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FIRST REPRINT

A.B. 357

ASSEMBLY BILL NO. 357—ASSEMBLYMEN BILBRAY-AXELROD,  
TORRES, WATTS AND PETERS

MARCH 20, 2023

JOINT SPONSOR: SENATOR D. HARRIS

Referred to Committee on Education

SUMMARY—Revises provisions governing sexual education in public schools. (BDR 34-163)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to education; replacing the required course or unit of a course of instruction concerning the human immunodeficiency virus, the human reproductive system, related communicable diseases and sexual responsibility with a required course or unit of a course in sexuality education; revising the membership and duties of the advisory committee established in each school district for such a course; revising provisions governing consent to participate in such a course or unit of a course; requiring the board of trustees of each school district to submit to the Legislature an annual report concerning such a course or unit of a course of instruction; requiring the adoption of statewide standards concerning such a course or unit of a course; making an appropriation; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

- 1 Existing law requires the board of trustees of each school district to establish a
- 2 course or unit of a course of instruction concerning the human immunodeficiency
- 3 virus, the human reproductive system, related communicable diseases and sexual
- 4 responsibility which must be taught by a teacher or school nurse whose
- 5 qualifications have been approved by the board of trustees. Existing law requires
- 6 each board of trustees to establish an advisory committee to advise the district
- 7 concerning the content of and materials to be used in such a course. (NRS 389.036)



8 **Section 2** of this bill revises these requirements by requiring the board of trustees  
 9 of a school district to establish a course or unit of a course of instruction in  
 10 evidence-based, factual instruction in sexuality education. **Section 2** also: (1) adds  
 11 two pupils who attend schools in the district to the membership of the advisory  
 12 committee; and (2) requires each member of the advisory committee to have one  
 13 vote on each matter requiring a vote. **Section 2** additionally requires the advisory  
 14 committee to make recommendations on the persons who will provide instruction  
 15 in a course or unit of a course in sexuality education. **Section 3** of this bill requires  
 16 the standards adopted by the Council to Establish Academic Standards for Public  
 17 Schools for instruction in health to include standards for sexuality education.  
 18 **Section 2** requires the course or unit of a course of instruction to: (1) comply with  
 19 such standards of content and performance established by the Council for a course  
 20 of study in health; and (2) be appropriate for the ages of pupils who receive the  
 21 instruction. **Section 3** also authorizes the Council to include topics related to  
 22 sexuality education in the standards for other courses where appropriate.

23 Existing law further requires notice to be given to a parent or guardian of a  
 24 pupil to whom such a course or unit of such a course of instruction will be offered  
 25 and requires the school district to provide a form for the parent or guardian of a  
 26 pupil to provide written permission for the pupil to participate in the course or unit  
 27 of a course. (NRS 389.036) **Section 2** replaces this form by requiring the school  
 28 district to provide a form for the parent or guardian of a pupil to refuse to authorize  
 29 a pupil's participation in specific lessons in the course or the entire course. **Section**  
 30 **2** authorizes a school district to make this form available on a secure Internet  
 31 website and requires the form to include an option for a parent or guardian of a  
 32 pupil to refuse permission for the pupil to participate in a course of sexuality  
 33 education: (1) for that school year only; or (2) for any school year in which the  
 34 pupil is enrolled in the school district.

35 **Section 1** of this bill requires the board of trustees of each school district to  
 36 submit an annual report on the status of the establishment of such a course or unit  
 37 of such a course of instruction in the district to the Director of the Legislative  
 38 Counsel Bureau for transmittal to the Joint Interim Standing Committee on  
 39 Education.

40 **Section 3.5** of this bill makes an appropriation to the Department of Education  
 41 for costs related to the development and implementation of standards of content and  
 42 performance for the course in sexuality education established in **section 2**.

