

Safe and Respectful Learning Environment Implementation Report Nevada Revised Statutes (NRS) 388.134



**Nevada Department of Education
Office of Special Education, Elementary and Secondary Education, and
School Improvement Programs**

October 1, 2011

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NRS 388.134 Safe and Respectful Learning Environment

In accordance with Nevada Revised Statutes (NRS) 388.134, Section 3, on or before September 1 of each year the board of trustees of each school district shall submit a report to the Superintendent of Public Instruction that includes a description of each violation of NRS 388.135 (Harassment, intimidation, bullying, and cyber-bullying prohibited) occurring in the immediately preceding school year that resulted in personnel action against an employee or suspension or expulsion of a pupil, if any.

The Superintendent of Public Instruction shall compile the reports submitted pursuant to NRS 388.134 and prepare a written report of the compilation. On or before October 1 of each year the Nevada Department of Education (NDE) shall submit the written compilation to the Attorney General. This report is being respectfully submitted in accordance with this statutory requirement.

On August 22, 2011, the NDE sent an electronic memo to district superintendents reminding them of the Safe and Respectful Learning Environment reporting requirement contained in Section 3 of NRS 388.134 along with a District Violation Reporting Form developed by NDE to provide for a uniform reporting format. Attachment A provides a copy of these documents. In addition, NDE distributed a sample Safe and Respectful Learning Environment Policy to district superintendents per NRS 388.133 on the same date.

Districts were required to report on the number of incidents of harassment, intimidation, bullying, and cyber-bullying resulting in personnel action against an employee or suspension and expulsion of a pupil. Districts were also asked to provide district or school level documentation describing each reported incident.

According to NRS 388.125 “Harassment means a willful act or course of conduct that is not otherwise authorized by law and is:

1. Highly offensive to a reasonable person; and
2. Intended to cause and actually causes another person to suffer serious emotional distress.”

NRS 388.129 states “Intimidation means a willful act or course of conduct that is not otherwise authorized by law and:

1. Is highly offensive to a reasonable person; and
2. Poses a threat of immediate harm or actually inflicts harm to another person or to the property of another person.”

NRS 388.122 states “Bullying means a willful act or course of conduct on the part of one or more pupils which is not authorized by law and which exposes a pupil repeatedly and over time to one or more negative actions which is highly offensive to a reasonable person and is intended to cause and actually causes the pupil to suffer harm or serious emotional distress.”

NRS 388.123 and 388.124 define “Cyber-bullying” and “Electronic Communication” as “bullying through the use of electronic communication” which means “the

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communication of any written, verbal or pictorial information through the use of an electronic device, including, without limitation, a telephone, a cellular phone, a computer, or any similar means of communication.

The somewhat broad and subjective nature of these definitions has led to a wide range of interpretation and response. As an example, Clark County reported increased incidents of intimidation from 33 for 2009-2010 to 812 for 2010-2011, while Washoe County School District reported only 6 incidents of harassment for 2010-2011 while reporting 103 incidents of harassment during 2009-2010.

That being said, the following provides a compilation of the data submitted by districts to the NDE that reflects the incidents that occurred during the 2010-2011 school year in accordance with NRS 388.134.

1. Number of incidents of harassment resulting in personnel action against an employee: 43
2. Number of incidents of intimidation resulting in personnel action against an employee: 8
3. Number of incidents of bullying or cyber-bullying resulting in personnel action against an employee: 1
4. Number of incidents of harassment resulting in the suspension or expulsion of a pupil: 862
5. Number of incidents of intimidation resulting in the suspension or expulsion of a pupil: 1243
6. Number of incidents of bullying or cyber-bullying resulting in the suspension or expulsion of a pupil: 368

Of the 51 reports of harassment or intimidation and the 1 report of bullying or cyber-bullying resulting in personnel action against an employee, little detail was provided as to the nature of the violations or the consequences that followed. There may be reluctance on the part of administration to divulge this type of information, which is generally dealt with internally.

Of the 862 reports of harassment resulting in suspension or expulsion of students, the majority involved harassment, including verbal, physical, and sexual harassment, as well as racial comments. More serious incidents involved weapon possession and death threats. The most common consequences were in-school and out-of-school suspensions with few students receiving expulsions.

