

**PROPOSED REGULATION OF THE
STATE BOARD OF EDUCATION**

LCB File No. R079-18

May 22, 2018

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

AUTHORITY: §§1-5, NRS 388.1327, 388.1351 and 388.1455.

A REGULATION relating to education; identifying circumstances in which a person who reports an incident of bullying or cyber-bullying or an incident or threat of dangerous, violent or unlawful activity is deemed to have elected not to remain anonymous; providing for the forwarding of information about such incidents or threats to certain persons; providing for the confidentiality of such information; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Office for a Safe and Respectful Learning Environment within the Department of Education to maintain a 24-hour, toll-free statewide hotline and Internet website for the reporting of information relating to bullying or cyber-bullying. (NRS 388.1323) Existing law also requires the Director of the Office to establish the Safe-to-Tell Program within the Office to enable the anonymous reporting of incidents or threats of dangerous, violent or unlawful activity at a school, school activity or on a school bus or by a pupil enrolled at a public school. (NRS 388.1455) **Section 3** of this regulation deems a person who reports information to the Program to have elected not to remain anonymous in certain circumstances if the person includes his or her name or contact information in the report after being notified that such information is not required or if the person deliberately reports false information that has harmful intent or consequences. **Section 4** of this regulation requires the confidentiality of the information contained in such a report to be protected. **Section 4** also requires such information to be forwarded to the team appointed by the board of trustees of a school district or the governing body of a charter school to receive such reports for the relevant public school and, if determined to be appropriate by the support center, to a law enforcement agency. Finally, **section 4** requires a person who receives such information to keep the information confidential. **Section 5** of this regulation provides that information reported to the Program is subject to all applicable state or federal laws relating to the privacy of pupil information or health information.

Section 1. Chapter 388 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 5, inclusive, of this regulation, unless the context otherwise requires, “Program” has the meaning ascribed to it in NRS 388.1453.*

Sec. 3. 1. *A person who reports information to the Program shall be deemed to have elected not to remain anonymous if the person:*

(a) Reports information about himself or herself which may affect his or her own safety or well-being; and

(b) Includes his or her name or contact information in the report after being notified that such information is not required.

2. In addition to a person described in subsection 1, a person who reports information to the Program shall be deemed to have elected not to remain anonymous if:

(a) The person reports information about another person which could affect the safety or well-being of that person;

(b) The person includes his or her name or contact information in the report after being notified that such information is not required; and

(c) The name or contact information of the person making the report is necessary for an administrator or designee to comply with subsection 2 of NRS 388.1351, as amended by section 16 of Senate Bill No. 225, chapter 577, Statutes of Nevada 2017, at page 4159.

3. In addition to a person described in subsections 1 and 2, a person who deliberately reports false information with the intent to cause harm shall be deemed to have elected not to remain anonymous.

Sec. 4. 1. *Consistent with the legislative finding set forth in subsection 2 of NRS 388.1454, the support center, as defined in section 3 of Senate Bill No. 212, chapter 561, Statutes of Nevada 2017, at page 4010, shall:*

(a) Protect information which is reported to the Program by a person who is deemed to have elected not to remain anonymous pursuant to section 3 of this regulation by methods and procedures to ensure the confidentiality of the information;

(b) Forward information which is reported to the Program by a person who is deemed to have elected not to remain anonymous pursuant to section 3 of this regulation to the team appointed pursuant to section 4 of Senate Bill No. 212, chapter 561, Statutes of Nevada 2017, at page 4010, for the relevant public school; and

(c) If determined to be appropriate by the support center, forward information which is reported to the Program by a person who is deemed to have elected not to remain anonymous pursuant to section 3 of this regulation to a law enforcement agency pursuant to subsection 9 of section 5 of Senate Bill No. 212, chapter 561, Statutes of Nevada 2017, at page 4011.

2. Upon receipt of information pursuant to paragraph (b) of subsection 1, the team appointed pursuant to section 4 of Senate Bill No. 212, chapter 561, Statutes of Nevada 2017, at page 4010, shall take appropriate action to respond to the incident or threat in accordance with the training received pursuant to NRS 388.1455 and sections 2 to 10, inclusive, of LCB File No. R111-15.

3. A person to whom any information, including, without limitation, the identity of a person who is deemed to have elected not to remain anonymous pursuant to section 3 of this regulation, is forwarded pursuant to NRS 388.1455, section 5 of Senate Bill No. 212, chapter 561, Statutes of Nevada 2017, at page 4011, or section 4 of this regulation shall keep such information confidential.

Sec. 5. Information reported to the Program is subject to any applicable state or federal laws relating to the privacy of pupil information or health information, including, without

limitation, subsection 1 of NRS 388.1455, NRS 392.029 and the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto.