

Assembly Bill No. 202—Assemblymen Parks, Hardy, Parnell, Pierce, Horne, Smith, Anderson, Arberry Jr., Atkinson, Buckley, Claborn, Conklin, Gerhardt, Giunchigliani, Grady, Hogan, Kirkpatrick, Koivisto, Leslie, Manendo, McClain, Munford, Ocegüera, Perkins and Sherer

Joint Sponsors: Senators Carlton and Titus

CHAPTER.....

AN ACT relating to education; requiring the Department of Education to prescribe a policy for public schools to provide 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:**

Existing law includes a declaration by the Legislature that a safe and respectful learning environment is essential for pupils in public schools. (NRS 388.132) Existing law prohibits a member of the board of trustees of a school district, an employee of a school district or a pupil from engaging in harassment or intimidation on the premises of any public school, at an activity sponsored by a public school or on a school bus. (NRS 388.135)

This bill requires the Department of Education to adopt a policy for all school districts and public schools to provide a safe and respectful learning environment. The policy must include requirements and methods for reporting harassment or intimidation, as well as a policy for training school personnel.

This bill requires each school district to adopt the policy prescribed by the Department or to adopt an expanded policy that complies with the Department's policy. Each school district must provide training to school personnel in accordance with the policy.

This bill prohibits a member of the board of trustees of a school district or an employee of a school district from using his official authority or influence to interfere with or prevent the disclosure of harassment or intimidation. In addition, this bill limits the authority of a person to bring a cause of action against a pupil, school employee or school volunteer who reports harassment or intimidation.

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 the provisions set forth as sections 2 to 6, inclusive, of this act.

**Sec. 2. 1.** *The Department shall, in consultation with the boards of trustees of school districts, educational personnel, local associations and organizations of parents whose children are enrolled in public schools throughout this State, and individual*

*parents and legal guardians whose children are enrolled in public schools throughout this State, prescribe by regulation a policy for all school districts and public schools to provide a safe and respectful learning environment that is free of harassment and intimidation.*

*2. The policy must include, without limitation:*

*(a) Requirements and methods for reporting violations of NRS 388.135; and*

*(b) A policy for use by school districts to train administrators, principals, teachers and all other personnel employed by the board of trustees of a school district. The policy must include, without limitation:*

*(1) Training in the appropriate methods to facilitate positive human relations among pupils without the use of harassment and intimidation so that pupils may realize their full academic and personal potential;*

*(2) Methods to improve the school environment in a manner that will facilitate positive human relations among pupils; and*

*(3) Methods to teach skills to pupils so that the pupils are able to replace inappropriate behavior with positive behavior.*

**Sec. 3.** *The board of trustees of each school district shall:*

*1. Adopt the policy prescribed by the Department pursuant to section 2 of this act. The board of trustees may adopt an expanded policy if the expanded policy complies with the policy prescribed by the Department.*

*2. Provide for the appropriate training of all administrators, principals, teachers and all other personnel employed by the board of trustees in accordance with the policy prescribed by the Department pursuant to section 2 of this act.*

*3. On or before September 1 of each year, submit a report to the Superintendent of Public Instruction that includes a description of each violation of NRS 388.135 occurring in the immediately preceding school year that resulted in personnel action against an employee or suspension or expulsion of a pupil, if any.*

**Sec. 4.** *The Superintendent of Public Instruction shall:*

*1. Compile the reports submitted pursuant to section 3 of this act and prepare a written report of the compilation.*

*2. On or before October 1 of each year, submit the written compilation to the Attorney General.*

**Sec. 5.** *1. A school official shall not directly or indirectly interfere with or prevent the disclosure of information concerning a violation of NRS 388.135.*

*2. As used in this section, "school official" means:*

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

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

**Sec. 6.** *No cause of action may be brought against a pupil or an employee or volunteer of a school who reports a violation of NRS 388.135 unless the person who made the report acted with malice, intentional misconduct, gross negligence, or intentional or knowing violation of the law.*

**Sec. 7.** NRS 388.121 is hereby amended to read as follows:

388.121 As used in NRS 388.121 to 388.139, inclusive, *and sections 2 to 6, inclusive, of this act*, unless the context otherwise requires, the words and terms defined in NRS 388.125 and 388.129 have the meanings ascribed to them in those sections.

**Sec. 8.** NRS 388.132 is hereby amended to read as follows:

388.132 The Legislature declares that:

1. A learning environment that is safe and respectful is essential for the pupils enrolled in the public schools in this State to achieve academic success and meet this State's high academic standards;

2. Any form of harassment or intimidation in public schools seriously interferes with the ability of teachers to teach in the classroom and the ability of pupils to learn;

3. The intended goal of the Legislature is to ensure that:

(a) The public schools in this State provide a safe and respectful learning environment in which persons of differing beliefs, characteristics and backgrounds can realize their full academic and personal potential; ~~and~~

(b) All administrators, principals, teachers and other personnel of the school districts and public schools in this State demonstrate appropriate behavior on the premises of any public school by treating other persons, including, without limitation, pupils, with civility and respect and by refusing to tolerate harassment or intimidation; and

*(c) All persons in public schools are entitled to maintain their own beliefs and to respectfully disagree without resorting to violence, harassment or intimidation; and*

4. By declaring its goal that the public schools in this State provide a safe and respectful learning environment, the Legislature is not advocating or requiring the acceptance of differing beliefs in a manner that would inhibit the freedom of expression, but is requiring that pupils with differing beliefs be free from abuse and harassment.

**Sec. 9.** NRS 388.139 is hereby amended to read as follows:

388.139 Each school district shall include the text of the provisions of NRS 388.125 to 388.135, inclusive, *and the policy adopted by the board of trustees of the school district pursuant to section 3 of this act* under the heading "Harassment and Intimidation Is Prohibited in Public Schools," within each copy of

the rules of behavior for pupils that the school district provides to pupils pursuant to NRS 392.463.

**Sec. 10.** 1. On or before January 1, 2006, the Department of Education shall prescribe a policy for all school districts and public schools to provide a safe and respectful learning environment pursuant to section 2 of this act. In prescribing the policy, the Department shall consider policies currently in use in school districts in this State.

2. On or before July 1, 2006, the board of trustees of each school district shall adopt the policy prescribed by the Department of Education, or an expanded policy, to provide a safe and respectful learning environment pursuant to section 3 of this act. The board of trustees of each school district shall ensure that the policy is effective commencing with the 2006-2007 school year.

**Sec. 11.** 1. This section and sections 1, 2, 5 to 8, inclusive, and 10 of this act become effective on July 1, 2005.

2. Section 3 of this act becomes effective on July 1, 2005, for the purpose of adopting policies and on July 1, 2006, for all other purposes.

3. Sections 4 and 9 of this act become effective on July 1, 2006.