

Dealing with Allegations of Bullying and Cyber-Bullying – Safe and Respectful Learning Environment

1. Bullying

a. Bullying is defined in state law as follows (NRS 388.122):

“Bullying” means written, verbal, electronic expressions, or physical, acts or gestures, or any combination thereof, directed at a student or group of students, or a single severe and willful act or expression, directed at a student or a group of students and:

- 1) Have the effect of:
 - i. Physically harming a student or damaging the property of a student; or
 - ii. Placing a student in reasonable fear of physical harm to the student or damage to the property of the student; or
- 2) Interfere with the rights of a student by:
 - i. Creating an intimidating or hostile educational environment for the student; or
 - ii. Substantially interfering with the academic performance of a student or the ability of the person to participate in or benefit from services, activities, or privileges provided by a school; or
- 3) Are acts or conduct described in paragraph (a) or (b) and are based upon the:
 - i. Actual or perceived race, color, national origin, ancestry, religion, gender identity or expression, sexual orientation, physical or mental disability of a person, sex or any other distinguishing characteristic or background of a student; or
 - ii. Association of a student with another student having one or more of those actual or perceived characteristics.
- 4) The term includes, without limitation:
 - i. Repeated or pervasive taunting, name-calling, belittling, mocking or use of put-downs or demeaning humor regarding the actual or perceived race, color, national origin, ancestry, religion, gender identity or expression, sexual orientation, physical or mental disability of a person, sex, or any other distinguishing characteristic or background of a student (if the behavior is directed towards a District employee, it may be covered in GBB1 “Fair Employment Practices”);
 - ii. Behavior that is intended to harm another student by damaging or manipulating his/her relationships with others by conduct that includes, without limitation, spreading false rumors;
 - iii. Repeated or pervasive nonverbal threats or intimidation such as the use of aggressive, menacing or disrespectful gestures;
 - iv. Threats of harm to a student, to his/her possessions or to other students, whether such threats are transmitted verbally, electronically, or in writing;
 - v. Blackmail, extortion, demands for protection money or involuntary loans, or donations;
 - vi. Blocking access to any property or facility of a school;
 - vii. Stalking; and
 - viii. Physically harmful contact with or injury to another student or his/her property.

2. Cyber-Bullying

- a. Cyber-bullying is defined in state law as follows (NRS 388.123):

“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.

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 (NRS 388.124).

Sexual image means 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 (NRS 200.737).

Sexual portrayal means the depiction of a student in a manner which appeals to the prurient interest in sex and which does not have serious literary, artistic, political, or scientific value (NRS 200.700).

1. Requirements and Methods for Reporting Violations of NRS 388.1351

Any District employee who witnesses or receives information, formal or informal, written or oral, that bullying and/or cyber-bullying has occurred at school, at a school-sponsored event, or on a school bus in respect to a student, shall report the incident(s) to the principal or the principal’s designee as soon as practicable, but not later than the close of business on the same day. If the report involves a school principal, the District Superintendent, or a member of the Board of Trustees, the reporter shall make a report directly to the local Sheriff Department. The report of a violation must be made to the principal or designee noted above on the day which the employee witnessed the violation or received information regarding the occurrence of a violation. Each school principal shall advise employees of the means by which the principal may be contacted on any day when an employee witnesses a violation or receives information that a violation of NRS 388.135 has occurred.

Knowingly or intentionally failing to report a violation of NRS 388.1351 is a basis for which a teacher may be suspended, dismissed, or not reemployed and an administrator may be demoted, suspended, dismissed, or not reemployed under NRS 391.31297.

2. Investigation Requirements

Upon receiving a report of a violation, the principal or designee shall immediately take any necessary action to stop the bullying or cyber-bullying and ensure the safety and well-being of the reported victim or victims of the bullying or cyber-bullying and shall begin an investigation immediately into the report. If the principal or designee does not have access to the reported victim, they may wait until the next day when they have such access to take action. The investigation required must be completed not later than two school days after the principal or designee receives a report of a violation. One additional day may be used by the principal or designee if, because of extenuating circumstances, they are unable to complete the investigation within the required two school days.

