

ASSEMBLY BILL NO. 513—COMMITTEE ON EDUCATION

(ON BEHALF OF THE ATTORNEY GENERAL)

MARCH 24, 2003

Referred to Committee on Education

SUMMARY—Revises provisions governing provision of safe and respectful learning environment in public schools. (BDR 34-443)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 3)
(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; requiring the Department of Education to prescribe a policy for public schools to provide a safe and respectful learning environment; providing that the policy must include a model program of education for the training of school employees; requiring each school district to adopt the policy of the Department and to provide the training for employees; prohibiting a school official from interfering with or preventing the disclosure of information concerning harassment or intimidation in public schools; providing that certain causes of action may not be brought against a pupil or an employee or volunteer of a school who reports an incident of harassment or intimidation; and providing other matters properly relating thereto.

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



* A B 5 1 3 R 1 *

1 **Section 1.** Chapter 388 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 6, inclusive, of this
3 act.

4 **Sec. 2. 1.** *The Department shall, in consultation with the*
5 *boards of trustees of school districts, educational personnel, local*
6 *associations and organizations of parents whose children are*
7 *enrolled in public schools throughout this state, and individual*
8 *parents and legal guardians whose children are enrolled in public*
9 *schools throughout this state, prescribe by regulation a policy for*
10 *all school districts and public schools to provide a safe and*
11 *respectful learning environment that is free of harassment and*
12 *intimidation.*

13 2. *The policy must include, without limitation:*

14 (a) *Requirements and methods for reporting violations of NRS*
15 *388.135; and*

16 (b) *A model program of education for use by school districts to*
17 *train administrators, principals, teachers and all other personnel*
18 *employed by the board of trustees of a school district. The model*
19 *program of education must include, without limitation:*

20 (1) *Training in the appropriate methods to facilitate*
21 *positive human relations among pupils without the use of*
22 *harassment and intimidation so that pupils may realize their full*
23 *academic and personal potential;*

24 (2) *Methods to improve the school environment in a*
25 *manner that will facilitate positive human relations among pupils;*
26 *and*

27 (3) *Methods to teach skills to pupils so that the pupils are*
28 *able to replace inappropriate behavior with positive behavior.*

29 3. *The Department shall, in consultation with the boards of*
30 *trustees of school districts, educational personnel, local*
31 *associations and organizations of parents whose children are*
32 *enrolled in public schools throughout this state, and individual*
33 *parents and legal guardians whose children are enrolled in public*
34 *schools throughout this state, review the policy and the model*
35 *program on an annual basis and make such revisions to the policy*
36 *and model program as it determines necessary.*

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

38 1. *Adopt the policy prescribed by the Department pursuant to*
39 *section 2 of this act. The board of trustees may adopt an expanded*
40 *policy if the expanded policy complies with the policy prescribed*
41 *by the Department.*

42 2. *Provide for the appropriate training of all administrators,*
43 *principals, teachers and all other personnel employed by the board*
44 *of trustees in accordance with the model program of education*
45 *prescribed by the Department pursuant to section 2 of this act.*



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1 3. On or before July 1 of each year, submit a report to the
2 Superintendent of Public Instruction that includes a description
3 of:

4 (a) The progress of the schools within the school district in
5 providing a safe and respectful learning environment in
6 accordance with NRS 388.121 to 388.139, inclusive, and sections 2
7 to 6, inclusive, of this act; and

8 (b) Each violation of NRS 388.135, if any, occurring in the
9 immediately preceding school year.

10 **Sec. 4.** The Superintendent of Public Instruction shall:

11 1. Compile the reports submitted pursuant to section 3 of this
12 act and prepare a written report of the compilation.

13 2. On or before September 1 of each year, submit the written
14 compilation to the Director of the Legislative Counsel Bureau for
15 transmission to:

16 (a) If the written compilation is submitted during an even-
17 numbered year, the next regular session of the Legislature.

18 (b) If the written compilation is submitted during an odd-
19 numbered year, the Legislative Committee on Education.

