

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:

1 Existing law establishes that it is the policy of this State to foster the right of all
2 persons to reasonably seek, obtain and hold employment without discrimination,
3 distinction or restriction because of race, religious creed, color, age, sex, disability,
4 sexual orientation, gender identity or expression, national origin or ancestry. (NRS
5 233.010) In addition, existing law prohibits certain employers, employment
6 agencies, labor organizations, joint labor-management committees or contractors
7 from engaging in certain discriminatory employment practices. For example, it is



8 an unlawful employment practice to fail to hire or to fire or otherwise discriminate
9 against a person, or to limit or segregate or classify an employee on the basis of
10 race, color, religion, sex, sexual orientation, age, disability or national origin,
11 except in certain circumstances. (NRS 338.125, 613.330, 613.340, 613.350,
12 613.380) **Sections 1, 2, 4, 9 and 14** of this bill define “race” to include ancestry,
13 color, ethnic group identification, ethnic background and traits historically
14 associated with race, including, without limitation, hair texture and protective
15 hairstyles. Similar protections are provided in other contexts by the following
16 sections. **Section 10** of this bill defines “race” to include certain characteristics
17 associated with race for the purpose of prohibiting discrimination on the basis of
18 race within the State Personnel System. (NRS 284.150, 284.385) **Section 12** of this
19 bill revises provisions governing relations with local government employers to
20 prohibit discrimination on the basis of certain characteristics associated with race.
21 (NRS 288.270) **Section 15** of this bill revises the restrictions for commercial
22 advertising on a school bus by prohibiting advertising that attacks groups based on
23 certain characteristics associated with race. (NRS 386.845) **Section 16** of this bill
24 prohibits a dress code or policy that requires pupils to wear school uniforms to
25 discriminate against a pupil based on his or her race. (NRS 386.855) **Sections 21,**
26 **22 and 25** of this bill prohibit discrimination based upon certain characteristics
27 associated with race for enrollment in a charter school, a university school for
28 profoundly gifted pupils or the Nevada System of Higher Education. (NRS
29 388A.453, 388C.010, 396.530) **Section 24** of this bill prohibits a pupil from being
30 disciplined based on his or her race.

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

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

53 Existing law sets forth the subjects that are subject to negotiation with an
54 employee organization for the purposes of a collective bargaining agreement. (NRS
55 288.150) **Section 11** of this bill provides that the requirements governing testing
56 that is used by a county, city or school district, respectively, for a decision
57 regarding the promotion of an employee are not subject to such negotiation.
58 **Section 13** of this bill makes conforming changes to revise internal references.
59 (NRS 288.500)

60 Existing law requires the Department of Education to prescribe a policy for all
61 school districts and schools in this State to provide a safe and respectful learning
62 environment that is free of bullying and cyber-bullying, including the provision of



63 training to school personnel and requirements for reporting violations of the policy.
64 (NRS 388.133) **Sections 18 and 19** of this bill define "race" to include certain
65 characteristics associated with race for the purposes of those provisions which
66 require safe and respectful learning environments and prohibit bullying and cyber-
67 bullying. **Section 20** of this bill makes a conforming change to indicate the
68 placement of **sections 18 and 19** of this bill within the Nevada Revised Statutes.

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

1 **Section 1.** NRS 610.010 is hereby amended to read as follows:
2 610.010 As used in this chapter, unless the context otherwise
3 requires:

4 1. "Agreement" means a written and signed agreement of
5 indenture as an apprentice.

6 2. "Apprentice" means a person who is covered by a written
7 agreement, issued pursuant to a program with an employer, or with
8 an association of employers or an organization of employees acting
9 as agent for an employer.

10 3. "Council" means the State Apprenticeship Council created
11 by NRS 610.030.

12 4. "Disability" means, with respect to a person:

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

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

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

17 5. "Executive Director" means the Executive Director of the
18 Office of Workforce Innovation.

19 6. "Gender identity or expression" means a gender-related
20 identity, appearance, expression or behavior of a person, regardless
21 of the person's assigned sex at birth.

22 7. "Office of Workforce Innovation" means the Office of
23 Workforce Innovation in the Office of the Governor created by
24 NRS 223.800.