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

1 **Section 1.** Chapter 389 of NRS is hereby amended by adding  
 2 thereto a new section to read as follows:

3 *1. On or before July 1 of each year, the board of trustees of*  
 4 *each school district shall prepare and submit a report on the status*  
 5 *of the establishment of a course or unit of a course of instruction*  
 6 *in sexuality education pursuant to NRS 389.036 to the Director of*  
 7 *the Legislative Counsel Bureau for transmittal to the Joint Interim*  
 8 *Standing Committee on Education.*

9 *2. The report submitted pursuant to subsection 1 must*  
 10 *include, without limitation, the following information relating to*  
 11 *the course or unit of a course of instruction, categorized by school*  
 12 *and grade level:*



1 (a) *The number of pupils who participated in the course or*  
2 *unit of a course of instruction; and*

3 (b) *The number of pupils who did not participate in the course*  
4 *or unit of a course of instruction based on the choice of the parent*  
5 *or guardian of the pupil.*

6 3. *The report must also include the total number of hours of*  
7 *instruction and the content of the curriculum of the course or unit*  
8 *of a course of instruction established by the school district*  
9 *pursuant to NRS 389.036 for each grade level in the school district*  
10 *in which the instruction was taught.*

11 4. *If only a portion of the curriculum of the school district*  
12 *relating to the course or unit of a course of instruction was taught*  
13 *or if fewer hours of instruction were taught than the number of*  
14 *hours of instruction reported pursuant to subsection 3, the report*  
15 *must indicate which portion of the curriculum was not taught, if*  
16 *any, and the reason for its exclusion.*

17 **Sec. 2.** NRS 389.036 is hereby amended to read as follows:

18 389.036 1. The board of trustees of a school district shall  
19 ~~establish~~ :

20 (a) ~~Establish~~ a course or unit of a course of ~~f~~  
21 ~~—(a) Factual~~ *evidence-based, factual* instruction ~~[concerning the~~  
22 ~~human immunodeficiency virus; and~~  
23 ~~—(b) Instruction on the human reproductive system, related~~  
24 ~~communicable diseases and sexual responsibility.~~

25 ~~—2.]~~ *in sexuality education. The course or unit of a course of*  
26 *instruction must comply with the standards of content and*  
27 *performance for a course of study in health established by the*  
28 *Council to Establish Academic Standards for Public Schools*  
29 *pursuant to NRS 389.520 and must be appropriate for the ages of*  
30 *the pupils who receive the instruction. The course must include,*  
31 *without limitation, instruction concerning:*

32 (1) *Reproductive and sexual anatomy and physiology,*  
33 *including, without limitation, biological, psychological and*  
34 *emotional changes that accompany maturation;*

35 (2) *Puberty, pregnancy, parenting, body image and gender*  
36 *stereotypes;*

37 (3) *Sexually transmitted infections and related*  
38 *communicable diseases;*

39 (4) *The benefits, potential side effects and proper use of*  
40 *methods approved by the United States Food and Drug*  
41 *Administration for preventing pregnancy and sexually transmitted*  
42 *infections;*

43 (5) *The ways in which the use of alcohol and drugs affect*  
44 *responsible decision making;*



1 (6) *The impact of media and peers on the thoughts, feelings*  
2 *and behaviors of pupils related to sexuality;*

3 (7) *How to identify, prevent and respond to domestic*  
4 *violence, sexual abuse and sexual assault, including, without*  
5 *limitation, medical and legal resources and counseling for*  
6 *survivors of such crimes;*

7 (8) *Statutes related to age of consent and statutory rape,*  
8 *including, without limitation, NRS 200.366, 200.727, 201.230,*  
9 *201.540 and 201.550, and preventing statutory rape;*

10 (9) *Statutes related to the transmission and possession of*  
11 *sexually explicit images, including, without limitation, NRS*  
12 *200.604, 200.727, 200.730 and 200.780, and avoiding participation*  
13 *in such acts and the exploitation of others through the creation*  
14 *and transmission of such images over the Internet or in any other*  
15 *manner; and*

16 (10) *The manner in which to locate and access reproductive*  
17 *health services, including, without limitation, obtaining*  
18 *contraceptives, barrier methods, cancer screenings and testing for*  
19 *and the treatment of sexually transmitted infections; and*

