

SENATE BILL NO. 199—SENATORS D. HARRIS AND NEAL

MARCH 9, 2021

Referred to Committee on Government Affairs

SUMMARY—Prohibits certain types of racial discrimination in employment and education. (BDR 53-216)

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 based on race; revising the policy for all school districts and schools in this State to provide a safe and respectful learning environment; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law establishes that it is the policy of this State to foster the right of all persons to reasonably seek, obtain and hold employment without discrimination, distinction or restriction because of race, religious creed, color, age, sex, disability, sexual orientation, gender identity or expression, national origin or ancestry. (NRS 233.010) In addition, existing law prohibits certain employers, employment agencies, labor organizations, joint labor-management committees or contractors from engaging in certain discriminatory employment practices. For example, it is an unlawful employment practice to fail to hire or to fire or otherwise discriminate against a person, or to limit or segregate or classify an employee on the basis of race, color, religion, sex, sexual orientation, age, disability or national origin, except in certain circumstances. (NRS 338.125, 613.330, 613.340, 613.350, 613.380) **Sections 1-3, 5 and 8** of this bill define “race” to include ancestry, color, ethnic group identification, ethnic background and traits historically associated with race, including, without limitation, hair texture and protective hairstyles.

Existing law authorizes the Nevada Equal Rights Commission to investigate tensions, practices of discrimination and acts of prejudice against any person with regard to employment based on race, color, creed, sex, age, disability, gender identity or expression, national origin or ancestry. (NRS 233.150) **Section 4** of this bill defines “race” to include certain characteristics associated with race for the



20 purpose of serving as the basis upon which the Commission may investigate an  
21 allegation of discrimination.

22 **Section 6** of this bill defines “race” to include certain characteristics associated  
23 with race for the purpose of prohibiting discrimination on the basis of race within  
24 the State Personnel System. (NRS 284.150, 284.385)

25 **Section 7** of this bill revises provisions governing relations with local  
26 government employers to prohibit discrimination on the basis of certain  
27 characteristics associated with race. (NRS 288.270)

28 **Section 9** of this bill revises the restrictions for commercial advertising on a  
29 school bus by prohibiting advertising that attacks groups based on certain  
30 characteristics associated with race. (NRS 386.845)

31 Existing law requires the Department of Education to prescribe a policy for all  
32 school districts and schools in this State to provide a safe and respectful learning  
33 environment that is free of bullying and cyber-bullying, including the provision of  
34 training to school personnel and requirements for reporting violations of the policy.  
35 (NRS 388.121-388.1395) **Sections 11-13** of this bill define “race” to include  
36 certain characteristics associated with race for the purposes of those provisions  
37 which require safe and respectful learning environments and prohibit bullying and  
38 cyber-bullying.

39 **Section 14** of this bill makes a conforming change to indicate the placement of  
40 **sections 12 and 13** of this bill within the Nevada Revised Statutes.

41 **Sections 15, 16 and 18** of this bill prohibit discrimination based upon certain  
42 characteristics associated with race for enrollment in a charter school, an  
43 achievement charter school, a university school for profoundly gifted pupils or the  
44 Nevada System of Higher Education. (NRS 388A.453, 388C.010, 396.530)

45 **Section 10** of this bill prohibits a dress code or policy that requires pupils to  
46 wear school uniforms to discriminate against a pupil based on his or her race. (NRS  
47 386.855) **Section 17** of this bill prohibits a pupil from being disciplined based on  
48 his or her race.

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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.



1 5. "Executive Director" means the Executive Director of the  
2 Office of Workforce Innovation.

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

6 7. "Office of Workforce Innovation" means the Office of  
7 Workforce Innovation in the Office of the Governor created by  
8 NRS 223.800.

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

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

13 10. *"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 11. "Sexual orientation" means having or being perceived as  
18 having an orientation for heterosexuality, homosexuality or  
19 bisexuality.

20 ~~H0~~ 12. "State Apprenticeship Director" means the person  
21 appointed pursuant to NRS 610.110.

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

23 613.310 As used in NRS 613.310 to 613.4383, inclusive,  
24 unless the context otherwise requires:

25 1. "Disability" means, with respect to a person:

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

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

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

31 2. "Employer" means any person who has 15 or more  
32 employees for each working day in each of 20 or more calendar  
33 weeks in the current or preceding calendar year, but does not  
34 include:

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

37 (b) Any Indian tribe.

