

Assembly Bill No. 73–Committee on Education

CHAPTER.....

AN ACT relating to education; establishing the right of public school pupils to wear traditional tribal regalia or recognized objects of religious or cultural significance at school graduation ceremonies; establishing a process for a pupil to appeal a decision that prohibits the wearing of such adornments; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law, each pupil of a public school is entitled to express himself or herself in a manner consistent with the rights guaranteed by the First and Fourteenth Amendments to the United States Constitution. Any such expression by pupils must not be disruptive to instruction or used to engage in discrimination based on race or bullying and must not be organized, broadcast or endorsed by a public school. (NRS 388.077) This bill establishes that the pupils of a public school are entitled to wear traditional tribal regalia or recognized objects of religious or cultural significance as an adornment at school graduation ceremonies. This bill provides that the board of trustees of a school district, the governing body of a charter school or the governing body of a university school for profoundly gifted pupils may nonetheless prohibit an item that is likely to cause a substantial disruption of, or material interference with, such a ceremony. This bill authorizes a pupil who is prohibited from wearing such an item to appeal that decision to the Superintendent of Public Instruction, who must consult with certain groups before rendering a decision on such an appeal. This bill further provides that, if the Superintendent of Public Instruction does not render a decision within 5 business days after an appeal is submitted, the appeal is deemed to be decided in favor of the pupil.

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

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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A pupil of a public school, including, without limitation, a pupil of a university school for profoundly gifted pupils, is entitled to wear traditional tribal regalia or recognized objects of religious or cultural significance as an adornment at a school graduation ceremony.

2. Nothing in this section shall be construed to prohibit the board of trustees of a school district, the governing body of a charter school or the governing body of a university school for profoundly gifted pupils from prohibiting an item that is likely to



cause a substantial disruption of, or material interference with, such a ceremony.

3. If the board of trustees of a school district, the governing body of a charter school or the governing body of a university school for profoundly gifted pupils prohibits a pupil from wearing an item as an adornment at a school graduation ceremony, the pupil may submit a written appeal to the Superintendent of Public Instruction which includes an explanation of the religious or cultural significance of the item. Before rendering a decision on such an appeal, the Superintendent of Public Instruction shall consult with the Nevada Indian Commission created by NRS 233A.020 and the Nevada Commission on Minority Affairs created by NRS 232.852. If an appeal is decided in favor of the pupil, the board of trustees or governing body shall allow the pupil to wear the item as an adornment at the school graduation ceremony. If the Superintendent of Public Instruction fails to render a decision within 5 business days after the appeal is submitted, the appeal is deemed to be decided in favor of the pupil.

4. As used in this section:

(a) "Adornment" means something attached to, or worn with, but not replacing, the cap and gown customarily worn at school graduation ceremonies.

(b) "Cultural" means recognized practices and traditions of a certain group of people.

Sec. 2. This act becomes effective upon passage and approval.

