

ASSEMBLY BILL NO. 202—ASSEMBLYMEN PARKS, PARNELL, PIERCE, HORNE, SMITH, ANDERSON, ARBERRY JR., ATKINSON, BUCKLEY, CLABORN, CONKLIN, GERHARDT, GIUNCHIGLIANI, GRADY, HOGAN, KIRKPATRICK, KOIVISTO, LESLIE, MANENDO, MCCLAIN, MUNFORD, OCEGUERA, PERKINS AND SHERER

MARCH 14, 2005

JOINT SPONSORS: SENATORS CARLTON AND TITUS

Referred to Committee on Education

SUMMARY—Revises provisions governing safe and respectful learning environment in public schools. (BDR 34-561)

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.

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:

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



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

11 This bill requires each school district to adopt the policy prescribed by the
12 Department or to adopt an expanded policy that complies with the Department's
13 policy. Each school district must provide training to school personnel in accordance
14 with the model program of education.

15 This bill prohibits a member of the board of trustees of a school district or an
16 employee of a school district from using his official authority or influence to
17 interfere with or prevent the disclosure of harassment or intimidation. In addition,
18 this bill limits the authority of a person to bring a cause of action against a pupil,
19 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:

1 **Section 1.** Chapter 388 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 6, inclusive, of this
3 act.

4 **Sec. 2. 1.** *The Department shall, in consultation with the*
5 *boards of trustees of school districts, educational personnel, local*
6 *associations and organizations of parents whose children are*
7 *enrolled in public schools throughout this State, and individual*
8 *parents and legal guardians whose children are enrolled in public*
9 *schools throughout this State, prescribe by regulation a policy for*
10 *all school districts and public schools to provide a safe and*
11 *respectful learning environment that is free of harassment and*
12 *intimidation.*

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

14 *(a) Requirements and methods for reporting violations of NRS*
15 *388.135; and*

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

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

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

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



1 3. *The Department shall, in consultation with the boards of*
2 *trustees of school districts, educational personnel, local*
3 *associations and organizations of parents whose children are*
4 *enrolled in public schools throughout this State, and individual*
5 *parents and legal guardians whose children are enrolled in public*
6 *schools throughout this State, review the policy and the model*
7 *program on an annual basis and make such revisions to the policy*
8 *and model program as it determines necessary.*

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

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

14 2. *Provide for the appropriate training of all administrators,*
15 *principals, teachers and all other personnel employed by the board*
16 *of trustees in accordance with the model program of education*
17 *prescribed by the Department pursuant to section 2 of this act.*

18 3. *On or before July 1 of each year, submit a report to the*
19 *Superintendent of Public Instruction that includes a description*
20 *of:*

21 (a) *The progress of the schools within the school district in*
22 *providing a safe and respectful learning environment in*
23 *accordance with NRS 388.121 to 388.139, inclusive, and sections 2*
24 *to 6, inclusive, of this act; and*

25 (b) *Each violation of NRS 388.135, if any, occurring in the*
26 *immediately preceding school year.*

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

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

30 2. *On or before September 1 of each year, submit the written*
31 *report of the compilation to the Director of the Legislative Counsel*
32 *Bureau for transmission to:*

33 (a) *If the written report of the compilation is submitted during*
34 *an even-numbered year, the next regular session of the*
35 *Legislature.*

36 (b) *If the written report of the compilation is submitted during*
37 *an odd-numbered year, the Legislative Committee on Education.*

38 **Sec. 5.** 1. *A school official shall not directly or indirectly*
39 *use or attempt to use his official authority or influence to*
40 *intimidate, threaten, coerce, command, influence or attempt to*
41 *intimidate, threaten, coerce, command or influence another school*
42 *official in an effort to interfere with or prevent the disclosure of*
43 *information concerning a violation of NRS 388.135.*



1 2. *A school official shall not directly or indirectly intimidate,*
2 *threaten, coerce, command, influence or attempt to intimidate,*
3 *threaten, coerce, command or influence a pupil who is a victim of*
4 *or a witness to a violation of NRS 388.135 in an effort to interfere*
5 *with or prevent the disclosure of information concerning the*
6 *violation.*

7 3. *As used in this section:*

8 (a) *“Official authority or influence” includes taking, directing*
9 *others to take, recommending, processing or approving personnel*
10 *action such as an appointment, promotion, transfer, assignment,*
11 *reassignment, reinstatement, restoration, reemployment,*
12 *evaluation or other disciplinary action.*

13 (b) *“School official” means:*

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

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

17 **Sec. 6.** *No cause of action may be brought against a pupil or*
18 *an employee or volunteer of a school who reports a violation of*
19 *NRS 388.135 for any damages that result for failure to remedy the*
20 *violation unless the person who made the report acted with malice,*
21 *intentional misconduct, gross negligence, or intentional or*
22 *knowing violation of the law.*

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

24 388.121 As used in NRS 388.121 to 388.139, inclusive, *and*
25 *sections 2 to 6, inclusive, of this act,* unless the context otherwise
26 requires, the words and terms defined in NRS 388.125 and 388.129
27 have the meanings ascribed to them in those sections.

28 **Sec. 8.** NRS 388.139 is hereby amended to read as follows:

29 388.139 Each school district shall include the text of the
30 provisions of NRS 388.125 to 388.135, inclusive, *and the policy*
31 *adopted by the board of trustees of the school district pursuant to*
32 *section 3 of this act* under the heading “Harassment and
33 Intimidation Is Prohibited in Public Schools,” within each copy of
34 the rules of behavior for pupils that the school district provides to
35 pupils pursuant to NRS 392.463.

36 **Sec. 9.** NRS 392.463 is hereby amended to read as follows:

37 392.463 1. Each school district shall adopt a plan to ensure
38 that the public schools within the school district are safe and free of
39 controlled substances. The plan must comply with the Safe and
40 Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101 et seq.

41 2. Each school district shall prescribe written rules of behavior
42 required of and prohibited for pupils attending school within their
43 district and shall prescribe appropriate punishments for violations of
44 the rules. *The written rules of behavior must be consistent with the*



1 *policy adopted by the Department pursuant to section 2 of this act*
2 *and the policy adopted by the board of trustees of the school*
3 *district pursuant to section 3 of this act.* If suspension or expulsion
4 is used as a punishment for a violation of the rules, the school
5 district shall follow the procedures in NRS 392.467.

6 3. A copy of the plan adopted pursuant to subsection 1 and the
7 rules of behavior, prescribed punishments and procedures to be
8 followed in imposing punishments prescribed pursuant to subsection
9 2 must be distributed to each pupil at the beginning of the school
10 year and to each new pupil who enters school during the year.
11 Copies must also be made available for inspection at each school
12 located in that district in an area on the grounds of the school which
13 is open to the public.

14 **Sec. 10.** 1. On or before January 1, 2006, the Department of
15 Education shall prescribe a policy for all school districts and public
16 schools to provide a safe and respectful learning environment
17 pursuant to section 2 of this act.

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

24 **Sec. 11.** 1. This section and sections 1, 2, 5, 6, 7 and 10 of
25 this act become effective on July 1, 2005.

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

29 3. Sections 4, 8 and 9 of this act become effective on July 1,
30 2006.