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The 1243 intimidation reports for students included violence against other students, threats, including death threats toward teachers, threats towards other students, and threats to personal property including staff vehicles, written threats, student-to-student fighting, physical intimidation, inappropriate statements and “posturing.” Consequences again ranged from in-school and out-of-school suspension and expulsion.

In summary, it appears that incidents of harassment, intimidation, bullying and cyber-bullying are serious issues in our schools, especially those initiated by students towards fellow students as well as staff. Of the fifteen districts reporting, most reported at least one incident of harassment or intimidation resulting in suspension or expulsion of a student.

NRS 388.134, Safe and Respectful Learning Environment, has been a valuable addition to the State’s effort to provide optimal learning environments in which students are free to learn and teachers are free to teach without fear of harassment and intimidation. It is important to note that the provision of a Safe and Respectful Learning Environment is much more than a recording and reporting system; it is also a proactive system document seeking to change the environment of schools themselves. While Nevada school districts and schools may take their charge to provide and promote Safe and Respectful Learning Environments seriously, it is apparent that further effort and emphasis needs to go into the collection and reporting of this data pursuant to NRS 388.134. This is due in part to the wide and varied interpretation of harassment and intimidation definitions by the school districts, so that consistency of data collection and reporting exists as a potential barrier to the ultimate implementation of this legislation.

NRS 388.134 Safe and Respectful Learning Environment

Attachment A

NRS 388.134 Safe and Respectful Learning Environment

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Superintendent of Public Instruction

STATE OF NEVADA

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August 22, 2011

MEMORANDUM

TO: District Superintendents

FROM: Marcia Calloway, Assistant Director for ESEA
Office of Special Education, Elementary and
Secondary Education, and School Improvement

RE: Safe and Respectful Learning Environment—District Violation Reporting Form

In accordance with NRS 388.134, Section 3, on or before September 1 of each year the board of trustees of each school district shall submit a report to the Superintendent of Public Instruction that includes a description of each violation of NRS 388.135 (Harassment, Intimidation, Bullying and Cyber-Bullying prohibited) occurring in the immediately preceding school year that resulted in personnel action against an employee or suspension or expulsion of a pupil, if any.

Attached with this memo is an electronic version of the Department's District Violation Reporting Form. Please complete it as completely and accurately as possible and email it to mcalloway@doe.nv.gov or fax it to me at 775-687-9120 on or before September 1, 2011.

If you have any questions concerning this matter, please don't hesitate to contact me. I can be reached by phone at 775-687-9161 or by e-mail at mcalloway@doe.nv.gov.

MC/mc

C: K. Rheault
R. Fitzpatrick

An Equal Opportunity Agency

NRS 388.134 Safe and Respectful Learning Environment

Safe and Respectful Learning Environment District Violation Reporting Form School Year 2010-2011

In accordance with NRS 388.134, Section 3, on or before September 1 of each year the board of trustees of each school district shall submit a report to the Superintendent of Public Instruction that includes a description of each violation of NRS 388.135 (Harassment, Intimidation, Bullying and Cyber-Bullying prohibited) occurring in the immediately preceding school year that resulted in personnel action against an employee or suspension or expulsion of a pupil, if any.

The Superintendent of Public Instruction shall compile the reports submitted pursuant to NRS 388.134 and prepare a written report of the compilation. On or before October 1 of each year, submit the written compilation to the Attorney General. **Completion and submission of this uniform reporting document to the Nevada Department of Education shall be considered complying with this requirement.**

District name: _____

Name/Title of person completing report: _____

1. Number of incidents of harassment resulting in personnel action against an employee:

2. Number of incidents of intimidation resulting in personnel action against an employee:

3. Number of incidents of bullying or cyber-bullying resulting in personnel action against an employee:

4. Number of incidents of harassment resulting in the suspension or expulsion of a pupil:

5. Number of incidents of intimidation resulting in the suspension or expulsion of a pupil:

6. Number of incidents of bullying or cyber-bullying resulting in the suspension or expulsion of a pupil:

7. Please attach a copy of your district or school level report describing each of these incidents. You may submit whatever disciplinary document or record you use for this type of disciplinary recording and tracking. Copies must be submitted with this completed form either through hard copy or electronically.

I hereby certify that the above information is accurate and complete as submitted.

Signature: _____ Date: _____