

PROPOSED REGULATION OF THE DEPARTMENT OF EDUCATION

LCB File No. R70-14

SAFE and RESPECTFUL LEARNING ENVIRONMENT (SRLE) POLICY

INTRODUCTION

Because it is the intended goal of the Nevada legislature that all public schools in the state provide a safe and respectful learning environment, the Department of Education – after consultation as required – hereby prescribes by regulation a model policy for use by all school districts and public schools. (Per NRS 388.133)

NAC Chapter 388 is amended to add the following new language:

The board of trustees of each school district shall:

Bullying and cyber-bullying policy (Per NRS 388.134)

- 1) Adopt the policy prescribed below or an expanded policy if the expanded policy complies with prescribed policy.*
- 2) Post the policies on the Internet website maintained by the school district.*
- 3) Ensure that parents and legal guardians of pupils enrolled in the school district have sufficient information concerning the availability of policies, including, without limitation, information that describes how to access the policies on the Internet website maintained by the school district. Upon request parents or legal guardians must be provided with a written copy of updated policies.*
- 4) Include the text of the policies adopted under the heading “Bullying and Cyber-bullying is prohibited in Public Schools,” within each copy of the rules of behavior for students that the school district provides.*
- 5) Review policies annually and update them if necessary.*

Reporting (Per NRS 385.3483)

- 6) Prepare an annual report of accountability. The report must be prepared on or before September 30 of each year and include, without limitation:*
 - a. The number of reported violations of NRS 388.135 occurring at the school or otherwise involving a pupil enrolled at the school, regardless of the outcome of the investigation conducted;*
 - b. The number of incidents determined to be bullying or cyber-bullying after an investigation is conducted;*
 - c. The number of incidents resulting in suspension or expulsion for bullying or cyber-bullying; and*
 - d. Any actions taken to reduce the number of incidences of bullying and cyber-bullying including without limitation, training that was offered or other policies, practices and programs that were implemented*

Reporting to law enforcement (Per NRS 388.1352)

- 7) Establish a policy, in conjunction with local law enforcement agencies and with school police, if applicable, for the procedures that must be followed by an employee of the school district when reporting bullying or cyber-bullying to law enforcement.

“Week of Respect” (Per NRS 388.145)

- 8) Determine the most effective manner for the delivery of information to the students of each public school during the “Week of Respect” proclaimed by the Governor each year. The information delivered must focus on:
- a. Methods to prevent, identify and report incidents of bullying and cyber-bullying;
 - b. Methods to improve the school environment in a manner that will facilitate positive human relations among pupils; and
 - c. Methods to facilitate positive human relations among pupils by eliminating the use of bullying and cyber-bullying.

Professional Development (Per NRS 388.1342)

- 9) Complete the program of training on bullying and cyber-bullying established by the Department within one year and at least one additional time while the person is a member of the board of trustees. (See Professional Development in the attached model policy)

The district superintendent of each school district shall: (Per NRS 388.1342)

- 1) Use all reasonable means to inform students, employees, and parents or guardians that the district will not tolerate bullying. The XXXXX School District/Charter School shall include definitions of bullying and cyber-bullying and the reporting procedures for student violations within each copy of the rules of behavior for pupils that the school district/charter school provides to pupils.
- 2) Provide for the appropriate training of members of the board of trustees and all administrators, principals, teachers and all other personnel employed by the board of trustees. (See Professional Development in the Model Policy)

The administrators of a public school shall: (Per NRS 388.1342)

- 1) Complete the program of training established by the Department on the prevention of violence and suicide associated with bullying and cyber-bullying and appropriate methods to respond to incidents of violence or suicide within 90 days after becoming an administrator and every three years thereafter; or at least once during any school year within which the program of training is revised or updated. See Professional Development in the Model Policy)

The principal of each public school or his or her designee shall (NRS 388.1343):

School Safety Team (Per NRS 388.1344)

- 1) Establish a school safety team to develop, foster and maintain a school environment which is free from bullying and cyber bullying.
- a. School Safety Teams must consist of the principal or designee (committee chair) and the following people appointed by the principal:
 - (1) School counselor;

- (2) At least one teacher at the school;
 - (3) At least one parent or guardian of a student enrolled in the school; and
 - (4) Any other persons appointed by the principal, such as the hall monitor, a bus driver, students, and etc.
- b. The School Safety Team shall:
 - (1) Meet at least two, and preferably more, times each year;
 - (2) Identify and address patterns of bullying and cyber-bullying, making decisions in light of the data;
 - (3) Review and strengthen school policies to prevent and address bullying and cyber-bullying, supporting implementation fidelity and measures should the school elect to adopt an evidence-based program to address bullying and cyber-bullying;
 - (4) Support the principal in the establishment of a safety plan for students found, upon investigation, to be targets of bullying or those requesting a safety plan, per II.G of the Safe and Respectful Learning Environment policy.
 - (5) Provide information to school personnel, students and parents or guardians of students enrolled in the school on methods to address bullying and cyber-bullying; and
 - (6) To the extent money is available, participate in any training conducted by the school district regarding bullying and cyber-bullying, and provide systemic support of scalable, durable, and effective implementation of anti-bullying measures.

Investigation (per NRS 388.1351)

- 2) Conduct investigations of bullying and/or cyber-bullying occurring at the school. (See Investigations in the Model Policy)

Prevent, Identify and address bullying and cyber-bullying

- 3) Collaborate with the board of trustees of the school district and school safety team to prevent, identify and address reported violations of NRS 388.135 at the school.

MODEL POLICY: SAFE, RESPECTFUL and INCLUSIVE LEARNING ENVIRONMENT

XXXXXX SCHOOL DISTRICT/CHARTER SCHOOL

The Legislature declares that: (NRS 388.132)

- 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 bullying or cyber-bullying seriously interferes with the ability of teachers to teach in the classroom and the ability of pupils to learn;
- 3) 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;
- 4) 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;*
- 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 bullying and cyber-bullying; and*
- c. *All persons in public schools are entitled to maintain their own beliefs and to respectfully disagree without resorting to bullying, cyber-bullying or violence; and*
- d. *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.*

DEFINITIONS (NRS 388.121-388.124):

1. *Bullying means a willful act which is written, verbal or physical, or a course of conduct on the part of one or more persons which is not authorized by law and which exposes a person repeatedly and over time to one or more negative actions which is highly offensive to a reasonable person and*
 - a. *is intended to cause or actually causes the person to suffer harm or serious emotional distress;*
 - b. *exploits an imbalance in power, including, but not limited to, physical stature, age, social status, relational status, disability, race, gender, sexual identity or orientation, national origin, language, religion, or additional factors determined within the cultural context of the school, between the person engaging in the act or conduct and the person who is the subject of the act or conduct.*
 - c. *poses a threat of immediate harm or actually inflicts harm to another person or to the property of another person;*
 - d. *places the person in reasonable fear of harm or serious emotional distress; or*
 - e. *creates an environment which is hostile to a pupil by interfering with the education of the pupil. Bullying has the potential to impact the safety of a classroom and school environment, as it can impact the security of witnesses as well as targets of bullying.*
2. *Cyber-bullying means bullying through the use of electronic communication. The term includes the use of electronic communication to transmit or distribute a sexual image of a minor. As used in this section, “sexual image” has the meaning ascribed to it in NRS 200.737 - any visual depiction, including, without limitation, any photograph or video, of a minor simulating or engaging in sexual conduct or of a minor as the subject of a sexual portrayal.*
3. *Electronic communication means the 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.*

SAFE, RESPECTFUL and INCLUSIVE LEARNING ENVIRONMENT

I. Bullying and Cyber-bullying are Prohibited in Public Schools

- A. *The XXXXX School District/Charter School is committed to providing all students and employees with a safe, respectful and inclusive learning environment in which persons of differing beliefs, characteristics, and background can realize their full academic and personal potential. It is the intent of this policy to ensure that all administrators, principals, teachers, and other personnel of the XXXXX School District/Charter School demonstrate appropriate behavior on the premises of any public school, at a school-sponsored event, or on a school bus by treating other persons, including, without limitation, pupils, with civility and respect and by refusing to tolerate bullying and cyber-bullying.*
- B. *A member of a Board of Trustees/Governing Body, any employee of the Board of Trustees/Governing Body, including, without limitation, administrators, principals, teachers, or other staff members, a member of a club or organization which uses the facilities of any public school, regardless of whether the club or organization has any connection to the school, or any pupils, shall not engage in bullying or cyber-bullying on the premises of any public school, at an activity sponsored by a public school or on any school bus. (NR 388.135)*
- C. *It is the intent of this policy that all persons in the XXXXX School District/Charter School are entitled to maintain their own beliefs and to disagree respectfully without resorting to violence, bullying or cyber-bullying. This policy does not advocate nor require the acceptance of differing beliefs in a manner that would inhibit the freedom of expression, but does require that all persons with differing beliefs be free from abuse.*

II. Requirements and Methods for Reporting Violations of NRS 388.1351

The XXXXX School District/Charter School shall assure that any person who believes that he or she has been a target of bullying or cyber-bullying as defined by NRS 388.121 to NRS 388.124 by a member of the school district board of trustees, any employee of the school district/charter school, or any pupil is encouraged and instructed to adhere to the following reporting mechanism:

- A. *Students. It is the policy of the XXXXX School District to encourage students who are targets of bullying and/or cyber-bullying, and students who have first-hand knowledge of such bullying and/or cyber-bullying to report such claims. Students should report any incident(s) to a teacher, counselor, or school administrator, or on the on-line anonymous tip line at www.XXXX.*
- B. *Employees. Any XXXXX School District employee who witnesses, overhears, or receives information, formal or informal, written or oral, of bullying and/or cyber-bullying at school, at a school-sponsored event, or on a school bus, shall verbally*

- report it to the principal or the principal's designee on the same day the violation was witnessed or information on the violation was received.*
- C. *The principal or designee shall initiate an investigation not later than 1 day after receiving notice of the violation.*
 - D. *The principal or the designee shall provide written notice of a reported violation to the parent or legal guardian of the alleged target(s) and the alleged offender(s). The notice must include, without limitation, a statement that the principal or the designee will be conducting an investigation into the reported violation and that the parent or legal guardian may discuss with the principal or the designee any counseling and intervention services that are available to the pupil(s).*
 - E. *The investigation must be completed within 10 days after the date on which the investigation was initiated and, if a violation is found to have occurred, 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 board of trustees of the school district.*
 - F. *The parent or legal guardian of a pupil accused of the reported bullying or cyber-bullying may appeal the disciplinary decision in accordance with school district policy.*
 - G. *The alleged target of the bullying can request a meeting with an administrator or his/her designee, and ask that a safety plan be developed regardless of the outcome of the investigation. (See III.5 for information on safety plans.)*
 - H. *Members of the board of trustees and employees of the district are prohibited from interfering with disclosure of violations of this regulation. (NRS 388.136)*
 - I. *No cause of action may be brought against a pupil or an employee or volunteer of a school who report a bullying or cyber-bullying incident unless the person who made the report acted with malice, intentional misconduct, gross negligence, or intentional or knowing violation of the law. (NRS 388.137)*
 - J. *If the principal determines that the report was false and that the person who made the report acted in the aforementioned manner, the principal may recommend the imposition of disciplinary action or other measures against the person in accordance with the policy governing disciplinary action of the school district. (NRS 388.137)*
 - K. *Parents and legal guardians of students who were alleged targets of a bullying incident must be informed of the district's Public Concern procedures so as to have recourse if they perceive a failure by school officials to respond to bullying or cyberbullying, including but not limited to failure to notify parents, failure to investigate, and failure to act in a timely manner pursuant NRS 388.1351.*

III. Investigations

A proper investigation should include:

- 1. *Compliance with NRS 388.1351;*
- 2. *A thorough and impartial inquiry;*
- 3. *Interviews with targeted student(s), accused student(s), and witnesses, each interviewed independently with confidentiality preserved;*
- 4. *Maintaining of written documentation of investigation.*

A proper response should include:

1. *Notification to the parent or legal guardians of the alleged target(s) and the alleged offender(s) involved as to the outcome of the investigation, in compliance with FERPA, and their right to appeal the disciplinary decision, if applicable; or to submit a Public Concern complaint if applicable.*
2. *Reasonable steps to end the bullying or cyberbullying, while crafting remedies that limit the burden on targeted student(s);*
3. *In addition or in lieu of disciplinary action, a child accused and/or found to have engaged in bullying or cyberbullying should be provided with any resources and/or services in an effort to prevent future acts of bullying or cyberbullying. This may include, but is not limited to, referrals to on-site or off-site counseling, tutoring, evaluation for services under an Individualized Education Program and Behavior Intervention Plan, utilizing positive behavioral interventions and supports, or other resources available based on the child's individualized needs;*
4. *Provide the target the opportunity to obtain the benefit that was denied due to the bullying or cyber-bullying (such as making up a test or missing homework.)*
5. *In the event that the investigation reveals that bullying did occur, a safety plan should be developed and implemented for the target of the bullying. This may include, but is not limited to, identification of trusted adults; a referral to onsite or offsite counseling or psychological services; a student action plan; teaching preventative skills, including advocacy and problem solving skills; encouraging bystander support; increased adult supervision; and check-ins by administrators and teachers.*

IV. Professional Development (NRS 388.1342)

- A. The district superintendent shall develop a plan, including requirements and procedures, to assure that the following professional development be provided to the members of the board of trustees and all administrators, principals, teachers, and other personnel employed by the Board of Trustees of the XXXXX School District.***
 1. *Training in the appropriate methods to facilitate positive human relations among pupils by eliminating the use of bullying, cyber-bullying so that pupils may realize their full academic and personal potential;*
 2. *Training in methods to prevent, identify and report incidents of bullying and cyber-bullying;*
 3. *Methods to improve the school environment in a manner that will facilitate positive human relations among pupils; and*
 4. *Methods to teach skills to pupils so that the pupils are able to replace inappropriate behavior with positive behavior.*
- B. The board of trustees may allow school district personnel to attend the program of training during regular school hours.***

C. Each administrator of a public school shall complete the program of training established by the Department of Education for the prevention of violence and suicide associated with bullying and cyber-bullying and appropriate methods to respond to incidents of violence or suicide.