

EUREKA COUNTY SCHOOL DISTRICTSAFE AND RESPECTFUL LEARNING ENVIRONMENT**I. Bullying, Cyber-Bullying and Discrimination Based on Race Is Prohibited in Public Schools**

A. A member of the school district board of trustees, any employee of the school district, including, without limitation, an administrator, principal, teacher, or other staff member, 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 student shall not engage in bullying, cyber-bullying or discrimination based on race on the premises of any public school, at an activity sponsored by a public school, or on any school bus.

B. Definitions:

1. **“Bullying”** means written, verbal or electronic expressions or physical acts or gestures, or any combination thereof, that are directed at a student or group of students, or a single severe and willful act or expression that is directed at a student or group of students, and:
 - a. 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
 - b. 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 student to participate in or benefit from services, activities or privileges provided by a school; or
 - c. 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

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- a student, 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.
2. The term includes, without limitation:
- a. 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 student, sex or any other distinguishing characteristic or background of a student;
 - b. Behavior that is intended to harm another student by damaging or manipulating his or her relationships with others by conduct that includes, without limitations, spreading false rumors;
 - c. Repeated or pervasive nonverbal threats or intimidation such as the use of aggressive, menacing or disrespectful gestures;
 - d. Threats of harm to a student, to his or her possessions or to other students, whether such threats are transmitted verbally, electronically or in writing;
 - e. Blackmail, extortion or demands for protection money or involuntary loans or donations;
 - f. Blocking access to any property or facility of a school;
 - g. Stalking; and
 - h. Physically harmful contact with or injury to another student or his or her property.
3. The term does not include expressions, acts or gestures which are engaged in as part of a mutual disagreement or conflict.
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 policy, “sexual image” has the meaning ascribed to it in NRS 200.737.
3. **“Electronic communication”** means the communication of any written, verbal or pictorial information through the use of an electronic device, including, without limitation, a

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telephone, a cellular phone, a computer or any similar means of communication.

4. **“Discrimination based on race”** means any single or repeated or pervasive act or acts, whether targeted to a specific person or targeted to any demographic identified in paragraph a:
 - a. 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
 - b. That occurs in person, online or in any other setting, including, without limitation, in a course of distance education.

II. Policies and Training Established by the Nevada Department of Education; Standards Adopted by the Nevada Council to Establish Academic Standards

- A. NRS 388.133 requires that the Nevada Department of Education prescribe by regulation a policy (1) setting forth requirements and methods for reporting violations of the prohibition on bullying, cyber-bullying or discrimination based on race, including, without limitation, violations among teachers and violations between teachers and administrators, principals and other personnel of a school district; and (2) for use by school districts to train members of the board of trustees and all administrators, principals, teachers and all other personnel employed by the board of trustees of the school district. The policy must include provisions for training in the topics listed below under “Professional Development.”
- B. NRS 388.1342 requires that the Nevada Department of Education establish programs of training as follows:
 1. Methods to prevent, identify and report incidents of bullying and cyber-bullying for members of the boards of trustees of school districts.
 2. Training to assist school district personnel to assist those persons with carrying out their powers and duties under the Safe and Respectful Learning Environments statutes.
 3. Training for administrators in the prevention of violence and

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suicide associated with bullying and cyber-bullying and appropriate methods to respond to incidents of violence or suicide.

The school district will complete the programs of training in accordance with the timelines and other requirements set forth under NRS 388.1342.

C. NRS 388.134 requires that the school district board of trustees adopt the policy prescribed by the Council to Establish Academic Standards for the ethical, safe and secure use of computers and other electronic devices (NRS 389.520.2). The standard adopted by the Council for “Digital Citizenship” requires that students understand human, cultural, and societal issues related to technology and practice legal and ethical behavior. The school district adopts that standard and the strands for education in computer education and technology which require that students:

1. Advocate and practice safe, legal, and responsible use of information and technology;
2. Exhibit a positive attitude toward using technology that supports collaboration, learning, and productivity;
3. Demonstrate personal responsibility for lifelong learning; and
4. Exhibit leadership for digital citizenship.