25 8. "Program" means a program of training and instruction as an
26 apprentice in an occupation in which a person may be apprenticed.

27 9. *"Protective hairstyle" includes, without limitation,*
28 *hairstyles such as braids, locks and twists.*

29 10. *"Race" includes ancestry, color, ethnic group*
30 *identification, ethnic background and traits historically associated*
31 *with race, including, without limitation, hair texture and*
32 *protective hairstyles.*

33 11. "Sexual orientation" means having or being perceived as
34 having an orientation for heterosexuality, homosexuality or
35 bisexuality.



1 ~~H0-1~~ 12. “State Apprenticeship Director” means the person
2 appointed pursuant to NRS 610.110.

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

4 613.310 As used in NRS 613.310 to 613.4383, inclusive,
5 unless the context otherwise requires:

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

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

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

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

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

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

18 (b) Any Indian tribe.

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

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

25 4. “Gender identity or expression” means a gender-related
26 identity, appearance, expression or behavior of a person, regardless
27 of the person’s assigned sex at birth.

28 5. “Labor organization” means any organization of any kind, or
29 any agency or employee representation committee or plan, in which
30 employees participate and which exists for the purpose, in whole or
31 in part, of dealing with employers concerning grievances, labor
32 disputes, wages, rates of pay, hours of employment or other
33 conditions of employment.

34 6. “Person” includes the State of Nevada and any of its
35 political subdivisions.

36 7. *“Protective hairstyle” includes, without limitation,*
37 *hairstyles such as braids, locks and twists.*

38 8. *“Race” includes ancestry, color, ethnic group*
39 *identification, ethnic background and traits historically associated*
40 *with race, including, without limitation, hair texture and*
41 *protective hairstyles.*

42 9. “Sexual orientation” means having or being perceived as
43 having an orientation for heterosexuality, homosexuality or
44 bisexuality.



1 **Sec. 3.** NRS 613.420 is hereby amended to read as follows:
2 613.420 1. If the Nevada Equal Rights Commission does not
3 conclude that an unfair employment practice within the scope of
4 NRS 613.310 to 613.4383, inclusive, has occurred, the Commission
5 shall issue:

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

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

13 (c) *To the person who filed the complaint pursuant to NRS*
14 *613.405, basic information relating to:*

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

18 (2) *The process by which the United States Equal*
19 *Employment Opportunity Commission conducts a review of the*
20 *Nevada Equal Rights Commission's conclusion pursuant to*
21 *42 U.S.C. § 2000e-5(b).*

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

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

30 233.010 1. It is hereby declared to be the public policy of the
31 State of Nevada to protect the welfare, prosperity, health and peace
32 of all the people of the State, and to foster the right of all persons
33 reasonably to seek and obtain housing accommodations without
34 discrimination, distinction or restriction because of race, religious
35 creed, color, age, sex, disability, sexual orientation, gender identity
36 or expression, national origin or ancestry.

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

44 3. 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



1 people of the State, and to foster the right of all persons reasonably
2 to seek, obtain and hold employment without discrimination,
3 distinction or restriction because of race, religious creed, color, age,
4 sex, disability, sexual orientation, gender identity or expression,
5 national origin or ancestry. *As used in this subsection:*

6 (a) *“Protective hairstyle” includes, without limitation,*
7 *hairstyles such as braids, locks and twists.*

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

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

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

19 233.150 The Commission may:

20 1. Order its Administrator to:

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

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

31 (c) With regard to employment, investigate:

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

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

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



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

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

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

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

10 **Sec. 6.** NRS 233.170 is hereby amended to read as follows:

11 233.170 1. When a complaint is filed whose allegations if
12 true would support a finding of unlawful practice, the Commission
13 shall determine whether to hold an informal meeting to attempt a
14 settlement of the dispute in accordance with the regulations adopted
15 pursuant to NRS 233.157. If the Commission determines to hold an
16 informal meeting, the Administrator may, to prepare for the
17 meeting, request from each party any information which is
18 reasonably relevant to the complaint. No further action may be taken
19 if the parties agree to a settlement.

