

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A.B. 459

ASSEMBLY BILL NO. 459—ASSEMBLYMEN PARKS, LESLIE, WILLIAMS, BACHE, ANDERSON, ARBERRY, BUCKLEY, CEGAVSKE, CHOWNING, CLABORN, DE BRAGA, DINI, FREEMAN, GIUNCHIGLIANI, GOLDWATER, KOIVISTO, MANENDO, MCCLAIN, MORTENSON, NEIGHBORS, OHRENSCHALL, PARNELL, PERKINS, PRICE AND SMITH

MARCH 19, 2001

JOINT SPONSORS: SENATORS TITUS, WIENER, RAWSON, CARE AND COFFIN

Referred to Committee on Education

SUMMARY—Requires adoption of policies to provide safe and respectful learning environments in public schools. (BDR 34-1286)

FISCAL NOTE: Effect on Local Government: Yes.  
Effect on the State: No.

CONTAINS UNFUNDED MANDATE (§ 4)  
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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

AN ACT relating to education; prohibiting harassment, intimidation and discrimination in public schools; requiring the department of education to establish a model policy for public schools to provide a safe and respectful learning environment; requiring the boards of trustees of school districts to adopt local policies and to provide appropriate training for personnel; and providing other matters properly relating thereto.

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

1 **Section 1.** Chapter 388 of NRS is hereby amended by adding thereto  
2 the provisions set forth as sections 1.2 to 4, inclusive, of this act.

3 **Sec. 1.2.** *As used in sections 1.2 to 4, inclusive, of this act, unless the*  
4 *context otherwise requires, the words and terms defined in sections 1.4,*  
5 *1.6 and 1.8 of this act have the meanings ascribed to them in those*  
6 *sections.*

7 **Sec. 1.4.** *“Discrimination” means a willful act or course of conduct*  
8 *that is not otherwise authorized by law and is:*



\* A B 4 5 9 R 1 \*

- 1 *1. Motivated by the race, color, religion, sex, sexual orientation, age,*  
2 *disability, socioeconomic status or national origin of the person against*  
3 *whom the act is directed;*
- 4 *2. Highly offensive to a reasonable person; and*
- 5 *3. In violation of:*
  - 6 *(a) Any applicable state law or regulation, including, without*  
7 *limitation, NRS 281.370, 613.310 to 613.435, inclusive, or 651.050 to*  
8 *651.110, inclusive; or*
  - 9 *(b) Any applicable federal law or regulation, including, without*  
10 *limitation:*
    - 11 *(1) Title VII of the Civil Rights Act, 42 U.S.C. §§ 2000e et seq.;*
    - 12 *(2) The Age Discrimination in Employment Act, 29 U.S.C. §§ 621*  
13 *et seq.;*
    - 14 *(3) The Americans with Disabilities Act of 1990, 42 U.S.C. §§*  
15 *12101 et seq.; or*
    - 16 *(4) Title IX of the Education Amendments of 1972, 20 U.S.C. §§*  
17 *1681 et seq.*
- 18 **Sec. 1.6.** *“Harassment” means a willful act or course of conduct*  
19 *that is not otherwise authorized by law and is:*
  - 20 *1. Motivated by the race, color, religion, sex, sexual orientation, age,*  
21 *disability, socioeconomic status or national origin of the person against*  
22 *whom the act is directed;*
  - 23 *2. Highly offensive to a reasonable person; and*
  - 24 *3. Intended to cause and actually causes another person to suffer*  
25 *serious emotional distress.*
- 26 **Sec. 1.8.** *“Intimidation” means a willful act or course of conduct*  
27 *that is not otherwise authorized by law and:*
  - 28 *1. Is motivated by the race, color, religion, sex, sexual orientation,*  
29 *age, disability, socioeconomic status or national origin of the person*  
30 *against whom the act is directed;*
  - 31 *2. Is highly offensive to a reasonable person; and*
  - 32 *3. Poses a threat of immediate harm or actually inflicts harm to*  
33 *another person or to the property of another person.*
- 34 **Sec. 2.** *The legislature declares that:*
  - 35 *1. A learning environment that is safe and respectful is essential for*  
36 *the pupils enrolled in the public schools in this state to achieve academic*  
37 *success and meet this state’s high academic standards;*
  - 38 *2. Any form of harassment, intimidation or discrimination in public*  
39 *schools seriously interferes with the ability of teachers to teach in the*  
40 *classroom and the ability of pupils to learn;*
  - 41 *3. The intended goal of the legislature is to ensure that:*
    - 42 *(a) The public schools in this state provide a safe, respectful and*  
43 *neutral learning environment in which persons of differing beliefs,*  
44 *characteristics and backgrounds can realize their full academic and*  
45 *personal potential; and*
    - 46 *(b) All administrators, principals, teachers and other personnel of the*  
47 *school districts and public schools in this state demonstrate appropriate*  
48 *behavior on the premises of any public school by treating other persons,*



