

Assembly Bill No. 371—Assemblymen Brittney Miller, Monroe-Moreno, González; Anderson, Benitez-Thompson, Cohen, Considine, Duran, Flores, Frierson, Gorelow, Jauregui, Martinez, Marzola, C.H. Miller, Nguyen, Orentlicher, Peters, Summers-Armstrong, Thomas, Torres, Watts and Yeager

Joint Sponsors: Senators Denis, Donate, D. Harris, Neal and Spearman

CHAPTER.....

AN ACT relating to education; establishing provisions relating to discrimination based on race; including discrimination based on race in existing law relating to bullying and cyber-bullying; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law creates the Office for a Safe and Respectful Learning Environment within the Department of Education. (NRS 388.1323) Existing law prohibits bullying and cyber-bullying on the premises of a school, at an activity sponsored by a school or on any school bus. (NRS 388.135) Existing law establishes various provisions relating to the protocol for addressing incidents of bullying and cyber-bullying. (NRS 388.135-388.137) Under existing law, a principal, administrator or other person in charge of a school must investigate a report of an incident of bullying or cyber-bullying and take various actions to address the incident. (NRS 388.1351) This bill extends those provisions to additionally prohibit and address incidents of discrimination based on race.

Section 4 of this bill defines the term “discrimination based on race.” **Section 20** of this bill prohibits discrimination based on race in addition to bullying or cyber-bullying on the premises of any school, at an activity sponsored by a school or on a school bus. **Section 5** of this bill authorizes a pupil or parent or legal guardian of a pupil who witnesses an incident of discrimination based on race to report the incident to an administrator. **Section 5** requires a board of trustees of a school district and a governing body of a charter school to categorize an incident of discrimination based on race as a racially motivated or hate incident. **Section 21** of this bill adds to the list of information required to be included in a report submitted to the direct supervisor of a principal or the Office the number of reports concerning incidents of discrimination based on race. **Section 21** requires the Office, in consultation with the direct supervisor, after reviewing the reports, to make recommendations for intervention or training to address discrimination based on race, bullying or cyber-bullying. **Section 6** of this bill requires the board of trustees of a school district or the governing body of a charter school to develop restorative practices for both victims and perpetrators of discrimination based on race.

Existing law requires the State Board of Education to adopt regulations to establishing a statewide performance evaluation system for employees. (NRS 391.465) **Section 25** of this bill requires an evaluation to include whether an employee knowingly and willfully violated the provisions of NRS 388.1351.

Existing law requires annual reports of accountability to include information related to bullying and cyber-bullying. (NRS 385A.250, 385A.460) Existing law



prohibits a pupil publication from being used to engage in bullying or cyber-bullying. (NRS 388.077) Existing law establishes various provisions related to the provision of a safe and respectful learning environment that is free from bullying and cyber-bullying. (NRS 388.132, 388.1321, 388.1323, 388.1325, 388.1327, 388.133, 388.1341-388.1344, 388.13535, 388.139, 388.1395) Under existing law, a department of juvenile services or court that determines that a child has unlawfully engaged in bullying or cyber-bullying must provide certain information to a court or the school district in which the child is enrolled, as appropriate. (NRS 62C.400, 62E.030) Existing also requires the Governor annually to proclaim a “Week of Respect” that includes providing information relating to bullying and cyber-bullying. (NRS 236.073) **Sections 1, 2, 7, 9, 10, 12-19, 22-24 and 26-28** of this bill add discrimination based on race to those provisions.

Sections 8-11 of this bill make conforming changes to indicate the proper placement of **sections 4-6** in the Nevada Revised Statutes.

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

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

Section 1. NRS 385A.250 is hereby amended to read as follows:

385A.250 1. The annual report of accountability prepared pursuant to NRS 385A.070 must include information on the discipline of pupils, including, without limitation:

(a) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school sponsored by the district.

(b) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school sponsored by the district.

(c) Records of the suspension or expulsion, or both, of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(d) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(e) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district ~~and~~ , *and categorized by types of incidents and the demographics identified in subsection 1 of section 4 of this act:*

(1) The number of reported violations of NRS 388.135 occurring at a school or otherwise involving a pupil enrolled at a school, regardless of the outcome of the investigation conducted pursuant to NRS 388.1351;



(2) The number of incidents determined to be *discrimination based on race*, bullying or cyber-bullying after an investigation is conducted pursuant to NRS 388.1351;

(3) The number of incidents resulting in suspension or expulsion, or both, for *discrimination based on race*, bullying or cyber-bullying; and

(4) Any actions taken to reduce the number of incidents of *discrimination based on race*, bullying or cyber-bullying including, without limitation, training that was offered or other policies, practices and programs that were implemented.

(f) For each high school in the district, including, without limitation, each charter school sponsored by the district that operates as a high school, and for high schools in the district as a whole:

(1) The number and percentage of pupils whose violations of the code of honor relating to cheating prescribed pursuant to NRS 392.461 or any other code of honor applicable to pupils enrolled in high school were reported to the principal of the high school, reported by the type of violation;

(2) The consequences, if any, to the pupil whose violation is reported pursuant to subparagraph (1), reported by the type of consequence;

(3) The number of any such violations of a code of honor in a previous school year by a pupil whose violation is reported pursuant to subparagraph (1), reported by the type of violation; and

(4) The process used by the high school to address violations of a code of honor which are reported to the principal.

2. The information included pursuant to subsection 1 must allow such information to be disaggregated by:

- (a) Pupils who are economically disadvantaged;
- (b) Pupils from major racial and ethnic groups;
- (c) Pupils with disabilities;
- (d) Pupils who are English learners;
- (e) Pupils who are migratory children;
- (f) Gender;
- (g) Pupils who are homeless;
- (h) Pupils in foster care; and
- (i) Pupils whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard.

3. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.



(c) “Discrimination based on race” has the meaning ascribed to it in section 4 of this act.

Sec. 2. NRS 385A.460 is hereby amended to read as follows:

385A.460 1. The annual report of accountability prepared by the State Board pursuant to NRS 385A.400 must include information on the discipline of pupils, including, without limitation:

(a) Incidents involving weapons or violence, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(b) Incidents involving the use or possession of alcoholic beverages or controlled substances, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(c) The suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(d) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(e) For each school district, including, without limitation, each charter school in the district, and for this State as a whole ~~+~~, *and categorized by types of incidents and the demographics identified in subsection 1 of section 4 of this act:*

(1) The number of reported violations of NRS 388.135 occurring at a school or otherwise involving a pupil enrolled at a school, regardless of the outcome of the investigation conducted pursuant to NRS 388.1351;

(2) The number of incidents determined to be *discrimination based on race*, bullying or cyber-bullying after an investigation is conducted pursuant to NRS 388.1351;

(3) The number of incidents resulting in suspension or expulsion for *discrimination based on race*, bullying or cyber-bullying; and

(4) Any actions taken to reduce the number of incidents of *discrimination based on race*, bullying or cyber-bullying, including, without limitation, training that was offered or other policies, practices and programs that were implemented.

(f) For each high school in each school district, including, without limitation, each charter school that operates as a high school, and for the high schools in this State as a whole:



(1) The number and percentage of pupils whose violations of the code of honor relating to cheating prescribed pursuant to NRS 392.461 or any other code of honor applicable to pupils enrolled in high school were reported to the principal of the high school, reported by the type of violation;

(2) The consequences, if any, to the pupil whose violation is reported pursuant to subparagraph (1), reported by the type of consequence;

(3) The number of any such violations of a code of honor in a previous school year by a pupil whose violation is reported pursuant to subparagraph (1), reported by the type of violation; and

(4) The process used by the high school to address violations of a code of honor which are reported to the principal.

2. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) *"Discrimination based on race" has the meaning ascribed to it in section 4 of this act.*

Sec. 3. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 4, 5 and 6 of this act.

Sec. 4. *"Discrimination based on race" means any single or repeated or pervasive act or acts, whether targeted to a specific person or targeted in general to any demographic identified in subsection 1:*

1. Regarding the race, color, culture, religion, language, ethnicity or national origin of a person that causes harm or creates a hostile work or learning environment, which may include, without limitation, jokes, threats, physical altercations or intimidation; and

2. That occurs in person, online or in any other setting including, without limitation, in a course of distance education.

Sec. 5. 1. *A pupil or the parent or legal guardian of a pupil who witnesses an incident of discrimination based on race may report the incident to an administrator or his or her designee.*

2. A governing body shall categorize an incident of discrimination based on race as a racially motivated or hate incident on the appropriate system to track pupil information used by a school.

Sec. 6. *A governing body shall develop restorative practices in accordance with the provisions of NRS 388.133 for both victims and perpetrators of discrimination based on race.*



Sec. 7. NRS 388.077 is hereby amended to read as follows:

388.077 1. Each pupil of a public school, including, without limitation, each pupil of a university school for profoundly gifted pupils, is entitled to express himself or herself in a manner consistent with the rights guaranteed by the First and Fourteenth Amendments to the United States Constitution.

2. Any expression described in subsection 1 must not be disruptive of instruction at a public school, including, without limitation, a university school for profoundly gifted pupils, must not be used to engage in *discrimination based on race*, bullying or cyber-bullying or intimidate any person and must not be organized, broadcast or endorsed by a public school, including, without limitation, a university school for profoundly gifted pupils.

3. The board of trustees of each school district, the governing body of each charter school and the governing body of each university school for profoundly gifted pupils shall adopt a written policy for pupil publications which:

(a) Establishes reasonable provisions governing the time, place and manner for the distribution of pupil publications;

(b) Protects the right of expression described in subsection 1 for pupils working on pupil publications as journalists in their determination of the news, opinions, feature content, advertising content and other content of the pupil publications;

(c) Prohibits, without limitation, the following:

(1) Restricting the publication of any content in pupil publications unless the content would substantially disrupt the ability of the public school to perform its educational mission;

(2) Dismissing, suspending, disciplining or retaliating against an employee or other person acting as an adviser for a pupil publication or as an adviser for pupils working as journalists on a pupil publication for acting within the scope of that position, including, without limitation, taking responsible and appropriate action to protect a pupil engaged in conduct protected pursuant to the written policy or refusing to perform an action which violates the written policy; and

(3) Expelling, suspending or otherwise disciplining a pupil for engaging in conduct in accordance with the policy, unless such conduct substantially disrupts the ability of the public school to perform its educational mission and the disruption was intentional; and

(d) Includes a disclaimer indicating that any content published in a pupil publication is not endorsed by the public school.