20 **Sec. 5.** 1. A school official shall not directly or indirectly
21 use or attempt to use his official authority or influence to
22 intimidate, threaten, coerce, command, influence or attempt to
23 intimidate, threaten, coerce, command or influence another school
24 official in an effort to interfere with or prevent the disclosure of
25 information concerning a violation of NRS 388.135.

26 2. A school official shall not directly or indirectly intimidate,
27 threaten, coerce, command, influence or attempt to intimidate,
28 threaten, coerce, command or influence a pupil who is a victim of
29 or a witness to a violation of NRS 388.135 in an effort to interfere
30 with or prevent the disclosure of information concerning the
31 violation.

32 3. As used in this section:

33 (a) "Official authority or influence" includes taking, directing
34 others to take, recommending, processing or approving personnel
35 action such as an appointment, promotion, transfer, assignment,
36 reassignment, reinstatement, restoration, reemployment,
37 evaluation or other disciplinary action.

38 (b) "School official" means:

39 (1) A member of the board of trustees of a school district;
40 or

41 (2) A licensed or unlicensed employee of a school district.

42 **Sec. 6.** No cause of action may be brought against a pupil or
43 an employee or volunteer of a school who reports a violation of
44 NRS 388.135 for any damages that result for failure to remedy the
45 violation unless the person who made the report acted with malice,



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1 *intentional misconduct, gross negligence, or intentional or*
2 *knowing violation of the law.*

3 **Sec. 7.** NRS 388.121 is hereby amended to read as follows:
4 388.121 As used in NRS 388.121 to 388.139, inclusive, *and*
5 *sections 2 to 6, inclusive, of this act*, unless the context otherwise
6 requires, the words and terms defined in NRS 388.125 and 388.129
7 have the meanings ascribed to them in those sections.

8 **Sec. 8.** NRS 388.139 is hereby amended to read as follows:
9 388.139 Each school district shall include the text of the
10 provisions of NRS 388.125 to 388.135, inclusive, *and the policy*
11 *adopted by the board of trustees of the school district pursuant to*
12 *section 3 of this act* under the heading "Harassment and
13 Intimidation Is Prohibited in Public Schools," within each copy of
14 the rules of behavior for pupils that the school district provides to
15 pupils pursuant to NRS 392.463.

16 **Sec. 9.** NRS 392.463 is hereby amended to read as follows:
17 392.463 1. Each school district shall prescribe written rules
18 of behavior required of and prohibited for pupils attending school
19 within their district and shall prescribe appropriate punishments for
20 violations of the rules. *The written rules of behavior must be*
21 *consistent with the policy adopted by the Department pursuant to*
22 *section 2 of this act and the policy adopted by the board of trustees*
23 *of the school district pursuant to section 3 of this act.* If suspension
24 or expulsion is used as a punishment for a violation of the rules, the
25 school district shall follow the procedures in NRS 392.467.

26 2. A copy of the rules of behavior, prescribed punishments and
27 procedures to be followed in imposing punishments must be
28 distributed to each pupil at the beginning of the school year and to
29 each new pupil who enters school during the year. Copies must also
30 be made available for inspection at each school located in that
31 district in an area on the grounds of the school which is open to the
32 public.

33 **Sec. 10.** 1. On or before January 1, 2004, the Department of
34 Education shall prescribe a policy for all school districts and public
35 schools to provide a safe and respectful learning environment
36 pursuant to section 2 of this act.

37 2. On or before July 1, 2004, the board of trustees of each
38 school district shall adopt the policy prescribed by the Department
39 of Education, or an expanded policy, to provide a safe and respectful
40 learning environment pursuant to section 3 of this act. The board of
41 trustees of each school district shall ensure that the policy is
42 effective commencing with the 2004-2005 school year.

43 **Sec. 11.** The provisions of NRS 354.599 do not apply to any
44 additional expenses of a local government that are related to the
45 provisions of this act.



- 1 **Sec. 12.** 1. This section and sections 1, 2, 5, 6, 7, 10 and 11
2 of this act become effective on July 1, 2003.
3 2. Section 3 of this act becomes effective on July 1, 2003, for
4 the purpose of adopting policies and on July 1, 2004, for all other
5 purposes.
6 3. Sections 4, 8 and 9 of this act become effective on
7 July 1, 2004.