1 *including, without limitation, pupils, with civility and respect and by*  
2 *refusing to tolerate harassment, intimidation or discrimination; and*

3 *4. By declaring its goal that the public schools in this state provide a*  
4 *safe, respectful and neutral learning environment, the legislature is not*  
5 *advocating or requiring the full acceptance of differing beliefs in a*  
6 *manner that would inhibit the freedom of expression, but is requiring*  
7 *that pupils with differing beliefs be free from abuse and harassment.*

8 **Sec. 3.** *A member of the board of trustees of a school district, any*  
9 *employee of the board of trustees, including, without limitation, an*  
10 *administrator, principal, teacher or other staff member, or any pupil*  
11 *shall not engage in harassment, intimidation or discrimination on the*  
12 *basis of race, color, religion, sex, sexual orientation, age, disability,*  
13 *socioeconomic status or national origin on the premises of any public*  
14 *school, at an activity sponsored by a public school or on any school bus.*

15 **Sec. 4. 1.** *The department shall establish, by regulation, a model*  
16 *policy for all school districts and public schools to provide a safe and*  
17 *respectful learning environment that is free of harassment, intimidation*  
18 *and discrimination.*

19 *2. The policy must include, without limitation, a model program of*  
20 *education for use by school districts to train administrators, principals,*  
21 *teachers and all other personnel employed by the boards of trustees of*  
22 *school districts. The model program of education must include, without*  
23 *limitation:*

24 *(a) Training in appropriate methods to recognize and consider*  
25 *differing beliefs, characteristics and backgrounds so that school*  
26 *personnel are able to serve as positive and tolerant role models to pupils;*

27 *(b) Training in appropriate methods to facilitate positive human*  
28 *relations among pupils without use of harassment, intimidation and*  
29 *discrimination so that pupils may realize their full academic and*  
30 *personal potential;*

31 *(c) A written plan that sets forth positive methods and resources that*  
32 *school personnel may use to modify the environment of pupils in a*  
33 *manner that will promote the acceptance of diversity and facilitate*  
34 *positive human relations among pupils; and*

35 *(d) Written lesson plans that set forth positive methods that school*  
36 *personnel may use to teach skills to pupils so that the pupils are able to*  
37 *replace inappropriate behavior with positive behavior.*

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

39 *(a) Adopt the policy established by the department. The board of*  
40 *trustees may adopt an expanded policy if the expanded policy complies*  
41 *with the policy established by the department.*

42 *(b) Provide for the appropriate training of all administrators,*  
43 *principals, teachers and all other personnel employed by the board of*  
44 *trustees in accordance with the model program of education established*  
45 *by the department.*

46 **Sec. 5.** *NRS 391.270 is hereby amended to read as follows:*

47 *391.270 Every teacher in the public schools shall hold pupils to a strict*  
48 *account of their conduct on and in close proximity to the school grounds,*



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1 on the play ground, and during any intermission **H** *to ensure a safe and*  
2 *respectful learning environment.*

3 **Sec. 6.** NRS 392.463 is hereby amended to read as follows:

4 392.463 1. Each school district shall prescribe written rules of  
5 behavior required of and prohibited for pupils attending school within their  
6 district and shall prescribe appropriate punishments for violations of the  
7 rules. *The written rules of behavior must be consistent with section 3 of*  
8 *this act and the policy established by the department pursuant to section*  
9 *4 of this act.* If suspension or expulsion is used as a punishment for a  
10 violation of the rules, the school district shall follow the procedures in NRS  
11 392.467.

12 2. A copy of the rules of behavior, prescribed punishments and  
13 procedures to be followed in imposing punishments must be distributed to  
14 each pupil at the beginning of the school year and to each new pupil who  
15 enters school during the year. Copies must also be made available for  
16 inspection at each school located in that district in an area on the grounds  
17 of the school which is open to the public.

18 **Sec. 7.** On or before January 1, 2002, the department of education  
19 shall establish a policy for all school districts and public schools to provide  
20 a safe and respectful learning environment pursuant to section 4 of this act.

21 **Sec. 8.** On or before July 1, 2002, the board of trustees of each school  
22 district shall adopt the policy established by the department of education,  
23 or an expanded policy, to provide a safe and respectful learning  
24 environment pursuant to section 4 of this act. The board of trustees of each  
25 school district shall ensure that the policy is effective commencing with the  
26 2002-2003 school year.

27 **Sec. 9.** The provisions of subsection 1 of NRS 354.599 do not apply  
28 to any additional expenses of a local government that are related to the  
29 provisions of this act.

30 **Sec. 10.** 1. This section and sections 1 to 3, inclusive, 5, 7, 8 and 9  
31 of this act become effective on July 1, 2001.

32 2. Section 4 of this act becomes effective on July 1, 2001, for the  
33 purpose of adopting regulations and policies, and on July 1, 2002, for all  
34 other purposes.

35 3. Section 6 of this act becomes effective on July 1, 2002.