The complete set of Nevada Computer and Technology Standards are available online at http://www.doe.nv.gov/APAC_Computer_Technology/. These standards include indicators for how the strands are applied within specific grade bands in Nevada.

III. Notice that Bullying, Cyber-Bullying and Discrimination Based on Race Is Prohibited in Public Schools

As required by NRS 388.139, the school district will include Board Policy 5300 and the text of the provisions of NRS 388.121 to 388.1395, inclusive, within each copy of the rules of behavior for students that the school district provides to students under the heading “Bullying, Cyber-Bullying and Discrimination Based on Race Is Prohibited in Public Schools.” The school district will also post Board Policy 5300 on its internet website. Upon the request of a parent or legal guardian, the school district will provide a parent or legal guardian with a written copy of Board Policy 5300.

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IV. Requirements and Methods for Reporting Violations; Investigations

Reporting Violations:

- A. Any student who believes that he or she has been a victim of bullying, cyber-bullying or discrimination based on race by a member of school district board of trustees, any employee of the school district, including, without limitation, an administrator, principal, teacher, or other staff member, 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 student is encouraged and instructed to adhere to the following reporting mechanism:
1. **Students.** School district students who are targets of bullying, cyber-bullying or discrimination based on race and students who have first-hand knowledge of such bullying, cyber-bullying or discrimination based on race should report any incident(s) to a teacher, counselor, or school administrator.
 2. **Employees.** A teacher, administrator, principal, coach or other staff member who witnesses a violation of the prohibition on bullying, cyber-bullying and discrimination based on race, or receives information that a violation has occurred (including overhearing, or receiving a report, formal or informal, written or oral, of bullying, cyber-bullying or discrimination based on race) must report the violation to the principal or designee as soon as practicable, but not later than a time during the same day on which the teacher, administrator, principal, coach or other staff member witnessed the violation or received information regarding the occurrence of a violation.

SPECIAL NOTE REGARDING SEXUAL HARASSMENT UNDER TITLE IX

If the alleged bullying or cyber-bullying based on sex could constitute sexual harassment under Title IX, the AB policy and administrative regulations apply rather than the JFCC policy and administrative regulations. Because the school district must respond with specific steps whenever any employee has notice of

sexual harassment under Title IX,¹ all school employees are required to report possible incidents of sexual harassment involving students directly to the District's Title IX Coordinator, as soon as practicable, but not later than a time during the same day on which the employee became aware of sexual harassment, including allegations of sexual harassment. Reports by school district employees must be made in person, by telephone, and/or by email to the school district's Title IX Coordinator as follows:

Personnel Officer
Eureka County School
District PO Box 249
Eureka, NV 89316
Ph: 775-237-5373/Fax: 775-237-5014
detchegaray@eureka.k12.nv.us

The school district's Title IX Coordinator will assist the employee, in consultation with the school principal if the employee is not the principal, to determine whether the allegation could constitute sexual harassment under Title IX, in which case Board Policy 4002 and Administrative Regulation 4002 AR will be followed rather than Board Policy 5300 and Administrative Regulation 5300.

School Principal/Designee Investigations:

The principal or designee upon receiving a report of bullying, cyber-bullying or discrimination based on race will immediately take any necessary action to stop the bullying, cyber-bullying or discrimination based on race and ensure the safety and well-being of the reported victim or victims, and shall begin an investigation into the report. If the principal or designee does not have access to the reported victim of the alleged violation, the principal or designee may wait until the next school day when he or she has such access to take the immediate actions described above.

¹ Sexual harassment is defined under the federal Title IX regulations as conduct on the basis of sex that satisfies one or more of the following:

- a. A school employee conditioning the provision of an aid, benefit, or service of the school district on an individual's participation in welcome sexual conduct (i.e., *quid pro quo*); or
- b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school district's education program or activity; or
- c. Sexual assault as defined in the federal Clery Act, or dating violence, domestic violence, or stalking as defined in the federal Violence Against Women Act.