20 2. If an agreement is not reached at the informal meeting, the
21 Administrator shall determine whether to conduct an investigation
22 into the alleged unlawful practice in accordance with the regulations
23 adopted pursuant to NRS 233.157. *If the Administrator makes a*
24 *determination to conduct an investigation, the investigation must*
25 *be completed not later than 13 months after the date on which the*
26 *complaint was filed with the Commission.* After the investigation,
27 if the Administrator determines that an unlawful practice has
28 occurred, the Administrator shall attempt to mediate between or
29 reconcile the parties. The party against whom a complaint was filed
30 may agree to cease the unlawful practice. If an agreement is
31 reached, no further action may be taken by the complainant or by
32 the Commission.

33 3. If the attempts at mediation or conciliation fail, the
34 Commission may hold a public hearing on the matter. After the
35 hearing, if the Commission determines that an unlawful practice has
36 occurred, it may:

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

40 (b) Order the person to:

41 (1) Cease and desist from the unlawful practice. The order
42 must include, without limitation, the corrective action the person
43 must take.

44 (2) In cases involving an unlawful employment practice,
45 restore all benefits and rights to which the aggrieved person is



1 entitled, including, but not limited to, rehiring, back pay for a period
2 described in subsection 4, annual leave time, sick leave time or pay,
3 other fringe benefits and seniority, with interest thereon from the
4 date of the Commission's decision at a rate equal to the prime rate at
5 the largest bank in Nevada, as ascertained by the Commissioner of
6 Financial Institutions, on January 1 or July 1, as the case may be,
7 immediately preceding the date of the Commission's decision, plus
8 2 percent. The rate of interest must be adjusted accordingly on each
9 January 1 and July 1 thereafter until the judgment is satisfied.

10 (3) In cases involving an unlawful employment practice
11 relating to discrimination on the basis of sex, pay an amount
12 determined to be appropriate by the Commission for lost wages that
13 would have been earned in the absence of discrimination or other
14 economic damages resulting from the discrimination, including,
15 without limitation, lost payment for overtime, shift differential, cost
16 of living adjustments, merit increases or promotions, or other fringe
17 benefits.

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

21 (I) For the first unlawful employment practice that the
22 person has engaged in during the immediately preceding 5 years
23 which the Commission determines was willful, not more than
24 \$5,000.

25 (II) For the second unlawful employment practice that the
26 person has engaged in during the immediately preceding 5 years
27 which the Commission determines was willful, not more than
28 \$10,000.

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

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

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



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

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

18 8. For the purposes of this section, an unlawful employment
19 practice shall be deemed to be willful if a person engages in the
20 practice with knowledge that it is unlawful or with reckless
21 indifference to whether it is lawful or unlawful.

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

24 *1. Notwithstanding the provisions of any collective*
25 *bargaining agreement to the contrary, if a board of county*
26 *commissioners, a county officer or any other person acting on*
27 *behalf of a county includes testing as a factor in a decision*
28 *regarding the promotion of an employee:*

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

33 *(b) A third party which conducts a test must send to each*
34 *employee who takes the test a confidential electronic mail message*
35 *which contains the employee's test score.*

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

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

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



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

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

4 (2) *The questions which the employee answered*
5 *incorrectly; and*

6 (3) *The correct answers for the questions which the*
7 *employee answered incorrectly.*

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

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

15 4. *As used in this section, "test" and "testing" includes,*
16 *without limitation, a written test, oral board or any other form or*
17 *format of test of knowledge, skills, achievement or aptitude.*

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

20 1. *Notwithstanding the provisions of any collective*
21 *bargaining agreement to the contrary, if the governing body of an*
22 *incorporated city or a city officer includes testing as a factor in a*
23 *decision regarding the promotion of an employee:*

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

26 (b) *A third party which conducts a test must send to each*
27 *employee who takes the test a confidential electronic mail message*
28 *which contains the employee's test score.*

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

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

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

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

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

41 (2) *The questions which the employee answered*
42 *incorrectly; and*

43 (3) *The correct answers for the questions which the*
44 *employee answered incorrectly.*



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

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

7 4. *As used in this section, "test" and "testing" includes,*
8 *without limitation, a written test, oral board or any other form or*
9 *format of test of knowledge, skills, achievement or aptitude.*

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

11 281.370 1. All personnel actions taken by state, county or
12 municipal departments, housing authorities, agencies, boards or
13 appointing officers thereof must be based solely on merit and
14 fitness.