20 (b) *Periodically revise the content of the course or unit of a*  
21 *course of instruction established pursuant to paragraph (a) as*  
22 *necessary to ensure that the content is current, appropriate for the*  
23 *ages of the pupils and, as applicable, medically accurate.*

24 2. *The course or unit of a course established pursuant to*  
25 *subsection 1 must:*

26 (a) *Use instructional methods and materials that promote the*  
27 *inclusion and acceptance of pupils regardless of race, gender,*  
28 *gender identity or expression, religion, sexual orientation, ethnic*  
29 *or cultural background or disability;*

30 (b) *Promote the development of skills, including, without*  
31 *limitation, setting goals that are needed to make responsible*  
32 *decisions about sexuality and sexual behavior throughout life;*

33 (c) *Be designed to provide equally meaningful instruction to*  
34 *pupils regardless of their level of sexual experience or whether*  
35 *they are currently engaging in sexual activity;*

36 (d) *Emphasize that abstaining from sexual activity is the only*  
37 *way to ensure the avoidance of pregnancy and sexually*  
38 *transmitted infections;*

39 (e) *Emphasize the use of interpersonal skills to develop healthy*  
40 *relationships, including, without limitation, friendships, marriage*  
41 *and romantic and familial relationships; and*

42 (f) *Involve the parents or guardians of pupils in the instruction*  
43 *provided and encourage pupils to communicate with their families*  
44 *concerning issues related to sexuality.*



1 3. Each board of trustees shall appoint an advisory committee  
2 consisting of:

3 (a) Five parents of children who attend schools in the district;  
4 ~~{and}~~

5 (b) *Two pupils who attend schools in the district; and*

6 (c) Four representatives, one from each of ~~{four of}~~ the  
7 following professions or occupations:

8 (1) Medicine or nursing;

9 (2) Counseling;

10 (3) Religion; *and*

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

12 ~~—(5)} Teaching.~~

13 ~~{→ This}~~

14 4. *Each member of the advisory committee appointed*  
15 *pursuant to subsection 3 is entitled to one vote on each matter*  
16 *requiring a vote.*

17 5. *The advisory committee appointed pursuant to subsection 3*  
18 *shall advise the district concerning the content of and materials to be*  
19 *used in a course or unit of a course of instruction established*  
20 *pursuant to this section, ~~{and}~~ the recommended ages of the pupils*  
21 *to whom the course or unit is offered ~~{,}~~ and the persons who will*  
22 *provide instruction in such a course. The advisory committee shall*  
23 *ensure that each person recommended to provide such instruction*  
24 *meets the requirements of subsection 6. The final decision on these*  
25 *matters must be that of the board of trustees.*

26 ~~{3,}~~ 6. The subjects of the ~~{courses}~~ *course or unit of a course*  
27 *of instruction* may be taught only by a teacher, ~~{or}~~ school nurse  
28 ~~{whose qualifications have}~~, *provider of health care or other*  
29 *person who has* been ~~{previously}~~ approved by the board of  
30 trustees. *The board of trustees may approve a person for the*  
31 *purposes of this subsection if it determines that the person has*  
32 *demonstrated competency in the applicable subject and the use of*  
33 *the required instructional materials.*

34 ~~{4,}~~ 7. The parent or guardian of each pupil to whom a course  
35 *or unit of a course of instruction established pursuant to this*  
36 *section* is offered must first be furnished written notice that the  
37 course *or unit of a course of instruction* will be offered. ~~{The}~~  
38 *Except as otherwise provided in subsection 8, the* notice must be  
39 given in the usual manner used by the local district to transmit  
40 written material to parents, and must contain a form for the  
41 signature of the parent or guardian of the pupil ~~{consenting to}~~  
42 *refusing to authorize* the pupil's attendance. *The form must allow*  
43 *the parent to refuse authorization for the pupil to attend specific*  
44 *lessons or the entirety of the course or unit of a course.* Upon  
45 receipt of the written ~~{consent}~~ *refusal* of the parent or guardian, the