- A. The principal or designee must notify all parents or guardians of all students directly involved (either as reported aggressor(s) or as reported victim(s)) in the reported bullying, cyber-bullying or discrimination based on race through telephone, electronic mail or other electronic means, or in person. The notification must include a statement that an investigation will be conducted and include counseling or intervention services that are available at the school, as well as provide a list of community resources. If the contact information for the parent or guardian of a student in the school records is not correct a good faith effort to notify the parent or guardian shall be deemed sufficient to meet the notification requirement. The principal or designee must document all such efforts.
- B. The notification must be provided not later than:
 - 1. 6 p.m. on the day on which the bullying, cyber-bullying or discrimination based on race is reported, if the bullying, cyber-bullying or discrimination based on race is reported before the end of school hours on a school day; or
 - 2. 6 p.m. on the school day following the day on which the bullying or cyberbullying is reported, if the bullying, cyber-bullying or discrimination based on race was reported on a day that is not a school day or after school hours on a school day.
- C. The investigation must be completed to the greatest extent practicable within 5 school days after the principal or designee receives a report of bullying, cyber-bullying or discrimination based on race. If extenuating circumstances prevent the principal or designee from completing the investigation within 5 school days after making a good faith effort, 2 additional days may be used to complete the investigation. NRS 388.1351 does not place any limit on the time within which an investigation concerning any alleged act that constitutes sexual assault must be completed.
 - 1. Interviews must be conducted with all students (reported aggressor(s) and victim(s)) whose parents or guardians must be notified, and with all such parents or guardians.
 - 2. The principal or designee shall not take any action that may cause harm to the reported victim, require the reported victim to change classrooms or isolate the reported victim from his or her peers. The principal or

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designee shall, to the extent practicable, talk privately and discreetly about the violation with the reported victim, without bringing undue attention to the reported victim.

- D. The principal or designee must 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 Board Policy. The principal or designee will assist the reported aggressor to see the harm that his or her actions have caused, identify strategies to repair that harm and direct the aggressor to not engage in bullying, cyber-bullying or discrimination based on race in the future.

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

- E. The principal or his/her designee shall develop and carry out a written safety plan to support the physical and emotional well-being of the reported victim and the reported aggressor which is designed to ensure that the reported victim and the reported aggressor are not further harmed by the bullying or cyber-bullying, including, without limitation, by allowing the reported victim to make up any test or homework assignment that he or she missed or failed to submit as a result of the bullying, cyber-bullying or discrimination based on race.
- F. Within 24 hours after completing the report the principal, or designee shall provide the parent or guardian of the reported aggressor a copy of the written report that does not contain the personally identifiable information of any other pupil.
- G. Within 24 hours after completing the report, the principal or designee will notify the parent or guardian of any other pupil directly involved in the incident of the outcome of the investigation and make available upon request to any such parent or guardian a copy of the report that does not contain the personally identifiable information of any pupil other than the pupil to whose parent or guardian the report is provided.
- H. Within 24 hours after the completing the report, the principal or designee shall notify the parent or guardian of each pupil directly

involved in the incident that the parent or guardian may: (1) submit to the principal or designee a complaint or concern regarding the conduct or outcome of the investigation; (2) request a meeting with the principal or designee to discuss the outcome of the investigation; (3) appeal the outcome of the investigation; and (4) appeal a disciplinary decision of the principal or designee made against a pupil as a result of the incident.