4. The board of trustees of each school district, the governing body of each charter school and the governing body of each university school for profoundly gifted pupils shall adopt a policy prescribing procedures for the resolution of a complaint by a pupil of the school district, charter school or university school for profoundly gifted pupils that the rights of the pupil described in subsection 1 or 3 have been violated. The policy required by this subsection may be part of a comprehensive discrimination grievance policy of the school district, charter school or university school for profoundly gifted pupils or may be a separate policy.

5. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "*Discrimination based on race*" has the meaning ascribed to it in *section 4 of this act*.

Sec. 8. NRS 388.121 is hereby amended to read as follows:

388.121 As used in NRS 388.121 to 388.1395, inclusive, *and sections 4, 5 and 6 of this act*, unless the context otherwise requires, the words and terms defined in NRS 388.1215 to 388.127, inclusive, *and section 4 of this act* have the meanings ascribed to them in those sections.

Sec. 9. NRS 388.132 is hereby amended to read as follows:

388.132 The Legislature declares that:

1. Pupils are the most vital resource to the future of this State;
2. A learning environment that is safe and respectful is essential for the pupils enrolled in the schools in this State and is necessary for those pupils to achieve academic success and meet this State's high academic standards;
3. Every classroom, hallway, locker room, cafeteria, restroom, gymnasium, playground, athletic field, school bus, parking lot and other areas on the premises of a school in this State must be maintained as a safe and respectful learning environment, and no form of *discrimination based on race*, bullying or cyber-bullying will be tolerated within the system of public education in this State;
4. Any form of *discrimination based on race*, bullying or cyber-bullying seriously interferes with the ability of teachers to teach in the classroom and the ability of pupils to learn;
5. The use of the Internet by pupils in a manner that is ethical, safe and secure is essential to a safe and respectful learning environment and is essential for the successful use of technology;
6. It will ensure that:



(a) The schools in this State provide a safe and respectful learning environment in which persons of differing beliefs, races, colors, national origins, ancestries, religions, gender identities or expressions, sexual orientations, physical or mental disabilities, sexes or any other distinguishing characteristics or backgrounds can realize their full academic and personal potential;

(b) All administrators, teachers and other personnel of the school districts and schools in this State demonstrate appropriate and professional behavior on the premises of any school by treating other persons, including, without limitation, pupils, with civility and respect, by refusing to tolerate *discrimination based on race*, bullying and cyber-bullying, and by taking immediate action to protect a victim or target of *discrimination based on race*, bullying or cyber-bullying when witnessing, overhearing or being notified that *discrimination based on race*, bullying or cyber-bullying is occurring or has occurred;

(c) The quality of instruction is not negatively impacted by poor attitudes or interactions among administrators, teachers, coaches or other personnel of a school district or school;

(d) All persons in a school are entitled to maintain their own beliefs and to respectfully disagree without resorting to *discrimination based on race*, bullying, cyber-bullying or violence; and

(e) Any teacher, administrator, coach or other staff member or pupil who tolerates or engages in an act of *discrimination based on race*, bullying or cyber-bullying or violates a provision of NRS 388.121 to 388.1395, inclusive, *and sections 4, 5 and 6 of this act* regarding a response to *discrimination based on race*, bullying or cyber-bullying against a pupil will be held accountable; and

7. By declaring this mandate that the 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 be free from physical, emotional or mental abuse while at school and that pupils be provided with an environment that allows them to learn.

Sec. 10. NRS 388.1321 is hereby amended to read as follows:

388.1321 1. The Legislature hereby declares that the members of a governing body and all administrators and teachers have a duty to create and provide a safe and respectful learning environment for all pupils that is free of *discrimination based on race*, bullying and cyber-bullying.



2. A parent or guardian of a pupil may petition a court of competent jurisdiction for a writ of mandamus to compel the performance of any duty imposed by the provisions of NRS 388.121 to 388.1395, inclusive ~~4, 5 and 6~~, *and sections 4, 5 and 6 of this act*.

3. Nothing in this section shall be deemed to preclude a parent or guardian of a pupil from seeking any remedy available at law or in equity.

Sec. 11. NRS 388.1322 is hereby amended to read as follows:

388.1322 A private school, as defined in NRS 394.103, and the governing body and administrator of the private school are authorized to comply with NRS 388.121 to 388.1395, inclusive, *and sections 4, 5 and 6 of this act* wholly or in part. Any such compliance is wholly voluntary, and no liability attaches to any failure to comply on the part of the private school, governing body or administrator.

Sec. 12. NRS 388.1323 is hereby amended to read as follows:

388.1323 1. The Office for a Safe and Respectful Learning Environment is hereby created within the Department.

2. The Superintendent of Public Instruction shall appoint a Director of the Office, who shall serve at the pleasure of the Superintendent.

3. The Director of the Office shall ensure that the Office:

(a) Maintains a 24-hour, toll-free statewide hotline and Internet website by which any person can report a violation of the provisions of NRS 388.121 to 388.1395, inclusive, *and sections 4, 5 and 6 of this act* and obtain information about *antidiscrimination and* anti-bullying efforts and organizations; and

(b) Provides outreach and *antidiscrimination and* anti-bullying education and training for pupils, parents and guardians, teachers, administrators, coaches and other staff members and the members of a governing body. The outreach and training must include, without limitation:

(1) Training regarding methods, procedures and practice for recognizing *discrimination based on race*, bullying and cyber-bullying behaviors;

(2) Training regarding effective intervention and remediation strategies regarding *discrimination based on race*, bullying and cyber-bullying;

(3) Training regarding methods for reporting violations of NRS 388.135; and

(4) Information on and referral to available resources regarding suicide prevention and the relationship between *discrimination based on race*, bullying or cyber-bullying and



suicide, including, without limitation, resources for pupils who are members of groups at a high risk of suicide. Such groups include, without limitation, the groups described in subsection 3 of NRS 388.256.

4. The Director of the Office shall establish procedures by which the Office may receive reports of *discrimination based on race*, bullying and cyber-bullying and complaints regarding violations of the provisions of NRS 388.121 to 388.1395, inclusive ~~§~~, and sections 4, 5 and 6 of this act.

5. The Director of the Office or his or her designee shall investigate any complaint that a teacher, administrator, coach or other staff member or member of a governing body has violated a provision of NRS 388.121 to 388.1395, inclusive ~~§~~, and sections 4, 5 and 6 of this act. If a complaint alleges criminal conduct or an investigation leads the Director of the Office or his or her designee to suspect criminal conduct, the Director of the Office may request assistance from the Investigation Division of the Department of Public Safety.

Sec. 13. NRS 388.1325 is hereby amended to read as follows:

388.1325 1. The *Discrimination and Bullying Prevention Account* is hereby created in the State General Fund, to be administered by the Director of the Office for a Safe and Respectful Learning Environment appointed pursuant to NRS 388.1323. The Director of the Office may accept gifts and grants from any source for deposit into the Account. The interest and income earned on the money in the Account must be credited to the Account.

2. In accordance with the regulations adopted by the State Board pursuant to NRS 388.1327, a school district that applies for and receives a grant of money from the *Discrimination and Bullying Prevention Account* shall use the money for one or more of the following purposes:

(a) The establishment of programs to create a school environment that is free from *discrimination based on race*, bullying and cyber-bullying;

(b) The provision of training on the policies adopted by the school district pursuant to NRS 388.134 and the provisions of NRS 388.121 to 388.1395, inclusive ~~§~~, and sections 4, 5 and 6 of this act; or

(c) The development and implementation of procedures by which the public schools of the school district and the pupils enrolled in those schools can discuss the policies adopted pursuant to NRS 388.134 and the provisions of NRS 388.121 to 388.1395, inclusive ~~§~~, and sections 4, 5 and 6 of this act.



Sec. 14. NRS 388.1327 is hereby amended to read as follows:
388.1327 The State Board shall adopt regulations:

1. Establishing the process whereby school districts may apply to the Department for a grant of money from the *Discrimination and Bullying Prevention Account* pursuant to NRS 388.1325.
2. As are necessary to carry out the provisions of NRS 388.121 to 388.1395, inclusive ~~4~~, *and sections 4, 5 and 6 of this act.*

Sec. 15. NRS 388.133 is hereby amended to read as follows:

388.133 1. The Department shall, in consultation with the governing bodies, educational personnel, local associations and organizations of parents whose children are enrolled in schools throughout this State, and individual parents and legal guardians whose children are enrolled in schools throughout this State, prescribe by regulation a policy for all school districts and schools to provide a safe and respectful learning environment that is free of *discrimination based on race*, bullying and cyber-bullying.

2. The policy must include, without limitation:

(a) Requirements and methods for reporting violations of NRS 388.135, including, without limitation, violations among teachers and violations between teachers and administrators, coaches and other personnel of a school district or school;

(b) Requirements and methods for addressing the rights and needs of persons with diverse gender identities or expressions;

(c) Requirements and methods for restorative disciplinary practices; and

(d) A policy for use by school districts and schools to train members of the governing body and all administrators, teachers and all other personnel employed by the governing body. The policy must include, without limitation:

(1) Training in the appropriate methods to facilitate positive human relations among pupils by eliminating the use of *discrimination based on race*, bullying and cyber-bullying so that pupils may realize their full academic and personal potential;

(2) Training in methods to prevent, identify and report incidents of *discrimination based on race*, bullying and cyber-bullying;

(3) Training concerning the needs of persons with diverse gender identities or expressions;

(4) Training concerning the needs of pupils with disabilities and pupils with autism spectrum disorder;

(5) Methods to promote a positive learning environment;

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



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

Sec. 16. NRS 388.1341 is hereby amended to read as follows:

388.1341 1. The Department, in consultation with persons who possess knowledge and expertise in *discrimination based on race*, bullying and cyber-bullying, shall, to the extent money is available, develop an informational pamphlet to assist pupils and the parents or legal guardians of pupils enrolled in schools in this State in resolving incidents of *discrimination based on race*, bullying or cyber-bullying. If developed, the pamphlet must include, without limitation:

(a) A summary of the policy prescribed by the Department pursuant to NRS 388.133 and the provisions of NRS 388.121 to 388.1395, inclusive ~~§~~, and *sections 4, 5 and 6 of this act*;

(b) A description of practices which have proven effective in preventing and resolving violations of NRS 388.135 in schools, which must include, without limitation, methods to identify and assist pupils who are at risk for *discrimination based on race*, bullying and cyber-bullying; and

(c) An explanation that the parent or legal guardian of a pupil who is involved in a reported violation of NRS 388.135 may request an appeal of a disciplinary decision made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by a governing body.