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

40 3. "Employment agency" means any person regularly  
41 undertaking with or without compensation to procure employees for  
42 an employer or to procure for employees opportunities to work for  
43 an employer, but does not include any agency of the United States.



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

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

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

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

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

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

21 **Sec. 3.** NRS 233.010 is hereby amended to read as follows:

22 233.010 1. It is hereby declared to be the public policy of the  
23 State of Nevada to protect the welfare, prosperity, health and peace  
24 of all the people of the State, and to foster the right of all persons  
25 reasonably to seek and obtain housing accommodations without  
26 discrimination, distinction or restriction because of race, religious  
27 creed, color, age, sex, disability, sexual orientation, gender identity  
28 or expression, national origin or ancestry.

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

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

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



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

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

11 **Sec. 4.** NRS 233.150 is hereby amended to read as follows:

12 233.150 The Commission may:

13 1. Order its Administrator to:

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

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

24 (c) With regard to employment, investigate:

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

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

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

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

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

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



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

3 **Sec. 5.** NRS 281.370 is hereby amended to read as follows:

4 281.370 1. All personnel actions taken by state, county or  
5 municipal departments, housing authorities, agencies, boards or  
6 appointing officers thereof must be based solely on merit and  
7 fitness.

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

16 3. As used in this section:

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

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

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

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

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

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

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

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

34 **Sec. 6.** NRS 284.015 is hereby amended to read as follows:

35 284.015 As used in this chapter, unless the context otherwise  
36 requires:

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

38 2. "Commission" means the Personnel Commission.

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

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

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



1 6. *“Protective hairstyle” includes, without limitation,*  
2 *hairstyles such as braids, locks and twists.*

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

10 ~~7.7~~ 8. *“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 9. “Veteran” means a person who:

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

17 (1) Armed Forces of the United States and was accepted for  
18 and assigned to active duty in the Armed Forces of the United  
19 States;

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

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

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

30 ~~8.8~~ 10. “Veteran with a service-connected disability” has the  
31 meaning ascribed to it in NRS 338.13843 and includes a veteran  
32 who is deemed to be a veteran with a service-connected disability  
33 pursuant to NRS 417.0187.

34 **Sec. 7.** NRS 288.270 is hereby amended to read as follows:

35 288.270 1. It is a prohibited practice for a local government  
36 employer or its designated representative willfully to:

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

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

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

44 (d) Discharge or otherwise discriminate against any employee  
45 because the employee has signed or filed an affidavit, petition or



1 complaint or given any information or testimony under this chapter,  
2 or because the employee has formed, joined or chosen to be  
3 represented by any employee organization.

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

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

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

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

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

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

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

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

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

28 **3. As used in this section:**

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

31 (b) *“Race” includes ancestry, color, ethnic group*  
32 *identification, ethnic background and traits historically associated*  
33 *with race, including, without limitation, hair texture and*  
34 *protective hairstyles.*

35 **Sec. 8.** NRS 338.125 is hereby amended to read as follows:

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





1 creed, color, national origin, sex, sexual orientation, gender identity  
2 or expression, or age.

3 2. Contracts between contractors and public bodies must  
4 contain the following contractual provisions:  
5

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

15 The contractor further agrees to insert this provision in all  
16 subcontracts hereunder, except subcontracts for standard  
17 commercial supplies or raw materials.  
18

19 3. Any violation of such provision by a contractor constitutes a  
20 material breach of contract.

21 4. As used in this section:

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

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

27 (c) *"Race" includes ancestry, color, ethnic group*  
28 *identification, ethnic background and traits historically associated*  
29 *with race, including, without limitation, hair texture and*  
30 *protective hairstyles.*

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

34 **Sec. 9.** NRS 386.845 is hereby amended to read as follows:

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

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

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

40 2. Any advertising authorized pursuant to subsection 1:

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

43 (b) Must not:

44 (1) Promote hostility, disorder or violence;



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

3 (3) Invade the rights of others;

4 (4) Inhibit the functioning of the school;

5 (5) Override the school's identity;

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

8 (7) Promote any religious organization;

9 (8) Contain political advertising; or

10 (9) Promote entertainment deemed improper or inappropriate  
11 by the board of trustees.

