

SENATE BILL NO. 420—SENATOR CANNIZZARO

MARCH 20, 2017

Referred to Committee on Education

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

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

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

Legislative Counsel’s Digest:

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



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19 **section 1** requires the written policy for pupil publications adopted by the board of
20 trustees of a school district, the governing body of a charter school or the governing
21 body of a university school for profoundly gifted pupils to include procedures for
22 determining before publication whether any content would substantially disrupt the
23 performance of the school's educational mission.

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

- 1 **Section 1.** NRS 388.077 is hereby amended to read as follows:
2 388.077 1. Each pupil of a public school, including, without
3 limitation, each pupil of a university school for profoundly gifted
4 pupils, is entitled to express himself or herself in a manner
5 consistent with the rights guaranteed by the First and Fourteenth
6 Amendments to the United States Constitution.
7 2. Any expression described in subsection 1 must not be
8 disruptive of instruction at a public school, including, without
9 limitation, a university school for profoundly gifted pupils, must not
10 be used to bully or intimidate any person and must not be organized,
11 broadcast or endorsed by a public school, including, without
12 limitation, a university school for profoundly gifted pupils.
13 3. *The board of trustees of each school district, the governing*
14 *body of each charter school and the governing body of each*
15 *university school for profoundly gifted pupils shall adopt a written*
16 *policy for pupil publications which:*
17 (a) *Establishes reasonable provisions governing the time, place*
18 *and manner for the distribution of pupil publications;*
19 (b) *Protects the right of expression described in subsection 1*
20 *for pupils working on pupil publications as journalists in their*
21 *determination of the news, opinions, feature content, advertising*
22 *content and other content of pupil publications;*
23 (c) *Includes procedures for determining before publication*
24 *whether the content would substantially disrupt the ability of the*
25 *public school to perform its educational mission if published in a*
26 *pupil publication;*
27 (d) *Includes procedures for disciplining a pupil, employee or*
28 *other person acting as an adviser for a pupil publication or as an*
29 *adviser of pupils working as journalists on a pupil publication who*
30 *violates the policy;*
31 (e) *Prohibits, without limitation, the following:*
32 (1) *Restricting the publication of any content in pupil*
33 *publications unless the content would substantially disrupt the*
34 *ability of the public school to perform its educational mission;*
35 (2) *Dismissing, suspending, disciplining or retaliating*
36 *against an employee or other person acting as an adviser for a*



1 *pupil publication or as an adviser for pupils working as journalists*
2 *on a pupil publication for acting within the scope of that position,*
3 *including, without limitation, taking responsible and appropriate*
4 *action to protect a pupil engaged in conduct protected pursuant to*
5 *the written policy or refusing to perform an action which violates*
6 *the written policy; and*

7 (3) *Expelling, suspending or otherwise disciplining a pupil*
8 *for engaging in conduct in accordance with the policy, even if*
9 *such conduct substantially disrupts the ability of the public school*
10 *to perform its educational mission; and*

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

13 4. The board of trustees of each school district, the governing
14 body of each charter school and the governing body of each
15 university school for profoundly gifted pupils ~~must~~ shall adopt a
16 policy prescribing procedures for the resolution of a complaint by a
17 pupil of the school district, charter school or university school for
18 profoundly gifted pupils that the rights of the pupil described in
19 subsection 1 *or* 3 have been violated. The policy required by this
20 subsection may be part of a comprehensive discrimination grievance
21 policy of the school district, charter school or university school for
22 profoundly gifted pupils or may be a separate policy.

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

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

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

30 2. *Protects the right of expression in a manner consistent*
31 *with the rights guaranteed by the First and Fourteenth*
32 *Amendments to the United States Constitution for students*
33 *working on student publications as journalists in their*
34 *determination of the news, opinions, feature content, advertising*
35 *content and other content of the student publications;*

36 3. *Includes procedures for disciplining a student, faculty*
37 *member, employee or other person acting as an adviser for a*
38 *student publication or as an adviser for students working as*
39 *journalists on a student publication who violates the policy;*

40 4. *Prohibits, without limitation, the following:*

41 (a) *Restricting the publication of any content in student*
42 *publications unless the content would substantially disrupt the*
43 *ability of the institution to perform its educational mission;*

44 (b) *Dismissing, suspending, disciplining or retaliating against*
45 *a faculty member, employee or other person acting as an adviser*



1 *for a student publication or as an adviser to students working as*
2 *journalists on a student publication for acting within the scope of*
3 *that position, including, without limitation, taking responsible and*
4 *appropriate action to protect a student engaged in conduct*
5 *protected pursuant to the written policy or refusing to perform an*
6 *action which violates the written policy; and*

7 *(c) Expelling, suspending or otherwise disciplining a student*
8 *for engaging in conduct in accordance with the policy, even if*
9 *such conduct substantially disrupts the ability of the institution to*
10 *perform its educational mission; and*

11 *5. Includes a disclaimer indicating that any content published*
12 *in a student publication is not endorsed by the Board of Regents,*
13 *the System or a university, state college or community college*
14 *within the System.*

15 **Sec. 3.** This act becomes effective on July 1, 2017.

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