2. If the Department develops a pamphlet pursuant to subsection 1, the Department shall review the pamphlet on an annual basis and make such revisions to the pamphlet as the Department determines are necessary to ensure the pamphlet contains current information.

3. If the Department develops a pamphlet pursuant to subsection 1, the Department shall post a copy of the pamphlet on the Internet website maintained by the Department.

4. To the extent the money is available, the Department shall develop a tutorial which must be made available on the Internet website maintained by the Department that includes, without limitation, the information contained in the pamphlet developed pursuant to subsection 1, if such a pamphlet is developed by the Department.

Sec. 17. NRS 388.1342 is hereby amended to read as follows:

388.1342 1. The Department, in consultation with persons who possess knowledge and expertise in *discrimination based on race*, bullying and cyber-bullying, shall establish a program of training:



(a) On methods to prevent, identify and report incidents of *discrimination based on race*, bullying and cyber-bullying for members of the State Board.

(b) On methods to prevent, identify and report incidents of *discrimination based on race*, bullying and cyber-bullying for the members of a governing body.

(c) For school district and school personnel to assist those persons with carrying out their powers and duties pursuant to NRS 388.121 to 388.1395, inclusive **H**, *and sections 4, 5 and 6 of this act*.

(d) For school district and school personnel in the prevention of violence and suicide, including, without limitation, violence and suicide associated with *discrimination based on race*, bullying and cyber-bullying, and appropriate methods to respond to incidents of violence or suicide. Such training must include, without limitation, instruction concerning the identification of:

(1) Appropriate mental health services at the school and in the community in which the school is located and how and when to refer pupils and their families for such services; and

(2) Other persons and organizations in the community in which the school is located, including, without limitation, religious and other nonprofit organizations, that may be able to assist with the response to a suicide.

(e) For school district and school personnel concerning the needs of persons with diverse gender identities or expressions.

(f) For school district and school personnel concerning the needs of pupils with disabilities and pupils with autism spectrum disorder.

2. Each member of the State Board shall, within 1 year after the member is elected or appointed to the State Board, complete the program of training on *discrimination based on race*, bullying and cyber-bullying established pursuant to paragraph (a) of subsection 1 and undergo the training at least one additional time while the person is a member of the State Board.

3. Except as otherwise provided in NRS 388.134, each member of a governing body shall, within 1 year after the member begins his or her service on the governing body, complete the program of training on *discrimination based on race*, bullying and cyber-bullying established pursuant to paragraph (b) of subsection 1 and undergo the training at least one additional time while the person is a member of the governing body.

4. Each administrator of a school shall complete the program of training established pursuant to paragraphs (d), (e) and (f) of subsection 1:



- (a) Within 90 days after becoming an administrator;
- (b) Except as otherwise provided in paragraph (c), at least once every 3 years thereafter; and
- (c) At least once during any school year within which the program of training is revised or updated.

5. Each program of training established pursuant to subsection 1 must, to the extent money is available, be made available on the Internet website maintained by the Department or through another provider on the Internet.

6. The governing body may allow school personnel to attend the program established pursuant to paragraph (c), (d), (e) or (f) of subsection 1 during regular school hours.

7. The Department shall review each program of training established pursuant to subsection 1 on an annual basis to ensure that the program contains current information.

Sec. 18. NRS 388.1343 is hereby amended to read as follows:

388.1343 The administrator of each school or his or her designee shall:

1. Establish a school safety team to develop, foster and maintain a school environment which is free from *discrimination based on race*, bullying and cyber-bullying;

2. Conduct investigations of violations of NRS 388.135 occurring at the school; and

3. Collaborate with the governing body and the school safety team to prevent, identify and address reported violations of NRS 388.135 at the school.

Sec. 19. NRS 388.1344 is hereby amended to read as follows:

388.1344 1. Each school safety team established pursuant to NRS 388.1343 must consist of the administrator of the school or his or her designee and the following persons appointed by the administrator:

(a) A school counselor, school psychologist or social worker if the school employs a person in such a position full-time;

(b) At least one teacher who teaches at the school;

(c) At least one parent or legal guardian of a pupil enrolled in the school;

(d) A school police officer or school resource officer if the school employs a person in such a position full-time;

(e) For a middle school, junior high school or high school, one pupil enrolled in the school; and

(f) Any other persons appointed by the administrator.

2. The administrator of the school or his or her designee shall serve as the chair of the school safety team.



3. The school safety team shall:

(a) Meet at least two times each year;

(b) Identify and address patterns of *discrimination based on race*, bullying or cyber-bullying;

(c) Review and strengthen school policies to prevent and address *discrimination based on race*, bullying or cyber-bullying;

(d) Provide information to school personnel, pupils enrolled in the school and parents and legal guardians of pupils enrolled in the school on methods to address bullying and cyber-bullying; ~~and~~

(e) *To the extent practicable, work with members of the community with expertise in cultural competency; and*

(f) To the extent money is available, participate in any training conducted by the school district or school regarding bullying and cyber-bullying.

4. To the extent practicable, the school safety team must consist of members who are representative of the demographic groups identified in subsection 1 of section 4 of this act.

Sec. 20. NRS 388.135 is hereby amended to read as follows:

388.135 A member of a governing body, any employee of a governing body, including, without limitation, an administrator, teacher or other staff member, a member of a club or organization which uses the facilities of any school, regardless of whether the club or organization has any connection to the school, or any pupil shall not engage in *discrimination based on race*, bullying or cyber-bullying on the premises of any school, at an activity sponsored by a school or on any school bus.

Sec. 21. NRS 388.1351 is hereby amended to read as follows:

388.1351 1. Except as otherwise provided in NRS 388.13535, a teacher, administrator, coach or other staff member who witnesses a violation of NRS 388.135 or receives information that a violation of NRS 388.135 has occurred shall report the violation to the administrator or his or her designee as soon as practicable, but not later than a time during the same day on which the teacher, administrator, coach or other staff member witnessed the violation or received information regarding the occurrence of a violation.

2. Except as otherwise provided in this subsection, upon receiving a report required by subsection 1, the administrator or designee shall immediately take any necessary action to stop the *discrimination based on race*, bullying or cyber-bullying and ensure the safety and well-being of the reported victim or victims of the *discrimination based on race*, bullying or cyber-bullying and shall begin an investigation into the report. If the administrator or



designee does not have access to the reported victim of the alleged violation of NRS 388.135, the administrator or designee may wait until the next school day when he or she has such access to take the action required by this subsection.

3. The investigation conducted pursuant to subsection 2 must include, without limitation:

(a) Except as otherwise provided in subsection 4, notification provided by telephone, electronic mail or other electronic means or provided in person, of the parents or guardians of all pupils directly involved in the reported *discrimination based on race*, bullying or cyber-bullying, as applicable, either as a reported aggressor or a reported victim of the *discrimination based on race*, bullying or cyber-bullying. The notification must be provided:

(1) If the *discrimination based on race*, bullying or cyber-bullying is reported before the end of school hours on a school day, before the school's administrative office closes on the day on which the *discrimination based on race*, bullying or cyber-bullying is reported; or

(2) If the *discrimination based on race*, bullying or cyber-bullying was reported on a day that is not a school day, or after school hours on a school day, before the school's administrative office closes on the school day following the day on which the *discrimination based on race*, bullying or cyber-bullying is reported.

(b) Interviews with all pupils whose parents or guardians must be notified pursuant to paragraph (a) and with all such parents and guardians.

4. If the contact information for the parent or guardian of a pupil in the records of the school is not correct, a good faith effort to notify the parent or guardian shall be deemed sufficient to meet the requirement for notification pursuant to paragraph (a) of subsection 3.

5. Except as otherwise provided in this subsection, an investigation required by this section must be completed not later than 2 school days after the administrator or designee receives a report required by subsection 1. If extenuating circumstances prevent the administrator or designee from completing the investigation required by this section within 2 school days after making a good faith effort, 1 additional school day may be used to complete the investigation. The time for completing an investigation into a report of cyber-bullying may also be extended to not more than 5 school days after the report is received with the consent of each reported victim of the cyber-bullying or, if a reported victim is



under 18 years of age and is not emancipated, the parent or guardian of the reported victim.

6. An administrator or designee who conducts an investigation required by this section shall complete a written report of the findings and conclusions of the investigation. If a violation is found to have occurred:

(a) The report must include recommendations concerning the imposition of disciplinary action or other measures to be imposed as a result of the violation, in accordance with the policy governing disciplinary action adopted by the governing body. Subject to the provisions of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, the report must be made available, not later than 24 hours after the completion of the written report, to all parents or guardians who must be notified pursuant to paragraph (a) of subsection 3 as part of the investigation; and

(b) Any action taken after the completion of the investigation to address the *discrimination based on race*, bullying or cyber-bullying must be *based on restorative disciplinary practices and* carried out in a manner that causes the least possible disruption for the victim or victims. When necessary, the administrator or his or her designee shall give priority to ensuring the safety and well-being of the victim or victims over any interest of the perpetrator or perpetrators when determining the actions to take.

7. If a violation is found not to have occurred, information concerning the incident must not be included in the record of the reported aggressor.

8. Not later than 10 school days after receiving a report required by subsection 1, the administrator or designee shall meet with each reported victim of the *discrimination based on race*, bullying or cyber-bullying to inquire about the well-being of the reported victim and to ensure that the reported *discrimination based on race*, bullying or cyber-bullying, as applicable, is not continuing.

9. To the extent that information is available, the administrator or his or her designee shall provide a list of any resources that may be available in the community to assist a pupil to each parent or guardian of a pupil to whom notice was provided pursuant to this section as soon as practicable. Such a list may include, without limitation, resources available at no charge or at a reduced cost and may be provided in person or by electronic or regular mail. If such a list is provided, the administrator, his or her designee, or any employee of the school or the school district is not responsible for



providing such resources to the pupil or ensuring the pupil receives such resources.

10. The parent or guardian of a pupil involved in the reported violation of NRS 388.135 may appeal a disciplinary decision of the administrator or his or her designee, made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by the governing body. Not later than 30 days after receiving a response provided in accordance with such a policy, the parent or guardian may submit a complaint to the Department. The Department shall consider and respond to the complaint pursuant to procedures and standards prescribed in regulations adopted by the Department.

11. If a violation of NRS 388.135 is found to have occurred, the parent or guardian of a pupil who is a victim of *discrimination based on race*, bullying or cyber-bullying may request that the board of trustees of the school district in which the pupil is enrolled to assign the pupil to a different school in the school district. Upon receiving such a request, the board of trustees shall, in consultation with the parent or guardian of the pupil, assign the pupil to a different school.

