

**NAC 388.880 Persons with diverse gender identities or expressions: School or school district required to address rights and needs; adoption of policy; individual plan for pupil; list of resources provided by Department. (NRS 388.133)**

1. Each school or school district shall address the rights and needs of persons with diverse gender identities or expressions on an individualized basis to foster the safe and healthy development of the gender identity and expression of each pupil. When addressing the rights and needs of a person as they relate to the gender identity or expression of the person, a school or school district shall consider the individual characteristics and unique circumstances of the person.

2. The governing body of a school or school district shall adopt a policy that includes, without limitation:

(a) A requirement that each member of the governing body and each employee governed by the policy, including, without limitation, each administrator and teacher, receive annual training concerning the requirements and needs of persons with diverse gender identities or expressions. Such training must include, without limitation:

(1) Methods to support appropriate engagement of the parents or guardians of pupils with diverse gender identities or expressions;

(2) Developing and implementing an individualized plan to address the rights and needs of a pupil with a diverse gender identity or expression pursuant to paragraph (c), including, without limitation, the required contents of such a plan, as prescribed by subsection 3; and

(3) Instruction on appropriate definitions and terminology to describe the requirements, needs and experiences of persons with diverse gender identities or expressions.

(b) A limitation on discipline so that an employee, volunteer or pupil may only be disciplined for the failure to refer to a pupil using a name or pronoun identified by the parent or guardian of the pupil if that failure:

(1) Constitutes bullying or cyber-bullying; or

(2) Violates a policy or regulation of the governing body of the school or school district.

(c) A requirement that the administrator of a school in which a pupil who has a diverse gender identity or expression is enrolled convene a team to develop an individualized plan to address the rights and needs of the pupil. The team must consist of the pupil, the parent or guardian of the pupil, any representative of a community-based group chosen by the parent or guardian of the pupil and one or more members of the staff of the school. The team shall submit the plan for the approval of the administrator of the school.

3. A plan developed pursuant to paragraph (c) of subsection 2:

(a) Must not conflict with any applicable regulations or policies of the Nevada Interscholastic Activities Association, the requirements of NRS 651.050 to 651.110, inclusive, or any policies of the school district concerning public use of district facilities;

(b) Must take into consideration the rights and needs of the pupil for whom the plan is developed, the ability of the school to comply with the requirements of the plan and the rights and needs of all pupils enrolled at the school; and

(c) Except as otherwise provided in subsection 4, must include, without limitation:

(1) Methods to ensure the protection of the privacy of each person governed by the plan;

(2) Methods to support the appropriate engagement of the parent or guardian of the pupil for whom the plan is developed;

(3) Measures to ensure that each person governed by the plan, including, without limitation, each employee, volunteer and pupil, uses only the names and pronouns to refer to the pupil for whom the plan is developed that have been designated by the parent or guardian of the pupil, as recorded

through the registration and enrollment process or the pupil information system of the school or school district, in reference to or in any verbal or written communication with the pupil;

(4) Measures to ensure that the pupil for whom the plan is developed has access to academic courses and services that are appropriate for and supportive of the pupil, including, without limitation:

(I) Classroom activities that are relevant and meaningful to and appropriate for the pupil and do not discriminate or segregate according to gender identity or expression; and

(II) Physical education, assemblies, dances, ceremonies, intramural activities and other school activities that are appropriate for the pupil and do not discriminate or segregate according to gender identity or expression;

(5) Measures to ensure access to appropriate and supportive school clubs for the pupil for whom the plan is developed and support groups for the family of that pupil in accordance with NRS 393.071 to 393.0719, inclusive, any regulations adopted pursuant thereto and any other policy of the governing body concerning the use of school property by such clubs and groups;

(6) Measures necessary to ensure that the pupil for whom the plan is developed is able to dress and act in an appropriate manner in accordance with his or her gender expression or identity, including, without limitation:

(I) Any accommodations necessary to ensure that the pupil is able to comply with a dress code or uniform policy in a manner that is physically and emotionally comfortable for the pupil;

(II) Policies concerning yearbook photographs that allow the pupil to choose clothing that aligns with the gender identity or expression of the pupil and, if applicable, allows for a yearbook photograph that is not gender-specific; and

(III) Authorization for the pupil to select a cap and gown combination for graduation that aligns with the gender identity or expression of the pupil; and

(7) A requirement that the name of the pupil that has been designated by the parent or guardian of the pupil, as recorded through the registration and enrollment process or the pupil information system of the school or school district, be read during ceremonies and other events, including, without limitation, graduation ceremonies.

4. A plan developed pursuant to paragraph (c) of subsection 2 is not required to include an item listed in paragraph (c) of subsection 3 if the parent or guardian of the pupil for whom the plan is developed elects to omit the item.

5. To facilitate compliance with the provisions of NRS 388.133 and 388.134, the Department will, at least annually, provide to the governing body of each school or school district a list of resources that reflect nationally accepted best practices for addressing the rights and needs of persons with diverse gender identities or expressions.

6. As used in this section, “classroom activities” means activities that provide education or instruction to pupils but does not include field trips.

(Added to NAC by Dep’t of Education by R099-17, eff. 10-25-2018)