If a law enforcement agency is investigating a potential crime involving an alleged violation of bullying or cyber-bullying, the principal or designee may, after providing notification to the parents or guardians of all students directly involved in the reported bullying or cyber-bully, defer their investigation until the completion of the criminal investigation by the law enforcement agency.

- a. If the administrator or their designee defers an investigation, they shall:

- 1) Immediately develop a plan to protect the safety of each student directly involved in the alleged violation; and
- 2) 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 student directly involved in the alleged violation with that information.

b. Notification to Parents

The principal or designee shall provide notification by telephone, electronic mail or other electronic means or in person to the parents or guardians of all students directly involved in the reported bullying or cyber-bullying. The notification must be provided:

- 1) Before the school's administrative offices close on the day on which the bullying or cyber-bullying is reported, if the bullying or cyber-bullying is reported before the end of school hours on a school day, or
- 2) Before the school's administrative offices close on the school day following the day on which the bullying or cyber-bullying is reported, if the bullying or cyber-bullying was reported on a day that is not a school day or after school hours on a school day.

To the extent that information is available, the principal or designee shall provide to each parent or guardian of a student directly involved a list of any resources that may be available in the community to assist the student as soon as practicable. Such a list may include, without limitation, resources available at no charge or at a reduced cost. The list may be provided in person or by electronic or regular mail. If such a list is provided, the principal, designee, or any employee of the school or the District is not responsible for providing such resources to the student or ensuring the student receives such resources.

c. Investigation Report

The principal or designee shall complete a written report of the findings and conclusions of the investigation. If a violation is found to have occurred, 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 board of trustees of the District. The report must be made available, not later than 24 hours after the completion of the written report, to all parents or guardians of students directly involved. If a violation is found not to have occurred, information concerning the incident must not be included in the record of the reported aggressor.

Not later than 10 school days after receiving the initial report of bullying or cyberbullying, the principal or designee shall meet with each reported victim of the bullying or cyber-bullying to inquire about the well-being of the reported victim and to ensure that the reported bullying or cyber-bullying, as applicable, is not continuing.

The board of trustees, if requested by the parents or guardians, will assign a student who is a victim of bullying or cyber-bullying to a different school in the District.

The provisions of NRS 388.1351 do not apply to a violation of bullying or cyber-bullying committed by:

- 1) A student who is enrolled in prekindergarten if the behavior is addressed through measures intended to modify the behavior of the student.
- 2) An employee of a school or school district against another employee of a school or school district.
- 3) An adult who is not a student or employee of a school or school district against another such adult.

3. Professional Development

The superintendent or his/her designee shall develop methods of discussing the meaning and substance of the regulation with staff in order to help prevent bullying and cyber-bullying. In addition to informing staff and students about the District policy, the superintendent shall assure that the following professional development is provided to all administrators, principals, teachers, Board of Trustees, and other personnel employed by the District:

- a. Awareness concerning the various types of bullying and cyber-bullying; how this misconduct manifests itself; and the devastating emotional and educational consequences of this misconduct.
- b. Training in the appropriate methods to facilitate positive human relations among students without the use of bullying and cyber-bullying so that students may realize their full academic and personal potential;
- c. Training concerning the needs of students with diverse gender identities or expressions;
- d. Training concerning the needs of students with disabilities and students with autism spectrum disorder;
- e. Methods to promote a positive learning environment;
- f. Methods to improve the school environment in a manner that will facilitate positive human relations among students; and
- g. Methods to teach skills to students so that the students are able to replace inappropriate behavior with positive behavior.

4. Reporting Requirements

The principal or designee will submit a monthly report to his/her supervisor that includes the number of:

- Reports of bullying and cyber-bullying received;
- Times in which a violation is found to have occurred; and
- Time in which no violation is found to have occurred.

The direct supervisor who receives a monthly report will submit, each calendar quarter, a report to the Office for a Safe and Respectful Learning Environment which includes:

- Total number of reports of bullying and cyber-bullying;
- Number of times in which a violation is found to have occurred; and
- Number of times in which no violation is found to have occurred.

Reference: NRS 200.700, NRS 200.737, NRS 388.122, NRS 388.123, NRS 388.124,
NRS 388.135, NRS 391.750, NRS 388.1351

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