12. A principal or his or her designee shall submit a monthly report to the direct supervisor of the principal that includes for the school the number of:

(a) Reports received pursuant to subsection 1 ~~(c)~~ *concerning incidents of bullying or cyber-bullying;*

(b) *Reports received pursuant to subsection 1 concerning incidents of discrimination based on race;*

(c) Times in which a violation of NRS 388.135 is found to have occurred; and

~~(e)~~ (d) Times in which no violation of NRS 388.135 is found to have occurred.

13. A direct supervisor who receives a monthly report pursuant to subsection 12 shall, each calendar quarter, submit a report to the Office for a Safe and Respectful Learning Environment that includes, for the schools for which the direct supervisor has received a monthly report in the calendar quarter ~~(c)~~ *and categorized by types of incidents and the demographics identified in subsection 1 of section 4 of this act*, the:

(a) Total number of reports received pursuant to subsection 1 ~~(c)~~ *concerning bullying or cyber-bullying;*

(b) *Total number of reports received pursuant to subsection 1 concerning incidents of discrimination based on race;*



(c) Number of times in which a violation of NRS 388.135 is found to have occurred; and

~~[(e)]~~ (d) Number of times in which no violation of NRS 388.135 is found to have occurred.

14. *The Office for a Safe and Respectful Learning Environment, in consultation with the direct supervisor of a principal, shall, after reviewing a report submitted pursuant to subsection 12 or 13, as applicable, make any recommendations based on identified trends and patterns the Office determines to be appropriate regarding interventions or training to address discrimination based on race, bullying and cyber-bullying at the school.*

15. School hours and school days are determined for the purposes of this section by the schedule established by the governing body for the school.

~~[(15-)]~~ 16. The provisions of this section must not be construed to place any limit on the time within which an investigation concerning any alleged act that constitutes sexual assault must be completed.

Sec. 22. NRS 388.13535 is hereby amended to read as follows:

388.13535 1. If a law enforcement agency is investigating a potential crime involving an alleged violation of NRS 388.135, the administrator or his or her designee may, after providing the notification required by paragraph (a) of subsection 3 of NRS 388.1351, defer the investigation required by that section until the completion of the criminal investigation by the law enforcement agency. If the administrator or his or her designee defers an investigation pursuant to this subsection, the administrator or designee shall:

(a) Immediately develop and carry out a plan to protect the safety of each pupil directly involved in the alleged violation of NRS 388.135; and

(b) To the extent that the law enforcement agency has provided the administrator or designee with information about the projected date for completion of its investigation, provide the parents or guardians of each pupil directly involved in the alleged violation of NRS 388.135 with that information.

2. Except as otherwise provided in this section, the deferral authorized by subsection 1 does not affect the obligations of the administrator or designee pursuant to NRS 388.121 to 388.1395, inclusive ~~[(1)]~~, *and sections 4, 5 and 6 of this act.*



3. Any plan developed pursuant to subsection 1 must be carried out in a manner that causes the least possible disruption for the reported victim or victims of *discrimination based on race*, bullying or cyber-bullying. When necessary, the administrator or his or her designee shall give priority to protecting the reported victim or victims over any interest of the reported perpetrator or perpetrators when determining how to carry out the plan.

4. If the administrator or designee determines that a violation of NRS 388.135 was caused by the disability of the pupil who committed the violation:

(a) The provisions of NRS 388.1351 do not apply to the same or similar behavior if the behavior is addressed in the pupil's individualized education program; and

(b) The administrator or designee shall take any measures necessary to protect the safety of the victim of the violation.

5. The provisions of NRS 388.1351 do not apply to a violation of NRS 388.135 committed by:

(a) A pupil who is enrolled in prekindergarten if the behavior is addressed through measures intended to modify the behavior of the pupil.

(b) An employee of a school or school district against another employee of a school or school district.

(c) An adult who is not a pupil or employee of a school or school district against another such adult.

Sec. 23. NRS 388.139 is hereby amended to read as follows:

388.139 Each school district shall include the text of the provisions of NRS 388.121 to 388.1395, inclusive, *and sections 4, 5 and 6 of this act* and the policies adopted by the board of trustees of the school district pursuant to NRS 388.134 under the heading [~~Bullying~~] *"Discrimination Based on Race, Bullying and Cyber-Bullying 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. 24. NRS 388.1395 is hereby amended to read as follows:

388.1395 The governing body of each school shall determine the most effective manner for the delivery of information to the pupils of the school during the "Week of Respect" proclaimed by the Governor each year pursuant to NRS 236.073. The information delivered during the "Week of Respect" must focus on:

1. Methods to prevent, identify and report incidents of *discrimination based on race*, bullying and cyber-bullying;

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



3. Methods to facilitate positive human relations among pupils by eliminating the use of *discrimination based on race*, bullying and cyber-bullying.

Sec. 25. NRS 391.465 is hereby amended to read as follows:

391.465 1. The State Board shall, based upon the recommendations of the Teachers and Leaders Council of Nevada submitted pursuant to NRS 391.460, adopt regulations establishing a statewide performance evaluation system which incorporates multiple measures of an employee's performance. Except as otherwise provided in subsection 3, the State Board shall prescribe the tools to be used by a school district for obtaining such measures.

2. The statewide performance evaluation system must:

(a) Require that an employee's overall performance is determined to be:

- (1) Highly effective;
- (2) Effective;
- (3) Developing; or
- (4) Ineffective.