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

23 3. As used in this section:

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

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

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

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

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

32 (c) *"Protective hairstyle" includes, without limitation,*
33 *hairstyles such as braids, locks and twists.*

34 (d) *"Race" includes ancestry, color, ethnic group*
35 *identification, ethnic background and traits historically associated*
36 *with race, including, without limitation, hair texture and*
37 *protective hairstyles.*

38 (e) "Sexual orientation" means having or being perceived as
39 having an orientation for heterosexuality, homosexuality or
40 bisexuality.

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

42 284.015 As used in this chapter, unless the context otherwise
43 requires:

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

45 2. "Commission" means the Personnel Commission.



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

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

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

7 6. *"Protective hairstyle" includes, without limitation,
8 hairstyles such as braids, locks and twists.*

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

16 ~~7.~~ 8. *"Race" includes ancestry, color, ethnic group
17 identification, ethnic background and traits historically associated
18 with race, including, without limitation, hair texture and
19 protective hairstyles.*

20 9. "Veteran" means a person who:

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

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

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

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

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

36 ~~8.~~ 10. "Veteran with a service-connected disability" has the
37 meaning ascribed to it in NRS 338.13843 and includes a veteran
38 who is deemed to be a veteran with a service-connected disability
39 pursuant to NRS 417.0187.

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

41 288.150 1. Except as otherwise provided in subsection ~~5~~ 6
42 and NRS 354.6241, every local government employer shall
43 negotiate in good faith through one or more representatives of its
44 own choosing concerning the mandatory subjects of bargaining set
45 forth in subsection 2 with the designated representatives of the



1 recognized employee organization, if any, for each appropriate
2 bargaining unit among its employees. If either party so requests,
3 agreements reached must be reduced to writing.

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

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

7 (b) Sick leave.

8 (c) Vacation leave.

9 (d) Holidays.

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

11 (f) Insurance benefits.

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

14 (h) Total number of days' work required of an employee in a
15 work year.

16 (i) Except as otherwise provided in subsections ~~[7] 8~~ and ~~[10.]~~
17 **II**, discharge and disciplinary procedures.

18 (j) Recognition clause.

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

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

22 (m) Protection of employees in the bargaining unit from
23 discrimination because of participation in recognized employee
24 organizations consistent with the provisions of this chapter.

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

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

30 (p) General savings clauses.

31 (q) Duration of collective bargaining agreements.

32 (r) Safety of the employee.

33 (s) Teacher preparation time.

34 (t) Materials and supplies for classrooms.

35 (u) Except as otherwise provided in subsections ~~[8] 9~~ and ~~[10.]~~
36 **II**, the policies for the transfer and reassignment of teachers.

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

39 (w) Procedures consistent with the provisions of subsection ~~[5]~~
40 **6** for the reopening of collective bargaining agreements for
41 additional, further, new or supplementary negotiations during
42 periods of fiscal emergency.

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



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

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

8 (c) The right to determine:

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

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

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

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

16 (d) Safety of the public.

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

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

27 ~~5.~~ 6. Notwithstanding the provisions of any collective
28 bargaining agreement negotiated pursuant to this chapter, a local
29 government employer is entitled to:

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

37 (1) If the amount of revenue received by the general fund of
38 the local government employer during the last preceding fiscal year
39 from all sources, except any nonrecurring source, declined by 5
40 percent or more from the amount of revenue received by the general
41 fund from all sources, except any nonrecurring source, during the
42 next preceding fiscal year, as reflected in the reports of the annual
43 audits conducted for those fiscal years for the local government
44 employer pursuant to NRS 354.624; or



1 (2) If the local government employer has budgeted an
2 unreserved ending fund balance in its general fund for the current
3 fiscal year in an amount equal to 4 percent or less of the actual
4 expenditures from the general fund for the last preceding fiscal year,
5 and the local government employer has provided a written
6 explanation of the budgeted ending fund balance to the Department
7 of Taxation that includes the reason for the ending fund balance and
8 the manner in which the local government employer plans to
9 increase the ending fund balance.

