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ASSEMBLY BILL NO. 132—ASSEMBLYMEN HARDY, DENIS, ALLEN,  
BUCKLEY, GANSERT, GOICOECHEA, MCCLEARY,  
MORTENSON, OCEGUERA, SEALE, SHERER AND SIBLEY

FEBRUARY 24, 2005

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JOINT SPONSORS: SENATORS HECK, HARDY, CEGAVSKE,  
NOLAN AND TIFFANY

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Referred to Committee on Education

SUMMARY—Revises provisions governing provision of safe and respectful learning environment in public schools. (BDR 34-68)

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.

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AN ACT relating to education; requiring school districts and public schools to ensure the provision of a safe and respectful learning environment; prohibiting a school official from interfering with or preventing the disclosure of information concerning harassment or intimidation in public schools; providing that certain causes of action may not be brought against a pupil or an employee or volunteer of a school who reports an incident of harassment or intimidation; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

- 1 Existing law establishes provisions to create a safe and respectful learning
- 2 environment in public schools. (NRS 388.121-388.139)
- 3 This bill specifically requires all school districts and public schools to ensure
- 4 the provision of a safe and respectful learning environment that is free of
- 5 harassment and intimidation and to ensure that a person may respectfully disagree
- 6 without resorting to violence.
- 7 This bill prohibits an action from being brought against a pupil, employee or
- 8 volunteer who reports a violation of NRS 388.135 for failing to remedy the
- 9 violation. An action may be brought against the person making the report only if he



10 acted with malice, intentional misconduct, gross negligence, or intentional or  
11 knowing violation of the law. This bill also prohibits a member of a school district  
12 board of trustees or a school district employee from interfering with or preventing  
13 the disclosure of information relating to an incident of harassment or intimidation.

14 This bill requires the board of trustees of each school district to submit an  
15 annual progress report to the Superintendent of Public Instruction which must  
16 include each incidence of harassment or intimidation occurring in the immediately  
17 preceding school year. A compilation of the reports must be submitted to the  
18 Attorney General.

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

1 **Section 1.** Chapter 388 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2, 3 and 4 of this act.

3 **Sec. 2. 1.** *All school districts and public schools must*  
4 *ensure the provision of a safe and respectful learning environment*  
5 *that is free of harassment and intimidation and ensure that a*  
6 *person is entitled to maintain his own beliefs and to respectfully*  
7 *disagree without resorting to violence, harassment or intimidation.*

8 **2.** *On or before July 1 of each year, the board of trustees of*  
9 *each school district shall submit a report to the Superintendent*  
10 *of Public Instruction that includes a description of each violation*  
11 *of NRS 388.135, if any, occurring in the immediately preceding*  
12 *school year.*

13 **3.** *The Superintendent of Public Instruction shall:*

14 (a) *Compile the reports submitted pursuant to subsection 2 and*  
15 *prepare a written report of the compilation.*

16 (b) *On or before September 1 of each year, submit the written*  
17 *compilation to the Attorney General.*

18 **Sec. 3. 1.** *A school official shall not directly or indirectly*  
19 *use or attempt to use his official authority or influence to*  
20 *intimidate, threaten, coerce, command, influence or attempt to*  
21 *intimidate, threaten, coerce, command or influence another school*  
22 *official in an effort to interfere with or prevent the disclosure of*  
23 *information concerning a violation of NRS 388.135.*

24 **2.** *A school official shall not directly or indirectly intimidate,*  
25 *threaten, coerce, command, influence or attempt to intimidate,*  
26 *threaten, coerce, command or influence a pupil who is a victim of*  
27 *or a witness to a violation of NRS 388.135 in an effort to interfere*  
28 *with or prevent the disclosure of information concerning the*  
29 *violation.*

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

31 (a) *“Official authority or influence” includes taking, directing*  
32 *others to take, recommending, processing or approving personnel*  
33 *action such as an appointment, promotion, transfer, assignment,*



1 *reassignment, reinstatement, restoration, reemployment,*  
2 *evaluation or other disciplinary action.*

3 (b) "School official" means:

4 (1) *A member of the board of trustees of a school district;*  
5 *or*

6 (2) *A licensed or unlicensed employee of a school district.*

7 **Sec. 4.** *No cause of action may be brought against a pupil or*  
8 *an employee or volunteer of a school who reports a violation of*  
9 *NRS 388.135 for any damages that result for failure to remedy the*  
10 *violation unless the person who made the report acted with malice,*  
11 *intentional misconduct, gross negligence, or intentional or*  
12 *knowing violation of the law.*

13 **Sec. 5.** NRS 388.121 is hereby amended to read as follows:

14 388.121 As used in NRS 388.121 to 388.139, inclusive, *and*  
15 *sections 2, 3 and 4 of this act*, unless the context otherwise requires,  
16 the words and terms defined in NRS 388.125 and 388.129 have the  
17 meanings ascribed to them in those sections.

18 **Sec. 6.** NRS 388.139 is hereby amended to read as follows:

19 388.139 Each school district shall include the text of the  
20 provisions of NRS 388.125 to 388.135, inclusive, *and sections 2, 3*  
21 *and 4 of this act* under the heading "Harassment and Intimidation Is  
22 Prohibited in Public Schools," within each copy of the rules of  
23 behavior for pupils that the school district provides to pupils  
24 pursuant to NRS 392.463.

25 **Sec. 7.** This act becomes effective on July 1, 2005.