1 pupil ~~[may attend the course. If the written consent of the parent or~~  
2 ~~guardian is not received, the pupil]~~ must be excused from ~~[such~~  
3 ~~attendance]~~ *attending the course or unit of a course or the specific*  
4 *lesson for which authorization was refused, as applicable,* without  
5 any penalty as to credits or academic standing. *If the written refusal*  
6 *of the parent or guardian is not received, the pupil must attend*  
7 *each lesson of the course or unit of a course.* Any course or unit of  
8 *a course* offered pursuant to this section is not a requirement for  
9 graduation.

10 ~~[5.]~~ *8. The form required to be provided to a parent or*  
11 *guardian of a pupil pursuant to subsection 7:*

12 *(a) May be made available on the secure Internet website of*  
13 *the school district for the electronic signature of the parent or*  
14 *guardian and may be included with any online registration to*  
15 *register a child with a school.*

16 *(b) Must allow the parent or guardian of a pupil to refuse to*  
17 *authorize the pupil to attend a course or unit of a course of*  
18 *instruction established pursuant to this section during:*

19 *(1) The school year in which the authorization is refused;*  
20 *or*

21 *(2) Any school year in which the pupil is enrolled in the*  
22 *school district.*

23 *(c) Must include a notification that authorization may be*  
24 *refused at any time and, regardless of how authorization is*  
25 *refused, the parent or guardian will receive written notice*  
26 *pursuant to subsection 7 when a course or unit of a course of*  
27 *instruction established pursuant to subsection 1 will be offered.*

28 *9. All instructional materials to be used in a course or unit of a*  
29 *course of instruction established pursuant to this section* must be  
30 available for inspection by parents or guardians of pupils at  
31 reasonable times and locations before the course is taught, and  
32 appropriate written notice of the availability of the material must be  
33 furnished to all parents and guardians.

34 *10. As used in this section, "provider of health care" has the*  
35 *meaning ascribed to it in NRS 629.031.*

36 **Sec. 3.** NRS 389.520 is hereby amended to read as follows:  
37 389.520 1. The Council shall:

38 (a) Establish standards of content and performance, including,  
39 without limitation, a prescription of the resulting level of  
40 achievement, for the grade levels set forth in subsection 5, based  
41 upon the content of each course, that is expected of pupils for the  
42 following courses of study:

- 43 (1) English language arts;  
44 (2) Mathematics;  
45 (3) Science;



1 (4) Social studies, which includes only the subjects of  
2 history, geography, economics, civics, financial literacy and  
3 multicultural education;

4 (5) The arts;

5 (6) Computer education and technology, which includes  
6 computer science and computational thinking;

7 (7) Health;

8 (8) Physical education; and

9 (9) A foreign or world language.

10 (b) Establish a schedule for the periodic review and, if  
11 necessary, revision of the standards of content and performance. The  
12 review must include, without limitation, the review required  
13 pursuant to NRS 390.115 of the results of pupils on the  
14 examinations administered pursuant to NRS 390.105.

15 (c) Assign priorities to the standards of content and performance  
16 relative to importance and degree of emphasis and revise the  
17 standards, if necessary, based upon the priorities.

18 2. The standards for computer education and technology must  
19 include a policy for the ethical, safe and secure use of computers  
20 and other electronic devices. The policy must include, without  
21 limitation:

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

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

26 (2) Methods to ensure the prevention of:

27 (I) Cyber-bullying;

28 (II) Plagiarism; and

29 (III) The theft of information or data in an electronic  
30 form;

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

33 (1) Avoid cyber-bullying and other unwanted electronic  
34 communication, including, without limitation, communication with  
35 on-line predators;

36 (2) Recognize when an on-line electronic communication is  
37 dangerous or potentially dangerous; and

38 (3) Report a dangerous or potentially dangerous on-line  
39 electronic communication to the appropriate school personnel;

40 (c) The secure use of computers and other electronic devices,  
41 including, without limitation:

42 (1) Methods to maintain the security of personal identifying  
43 information and financial information, including, without limitation,  
44 identifying unsolicited electronic communication which is sent for



1 the purpose of obtaining such personal and financial information for  
2 an unlawful purpose;

3 (2) The necessity for secure passwords or other unique  
4 identifiers;

5 (3) The effects of a computer contaminant;

6 (4) Methods to identify unsolicited commercial material; and

7 (5) The dangers associated with social networking Internet  
8 sites; and

9 (d) A designation of the level of detail of instruction as  
10 appropriate for the grade level of pupils who receive the instruction.