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

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

17 ~~6.7~~ 7. The provisions of this chapter, including without
18 limitation the provisions of this section, recognize and declare the
19 ultimate right and responsibility of the local government employer
20 to manage its operation in the most efficient manner consistent with
21 the best interests of all its citizens, its taxpayers and its employees.

22 ~~7.7~~ 8. If the sponsor of a charter school reconstitutes the
23 governing body of a charter school pursuant to NRS 388A.330, the
24 new governing body may terminate the employment of any teachers
25 or other employees of the charter school, and any provision of any
26 agreement negotiated pursuant to this chapter that provides
27 otherwise is unenforceable and void.

28 ~~8.7~~ 9. The board of trustees of a school district in which a
29 school is designated as a turnaround school pursuant to NRS
30 388G.400 or the principal of such a school, as applicable, may take
31 any action authorized pursuant to NRS 388G.400, including,
32 without limitation:

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

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

37 ~~9.7~~ 10. Any provision of an agreement negotiated pursuant to
38 this chapter which differs from or conflicts in any way with the
39 provisions of subsection ~~8.7~~ 9 or imposes consequences on the board
40 of trustees of a school district or the principal of a school for taking
41 any action authorized pursuant to subsection ~~8.7~~ 9 is unenforceable
42 and void.

43 ~~10.7~~ 11. The board of trustees of a school district or the
44 governing body of a charter school or university school for
45 profoundly gifted pupils may use a substantiated report of the abuse



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

12 ~~[H1-]~~ 12. This section does not preclude, but this chapter does
13 not require, the local government employer to negotiate subject
14 matters enumerated in subsection 3 which are outside the scope of
15 mandatory bargaining. The local government employer shall discuss
16 subject matters outside the scope of mandatory bargaining but it is
17 not required to negotiate those matters.

18 ~~[H2-]~~ 13. Contract provisions presently existing in signed and
19 ratified agreements as of May 15, 1975, at 12 p.m. remain
20 negotiable.

21 ~~[H3-]~~ 14. As used in this section, "abuse or neglect of a child"
22 has the meaning ascribed to it in NRS 392.281.

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

24 288.270 1. It is a prohibited practice for a local government
25 employer or its designated representative willfully to:

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

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

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

33 (d) Discharge or otherwise discriminate against any employee
34 because the employee has signed or filed an affidavit, petition or
35 complaint or given any information or testimony under this chapter,
36 or because the employee has formed, joined or chosen to be
37 represented by any employee organization.

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

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



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

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

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

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

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

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

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

17 3. *As used in this section:*

18 (a) *“Protective hairstyle” includes, without limitation,*
19 *hairstyles such as braids, locks and twists.*

20 (b) *“Race” includes ancestry, color, ethnic group*
21 *identification, ethnic background and traits historically associated*
22 *with race, including, without limitation, hair texture and*
23 *protective hairstyles.*

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

25 288.500 1. For the purposes of collective bargaining,
26 supplemental bargaining and other mutual aid or protection,
27 employees have the right to:

28 (a) Organize, form, join and assist labor organizations, engage in
29 collective bargaining and supplemental bargaining through
30 exclusive representatives and engage in other concerted activities;
31 and

32 (b) Refrain from engaging in such activity.

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

37 (a) The subjects of mandatory bargaining set forth in subsection
38 2 of NRS 288.150, except paragraph (f) of that subsection;

39 (b) The negotiation of an agreement;

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

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



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

4 4. Notwithstanding the provisions of any collective bargaining
5 agreement negotiated pursuant to the provisions of NRS 288.400 to
6 288.630, inclusive, the Executive Department is entitled to take the
7 actions set forth in paragraph (b) of subsection ~~5~~ 6 of NRS
8 288.150. Any action taken under the provisions of this subsection
9 must not be construed as a failure to negotiate in good faith.

10 5. This section does not preclude, but the provisions of NRS
11 288.400 to 288.630, inclusive, do not require, the Executive
12 Department to negotiate subject matters set forth in subsection 3
13 which are outside the scope of mandatory bargaining. The Executive
14 Department shall discuss subject matters outside the scope of
15 mandatory bargaining but it is not required to negotiate those
16 matters.