- I. Not later than 10 school days after receiving a report of bullying, cyber-bullying or discrimination based on race, the principal or designee shall meet with each reported victim of the misconduct, and with each reported aggressor, regardless of the outcome of the investigation, to inquire about the well-being of the reported victim and to ensure that the reported bullying, cyber-bullying or discrimination based on race is not continuing.
- J. If a violation of NRS 388.135 is found to have occurred, the parent or guardian of a student who is a victim of bullying, cyber-bullying or discrimination based on race may request a variance to another school in the school district.
- K. If a law enforcement agency is investigating a potential crime involving an alleged violation of bullying, cyber-bullying or discrimination based on race, the administrator may, after notifying the parent or guardian of the alleged incident, defer the school investigation until the completion of the criminal investigation by the law enforcement agency. If the school investigation is deferred, the administrator will immediately develop a plan to protect the safety of each student directly involved in the alleged violation of bullying, cyber-bullying or discrimination based on race.
- L. If the administrator determines that the bullying, cyber-bullying or discrimination based on race was caused by the disability of the student, the provisions of NRS 388.1351 (e.g. reporting, investigation, notification, written report, follow-up with victim, etc.) do not apply if the behavior or similar behavior is addressed in the student's individualized education program. The administrator will take necessary measures to protect the safety of the victim.
- M. The provisions of NRS 388.1351 (e.g. reporting, investigation, notification, written report, follow-up with victim, etc.) do not apply to prekindergarten students if the behavior is addressed

through measures intended to modify the behavior of the student, an employee of the school district or other adults.

- N. The principal/designee will report the number of bullying, cyber-bullying or discrimination based on race events reported, the number of such reports confirmed and the number of such reports not confirmed by logging all events into the student information system (Infinite Campus). The superintendent or designee will report this information as requested by the Office for a Safe and Respectful Learning Environment. This report will be shared annually with the Board of Trustees no later than July 31st.

No Interfering with or Preventing Disclosure of Information:

Members of the school district board of trustees and school district employees are prohibited from directly or indirectly interfering with or preventing the disclosure of information concerning bullying, cyber-bullying or discrimination based on race violations.

Appeal of Outcome of Investigation:

The parent or guardian of a pupil directly involved in the incident may appeal the outcome of the investigation by contacting the office of the superintendent within 10 school days after receipt of a copy of the investigation report. The superintendent or designee will meet with the parent or guardian within 10 school days after being contacted to receive information regarding the concerns expressed by the parent or guardian. Within 10 school days following this meeting, the superintendent or designee will provide the parent or guardian with a written decision concerning the appeal. This decision is final, except that the parent or guardian may submit a complaint to the Nevada Department of Education not later than 30 days after receiving notification of the final decision by the district.

Appeal of Disciplinary Decision:

The provisions of Board Policy 5135 and Administrative Regulation 5135 shall govern any appeal of a disciplinary decision made against a pupil as a result of the incident of bullying, cyber-bullying or discrimination based on race. The parent or guardian may submit a complaint to the Nevada Department of Education not later than 30 days after receiving notification of a final decision by the district.

Immunity for Reporting Violations; Disciplinary Action for Certain Students:

No cause of action may be brought against a student or an employee or volunteer of a school who reports a violation of the prohibition on bullying, cyber-bullying and discrimination based on race, unless the student who made the report acted with malice, intentional misconduct, gross negligence, or intentional or knowing violation of the law.

If a principal determines that a report of a violation is false and that the student who made the report acted with malice, intentional misconduct, gross negligence, or intentional or knowing violation of the law, the principal may recommend the imposition of disciplinary action or other measures against the student in accordance with the policy governing disciplinary action adopted by the school district board of trustees.

School District Policy for Employees to Report Violations to Law Enforcement:

The school district board of trustees, in conjunction with local law enforcement agencies that have jurisdiction over the school district and with school police, if applicable, will establish a separate policy for the procedures which must be followed by an employee of the school district when reporting a violation of the prohibition on bullying, cyberbullying and discrimination based on race to a school police officer or local law enforcement.

V. Professional Development

The school district superintendent will provide for the appropriate training of all administrators, principals, teachers and all other personnel employed by the school district in accordance with this policy, including training on the following topics:

- A. Training in the appropriate methods to facilitate positive human relations among students by eliminating the use of bullying, cyber-bullying and discrimination based on race so that students may realize their full academic and personal potential.
- B. Training in methods to prevent, identify, and report incidents of bullying, cyber-bullying and discrimination based on race.