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

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

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

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

27 (b) *“Race” includes ancestry, color, ethnic group*  
28 *identification, ethnic background and traits historically associated*  
29 *with race, including, without limitation, hair texture and*  
30 *protective hairstyles.*

31 **Sec. 10.** NRS 386.855 is hereby amended to read as follows:

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

38 2. The policy must:

39 (a) Describe the uniforms;

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

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

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



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

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

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

15 **6. *As used in this section:***

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

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

22 **Sec. 11.** Chapter 388 of NRS is hereby amended by adding  
23 thereto the provisions set forth as sections 12 and 13 of this act.

24 **Sec. 12. *“Protective hairstyle” includes, without limitation,***  
25 ***hairstyles such as braids, locks and twists.***

26 **Sec. 13. *“Race” includes ancestry, color, ethnic group***  
27 ***identification, ethnic background and traits historically associated***  
28 ***with race, including, without limitation, hair texture and***  
29 ***protective hairstyles.***

30 **Sec. 14.** NRS 388.121 is hereby amended to read as follows:

31 388.121 As used in NRS 388.121 to 388.1395, inclusive, ***and***  
32 ***sections 12 and 13 of this act,*** unless the context otherwise requires,  
33 the words and terms defined in NRS 388.1215 to 388.127, inclusive,  
34 ***and sections 12 and 13 of this act*** have the meanings ascribed to  
35 them in those sections.

36 **Sec. 15.** NRS 388A.453 is hereby amended to read as follows:

37 388A.453 1. An application for enrollment in a charter  
38 school may be submitted annually to the governing body of the  
39 charter school by the parent or legal guardian of any child who  
40 resides in this State.

41 2. Except as otherwise provided in subsections 1 to 5,  
42 inclusive, NRS 388A.336, subsections 1 and 2 of NRS 388A.456,  
43 and any applicable federal law, including, without limitation, 42  
44 U.S.C. §§ 11301 et seq., a charter school shall enroll pupils who are



1 eligible for enrollment in the order in which the applications are  
2 received.

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

10 4. If a charter school is sponsored by the board of trustees of a  
11 school district located in a county whose population is 100,000 or  
12 more, except for a program of distance education provided by the  
13 charter school, the charter school shall enroll pupils who are eligible  
14 for enrollment who reside in the school district in which the charter  
15 school is located before enrolling pupils who reside outside the  
16 school district.

17 5. Except as otherwise provided in subsections 1 and 2 of NRS  
18 388A.456, if more pupils who are eligible for enrollment apply for  
19 enrollment in the charter school than the number of spaces which  
20 are available, the charter school shall determine which applicants to  
21 enroll pursuant to subsections 1 to 4, inclusive, on the basis of a  
22 lottery system.

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

- 26 (a) Race;
- 27 (b) Gender;
- 28 (c) Religion;
- 29 (d) Ethnicity;
- 30 (e) Disability;
- 31 (f) Sexual orientation; or
- 32 (g) Gender identity or expression,
- 33 ↪ of a pupil.

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

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

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



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

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

10 **9. 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. 16.** NRS 388C.010 is hereby amended to read as follows:

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

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

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

41 4. It is further the intent of the Legislature to support and  
42 encourage the ongoing development of innovative educational  
43 programs and tools to improve the educational opportunities of  
44 profoundly gifted pupils, regardless of race, culture, ethnicity,  
45 economic means, sexual orientation, or gender identity or



1 expression and to increase the educational opportunities of pupils  
2 who are identified as profoundly gifted, gifted and talented, having  
3 special educational needs or being at risk for underachievement.

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

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

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

11 **Sec. 17.** Chapter 392 of NRS is hereby amended by adding  
12 thereto a new section to read as follows:

13 **1. A pupil enrolled in a public school may not be disciplined,**  
14 **including, without limitation, pursuant to subsection 5 of NRS**  
15 **386.855 or NRS 392.466 or 392.467, based on the race of the**  
16 **pupil.**

17 **2. 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. 18.** NRS 396.530 is hereby amended to read as follows:

25 396.530 **1.** The Board of Regents shall not discriminate in the  
26 admission of students on account of national origin, religion, age,  
27 physical disability, sex, sexual orientation, gender identity or  
28 expression, race or color.

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

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

32 (b) *“Race” includes ancestry, color, ethnic group*  
33 *identification, ethnic background and traits historically associated*  
34 *with race, including, without limitation, hair texture and*  
35 *protective hairstyles.*