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

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

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

31 338.125 1. It is unlawful for any contractor in connection
32 with the performance of work under a contract with a public body,
33 when payment of the contract price, or any part of such payment, is
34 to be made from public money, to refuse to employ or to discharge
35 from employment any person because of his or her race, color,
36 creed, national origin, sex, sexual orientation, gender identity or
37 expression, or age, or to discriminate against a person with respect
38 to hire, tenure, advancement, compensation or other terms,
39 conditions or privileges of employment because of his or her race,
40 creed, color, national origin, sex, sexual orientation, gender identity
41 or expression, or age.

42 2. Contracts between contractors and public bodies must
43 contain the following contractual provisions:



1 In connection with the performance of work under this
2 contract, the contractor agrees not to discriminate against any
3 employee or applicant for employment because of race, creed,
4 color, national origin, sex, sexual orientation, gender identity
5 or expression, or age, including, without limitation, with
6 regard to employment, upgrading, demotion or transfer,
7 recruitment or recruitment advertising, layoff or termination,
8 rates of pay or other forms of compensation, and selection for
9 training, including, without limitation, apprenticeship.

10 The contractor further agrees to insert this provision in all
11 subcontracts hereunder, except subcontracts for standard
12 commercial supplies or raw materials.

13
14 3. Any violation of such provision by a contractor constitutes a
15 material breach of contract.

16 4. As used in this section:

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

20 (b) *"Protective hairstyle" includes, without limitation,*
21 *hairstyles such as braids, locks and twists.*

22 (c) *"Race" includes ancestry, color, ethnic group*
23 *identification, ethnic background and traits historically associated*
24 *with race, including, without limitation, hair texture and*
25 *protective hairstyles.*

26 (d) "Sexual orientation" means having or being perceived as
27 having an orientation for heterosexuality, homosexuality or
28 bisexuality.

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

30 386.845 1. A board of trustees of a school district may:

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

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

35 2. Any advertising authorized pursuant to subsection 1:

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

38 (b) Must not:

39 (1) Promote hostility, disorder or violence;

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

42 (3) Invade the rights of others;

43 (4) Inhibit the functioning of the school;

44 (5) Override the school's identity;



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

3 (7) Promote any religious organization;

4 (8) Contain political advertising; or

5 (9) Promote entertainment deemed improper or inappropriate
6 by the board of trustees.

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

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

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

20 (a) *“Protective hairstyle” includes, without limitation,*
21 *hairstyles such as braids, locks and twists.*

22 (b) *“Race” includes ancestry, color, ethnic group*
23 *identification, ethnic background and traits historically associated*
24 *with race, including, without limitation, hair texture and*
25 *protective hairstyles.*

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

27 386.855 1. The board of trustees of a school district may, in
28 consultation with the schools within the district, parents and legal
29 guardians of pupils who are enrolled in the district, and associations
30 and organizations representing licensed educational personnel
31 within the district, establish a policy that requires pupils to wear
32 school uniforms.

33 2. The policy must:

34 (a) Describe the uniforms;

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

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

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

40 3. If the board of trustees of a school district establishes a
41 policy that requires pupils to wear school uniforms, the board shall
42 facilitate the acquisition of school uniforms for pupils whose parents
43 or legal guardians request financial assistance to purchase the
44 uniforms.



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

4 *5. A dress code or a policy that requires pupils to wear school
5 uniforms may not discriminate against a pupil based on his or her
6 race. Discrimination prohibited by this subsection includes,
7 without limitation, considering hair texture or protective hairstyles
8 a violation of the dress code or the policy that requires pupils to
9 wear school uniforms.*

10 *6. As used in this section:*

11 *(a) "Protective hairstyle" includes, without limitation,
12 hairstyles such as braids, locks and twists.*

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

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

19 **Sec. 18.** *"Protective hairstyle" includes, without limitation,
20 hairstyles such as braids, locks and twists.*

21 **Sec. 19.** *"Race" includes ancestry, color, ethnic group
22 identification, ethnic background and traits historically associated
23 with race, including, without limitation, hair texture and
24 protective hairstyles.*

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

26 388.121 As used in NRS 388.121 to 388.1395, inclusive, *and
27 sections 18 and 19 of this act*, unless the context otherwise requires,
28 the words and terms defined in NRS 388.1215 to 388.127, inclusive,
29 *and sections 18 and 19 of this act* have the meanings ascribed to
30 them in those sections.