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- 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.
- D. Methods to improve the school environment in a manner that will facilitate positive human relations among students.
- E. Methods to teach skills to students so that the students are able to replace inappropriate behavior with positive behavior.

VI. School Safety Team

- A. The principal or designee must establish a school safety team to develop, foster and maintain a school environment, which is free from bullying, cyber-bullying and discrimination based on race.
- B. The principal or designee will conduct investigations of violations of the prohibition on bullying, cyber-bullying and discrimination based on race occurring at the school.
- C. The principal or designee will collaborate with the school district board of trustees and school safety team to prevent, identify and address reported violations of the prohibition on bullying and cyber-bullying at the school.
- D. The School Safety Teams must consist of the principal or designee (committee chair) and the following persons 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;
 - 4. For a middle school, junior high school or high school, one student enrolled at the school; and
 - 5. Any other persons appointed by the principal.
- E. The School Safety Team will:

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1. Meet at least two times each year;
2. Identify and address patterns of bullying, cyber-bullying or discrimination based on race;
3. Review and strengthen school policies to prevent and address bullying, cyber-bullying and discrimination based on race;
4. Provide information to school personnel, students, and parents and legal guardians of students enrolled in the school on methods to address bullying, cyber-bullying and discrimination based on race; and
5. To the extent money is available, participate in any training conducted by the school district regarding bullying, cyber-bullying and discrimination based on race.

VII. Week of Respect

The school board of trustees will determine the most effective manner for the delivery of information to public school students during the “Week of Respect” proclaimed by the Governor each year. The information delivered during the “Week of Respect” will focus on:

- A. Methods to prevent, identify and report incidents of bullying, cyber-bullying and discrimination based on race;
- B. Methods to improve the school environment in a manner that will facilitate positive human relations among students; and
- C. Methods to facilitate positive human relations among students by eliminating the use of bullying, cyber-bullying and discrimination based on race.

VIII. Writ of Mandamus to Compel Compliance with Law

A parent or guardian may petition a court of competent jurisdiction for a writ of mandamus to compel the performance of any duty imposed by the provision of Nevada anti-bullying laws, at NRS 388.121 to 388.1395, inclusive.

**IX. Employee Bullying, Cyber-bullying or Discrimination
Based on Race**

Allegations of bullying, cyber-bullying or discrimination based on race among teachers or between teachers and administrators, principals, or other school employees must be reported and will be investigated in accordance with school district policies, regulations, administrative procedures; any applicable collective bargaining agreement; and other applicable laws.

Complaints against an employee by students or parents or guardians must be investigated and addressed by the District in accordance with school district policies, regulations, administrative procedures, applicable collective bargaining agreements, and other applicable laws. Appeals may be filed at the Nevada Department of Education, Office of Safe and Respectful Learning Environment.

X. Failure to Report Violations

If an administrator, principal or the designee of an administrator or principal of a school knowingly and willfully fails to comply with the provisions of NRS 388.1351 concerning obligations for reporting violations, investigating, preparing reports, and related matters, the superintendent shall take disciplinary action against the employee by written admonishment, demotion, suspension, dismissal or refusal to reemploy. If the employee is the holder of a license issued pursuant to NRS Chapter 391, the superintendent may recommend to the board of trustees that the board submit a recommendation to the State Board for the suspension or revocation of the employee's license.

The District may discipline other licensed employees with a suspension, demotion, dismissal or non-reemployment without prior admonition if they knowingly and willfully fail to comply with the provisions of NRS 388.1351. An intentional failure to report a bullying violation shall constitute a knowing and willful failure to comply with the provisions of NRS 388.1351. For negligently failing to report a violation, the District may use progressive discipline but may not immediately demote or dismiss without a prior admonition.

Legal Reference:

NRS 388.121 *et seq.*

NAC 388.875 *et seq.*

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