(b) Include the criteria for making each designation identified in paragraph (a), which must include, without limitation, consideration of whether the classes for which the employee is responsible exceed the applicable recommended ratios of pupils per licensed teacher prescribed by the State Board pursuant to NRS 388.890 and, if so, the degree to which the ratios affect:

(1) The ability of the employee to carry out his or her professional responsibilities; and

(2) The instructional practices of the employee.

(c) Except as otherwise provided in subsections 2 and 3 of NRS 391.695 and subsections 2 and 3 of NRS 391.715, require that pupil growth, as determined pursuant to NRS 391.480, account for 15 percent of the evaluation of a teacher or administrator who provides direct instructional services to pupils at a school in a school district.

(d) Include an evaluation of whether the teacher, or administrator who provides primarily administrative services at the school level or administrator at the district level who provides direct supervision of the principal of a school, and who does not provide primarily direct instructional services to pupils, regardless of whether the probationary administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal or licensed educational employee, other than a teacher or administrator, employs practices and strategies to involve and engage the parents and families of pupils.



(e) Include a process for peer observations of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without limitation, conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching. The regulations must include the criteria for school districts to determine which educational personnel are qualified to conduct peer observations pursuant to the process.

(f) If an employee knowingly and willfully failed to comply with the provisions of NRS 388.1351, indicate any disciplinary actions taken against the employee pursuant to NRS 388.1354.

3. A school district may apply to the State Board to use a performance evaluation system and tools that are different than the evaluation system and tools prescribed pursuant to subsection 1. The application must be in the form prescribed by the State Board and must include, without limitation, a description of the evaluation system and tools proposed to be used by the school district. The State Board may approve the use of the proposed evaluation system and tools if it determines that the proposed evaluation system and tools apply standards and indicators that are equivalent to those prescribed by the State Board.

4. An administrator at the district level who provides direct supervision of the principal of a school and who also serves as the superintendent of schools of a school district must not be evaluated using the statewide performance evaluation system.

Sec. 26. NRS 62C.400 is hereby amended to read as follows:

62C.400 1. If a department of juvenile services determines that a child who is currently enrolled in school unlawfully engaged in *discrimination based on race*, bullying or cyber-bullying, the department shall provide the information specified in subsection 2 to the juvenile court in the judicial district in which the child resides and to the school district in which the child is currently enrolled.

2. The information required to be provided pursuant to subsection 1 must include:

(a) The name of the child;

(b) The name of the person who was the subject of the *discrimination based on race*, bullying or cyber-bullying; and

(c) A description of any *discrimination based on race*, bullying or cyber-bullying committed by the child against the other person.

3. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.



(b) “Cyber-bullying” has the meaning ascribed to it in NRS 388.123.

(c) *“Discrimination based on race” has the meaning ascribed to it in section 4 of this act.*

Sec. 27. NRS 62E.030 is hereby amended to read as follows:

62E.030 1. If a court determines that a child who is currently enrolled in school unlawfully caused or attempted to cause serious bodily injury to another person, the court shall provide the information specified in subsection 2 to the school district in which the child is currently enrolled.

2. The information required to be provided pursuant to subsection 1 must include:

- (a) The name of the child;
- (b) A description of any injury sustained by the other person;
- (c) A description of any weapon used by the child; and
- (d) A description of any threats made by the child against the other person before, during or after the incident in which the child injured or attempted to injure the person.

3. If a court determines that a child who is currently enrolled in school unlawfully engaged in *discrimination based on race*, bullying or cyber-bullying, the court shall provide the information specified in subsection 4 to the school district in which the child is currently enrolled.

4. The information required to be provided pursuant to subsection 3 must include:

- (a) The name of the child;
- (b) The name of the person who was the subject of the *discrimination based on race*, bullying or cyber-bullying; and
- (c) A description of any *discrimination based on race*, bullying or cyber-bullying committed by the child against the other person.

5. As used in this section:

- (a) “Bullying” has the meaning ascribed to it in NRS 388.122.
- (b) “Cyber-bullying” has the meaning ascribed to it in NRS 388.123.

(c) *“Discrimination based on race” has the meaning ascribed to it in section 4 of this act.*

Sec. 28. NRS 236.073 is hereby amended to read as follows:

236.073 1. The Governor shall annually proclaim the first week in October to be “Week of Respect.”

2. The proclamation may call upon:

- (a) News media, educators and appropriate government offices to bring to the attention of the residents of Nevada factual



information regarding *discrimination based on race*, bullying and cyber-bullying, including, without limitation:

(1) Statistical information regarding the number of pupils who *experience discrimination based on race or* are bullied or cyber-bullied each year;

(2) The methods to identify and assist pupils who are at risk of *discrimination based on race*, bullying or cyber-bullying; and

(3) The methods to prevent *discrimination based on race*, bullying and cyber-bullying; and

(b) Governing bodies to provide instruction on the ways in which pupils can prevent *discrimination based on race*, bullying and cyber-bullying during the Week of Respect and throughout the school year that is appropriate for the grade level of pupils who receive the instruction.

3. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) *"Discrimination based on race" has the meaning ascribed to it in section 4 of this act.*

(d) "Governing body" has the meaning ascribed to it in NRS 388.126.

Sec. 29. This act becomes effective on July 1, 2021.

