **Sec. 26.** 1. This section and sections 1 to 6, inclusive, ~~§ 8.5~~ to 22,
44 inclusive, 24 and 25 of this act become effective upon passage and approval.

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