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

32 388A.453 1. An application for enrollment in a charter
33 school may be submitted annually to the governing body of the
34 charter school by the parent or legal guardian of any child who
35 resides in this State.

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

42 3. If the board of trustees of the school district in which the
43 charter school is located has established zones of attendance
44 pursuant to NRS 388.040, the charter school shall, if practicable,
45 ensure that the racial composition of pupils enrolled in the charter



1 school does not differ by more than 10 percent from the racial
2 composition of pupils who attend public schools in the zone in
3 which the charter school is located.

4 4. If a charter school is sponsored by the board of trustees of a
5 school district located in a county whose population is 100,000 or
6 more, except for a program of distance education provided by the
7 charter school, the charter school shall enroll pupils who are eligible
8 for enrollment who reside in the school district in which the charter
9 school is located before enrolling pupils who reside outside the
10 school district.

11 5. Except as otherwise provided in subsections 1 and 2 of NRS
12 388A.456, if more pupils who are eligible for enrollment apply for
13 enrollment in the charter school than the number of spaces which
14 are available, the charter school shall determine which applicants to
15 enroll pursuant to subsections 1 to 4, inclusive, on the basis of a
16 lottery system.

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

- 20 (a) Race;
- 21 (b) Gender;
- 22 (c) Religion;
- 23 (d) Ethnicity;
- 24 (e) Disability;
- 25 (f) Sexual orientation; or
- 26 (g) Gender identity or expression,

27 ↪ of a pupil.

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

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

- 35 (a) With disabilities;
- 36 (b) Who pose such severe disciplinary problems that they
37 warrant a specific educational program, including, without
38 limitation, a charter school specifically designed to serve a single
39 gender that emphasizes personal responsibility and rehabilitation; or
- 40 (c) Who are at risk or, for a charter school that is eligible to be
41 rated using the alternative performance framework pursuant to
42 subsection 4 of NRS 385A.740, who are described in subparagraphs
43 (1) to (6), inclusive, of paragraph (a) of subsection 3 of
44 NRS 385A.740.



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

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

6 (a) *“Protective hairstyle” includes, without limitation,*
7 *hairstyles such as braids, locks and twists.*

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

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

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

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

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

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

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



1 (a) "Protective hairstyle" includes, without limitation,
2 hairstyles such as braids, locks and twists.

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

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

9 1. Notwithstanding the provisions of any collective
10 bargaining agreement to the contrary, if the superintendent of
11 schools or the board of trustees of a school district includes testing
12 as a factor in a decision regarding the promotion of an employee:

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

16 (b) A third party which conducts a test must send to each
17 employee who takes the test a confidential electronic mail message
18 which contains the employee's test score.

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

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

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

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

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

31 (2) The questions which the employee answered
32 incorrectly; and

33 (3) The correct answers for the questions which the
34 employee answered incorrectly.

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

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

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



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

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

7 2. *As used in this section:*

8 (a) *“Protective hairstyle” includes, without limitation,*
9 *hairstyles such as braids, locks and twists.*

10 (b) *“Race” includes ancestry, color, ethnic group*
11 *identification, ethnic background and traits historically associated*
12 *with race, including, without limitation, hair texture and*
13 *protective hairstyles.*

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

15 396.530 1. The Board of Regents shall not discriminate in the
16 admission of students on account of national origin, religion, age,
17 physical disability, sex, sexual orientation, gender identity or
18 expression, race or color.

19 2. *As used in this section:*

20 (a) *“Protective hairstyle” includes, without limitation,*
21 *hairstyles such as braids, locks and twists.*

22 (b) *“Race” includes ancestry, color, ethnic group*
23 *identification, ethnic background and traits historically associated*
24 *with race, including, without limitation, hair texture and*
25 *protective hairstyles.*

26 **Sec. 26.** This act becomes effective upon passage and
27 approval.