11 3. The standards for social studies must include multicultural  
12 education, including, without limitation, information relating to  
13 contributions made by men and women from various racial and  
14 ethnic backgrounds. The Council shall consult with members of the  
15 community who represent the racial and ethnic diversity of this  
16 State in developing such standards.

17 4. The standards for health must include ~~mental~~ :

18 (a) *Mental* health and the relationship between mental health  
19 and physical health ~~and~~; and

20 (b) *Standards for sexuality education. The standards for other*  
21 *courses may include topics relating to sexuality education where*  
22 *appropriate.*

23 5. The Council shall establish standards of content and  
24 performance for each grade level in kindergarten and grades 1 to 8,  
25 inclusive, for English language arts and mathematics. The Council  
26 shall establish standards of content and performance for the grade  
27 levels selected by the Council for the other courses of study  
28 prescribed in subsection 1.

29 6. The Council shall forward to the State Board the standards  
30 of content and performance established by the Council for each  
31 course of study. The State Board shall:

32 (a) Adopt the standards for each course of study, as submitted  
33 by the Council; or

34 (b) If the State Board objects to the standards for a course of  
35 study or a particular grade level for a course of study, return those  
36 standards to the Council with a written explanation setting forth the  
37 reason for the objection.

38 7. If the State Board returns to the Council the standards of  
39 content and performance for a course of study or a grade level, the  
40 Council shall:

41 (a) Consider the objection provided by the State Board and  
42 determine whether to revise the standards based upon the objection;  
43 and

44 (b) Return the standards or the revised standards, as applicable,  
45 to the State Board.





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

3 8. The Council shall work in cooperation with the State Board  
4 to prescribe the examinations required by NRS 390.105.

5 9. As used in this section:

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

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

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

12 **Sec. 3.5.** 1. There is hereby appropriated from the State  
13 General Fund to the Department of Education the sum of \$115,609  
14 for personnel, travel, contractor and other costs related to the  
15 development and implementation of standards of content and  
16 performance for the course in sexuality education established  
17 pursuant to NRS 389.636, as amended by section 2 of this act.

18 2. Any remaining balance of the appropriation made by  
19 subsection 1 must not be committed for expenditure after June 30,  
20 2024, by the entity to which the appropriation is made or any entity  
21 to which money from the appropriation is granted or otherwise  
22 transferred in any manner, and any portion of the appropriated  
23 money remaining must not be spent for any purpose after  
24 September 20, 2024, by either the entity to which the money was  
25 appropriated or the entity to which the money was subsequently  
26 granted or transferred, and must be reverted to the State General  
27 Fund on or before September 20, 2024.

28 **Sec. 4.** The report of the board of trustees of a school district  
29 required pursuant to section 1 of this act for the 2022-2023 school  
30 year must:

31 1. Consist of information concerning the course or unit of a  
32 course of instruction concerning human immunodeficiency virus,  
33 the human reproductive system, related communicable diseases and  
34 sexual responsibility established pursuant to NRS 389.036, as that  
35 section existed on June 30, 2023.

36 2. Be submitted to the Director of the Legislative Counsel  
37 Bureau on or before October 1, 2023.

38 **Sec. 5.** The provisions of subsection 1 of NRS 218D.380 do  
39 not apply to any provision of this act which adds or revises a  
40 requirement to submit a report to the Legislature.

41 **Sec. 6.** This act becomes effective on July 1, 2023.

