

Amendment No. 613

Assembly Amendment to Senate Bill No. 163

(BDR 34-28)

Proposed by: Assembly Committee on Education**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date		SENATE ACTION				Initial and Date	
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____		Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold dashed underlining* is newly added transitory language.

KCR



Date: 5/7/2009

S.B. No. 163—Revises provisions governing safe and respectful learning environments in public schools to prohibit cyber-bullying.
(BDR 34-28)



SENATE BILL NO. 163—SENATOR WIENER

MARCH 2, 2009

JOINT SPONSOR: ASSEMBLYWOMAN PARNELL

Referred to Committee on Health and Education

SUMMARY—Revises provisions governing safe and respectful learning environments in public schools to prohibit **bullying and** cyber-bullying. (BDR 34-28)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

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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; revising provisions governing safe and respectful learning environments in public schools to include a prohibition on **bullying and** cyber-bullying; requiring the standards of content and performance for courses of study in computer education and technology established by the Council to Establish Academic Standards for Public Schools to include a policy for the ethical, safe and secure use of computers and other electronic devices; revising certain prohibited acts to specifically include cyber-bullying; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Department of Education is required to prescribe a policy for all school districts and public schools to provide a safe and respectful learning environment that is free of harassment and intimidation, including the provision of training to school personnel and requirements for reporting violations of the policy. (NRS 388.121-388.139) **Sections 1-9** of this bill revise the provisions governing safe and respectful learning environments to include a prohibition on **bullying and** cyber-bullying. (NRS 388.132, 388.133, 388.134, 388.135, 388.139)

Existing law requires the Council to Establish Academic Standards for Public Schools to establish the standards of content and performance for courses of study, including courses of study in computer education and technology. (NRS 389.520) **Section 10** of this bill requires the standards of content and performance for courses in computer education and technology to include a policy for the ethical, safe and secure use of computers and other electronic devices. **Section 7** of this bill requires each school district to adopt the policy for inclusion in its policy on the provision of a safe and respectful learning environment.

Existing law prohibits a person from using any means of oral, written or electronic communication to knowingly threaten to cause bodily harm or death to a pupil or school employee with the intent to: (1) intimidate, frighten, alarm or distress the pupil or school employee; (2) cause panic or civil unrest; or (3) interfere with the operation of a public school. **Section 11** of this bill specifically includes the use of cyber-bullying in these prohibited acts. (NRS 392.915)

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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.5, 2 and 3 of this act.

Sec. 1.5. “Bullying” means a willful act or course of conduct on the part of one or more pupils which is not authorized by law and which exposes a pupil repeatedly and over time to one or more negative actions which is highly offensive to a reasonable person and is intended to cause and actually causes the pupil to suffer harm or serious emotional distress.

Sec. 2. “Cyber-bullying” means ~~harassment or intimidation~~ bullying through the use of electronic communication.

Sec. 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.

Sec. 4. NRS 388.121 is hereby amended to read as follows:

388.121 As used in NRS 388.121 to 388.139, inclusive, and sections 1.5, 2 and 3 of this act, unless the context otherwise requires, the words and terms defined in NRS 388.125 and 388.129 and sections 1.5, 2 and 3 of this act have the meanings ascribed to them in those sections.

Sec. 5. NRS 388.132 is hereby amended to read as follows:

388.132 The Legislature declares that:

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, cyber-bullying, harassment or intimidation in public schools 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, cyber-bullying, harassment or intimidation; and

(c) All persons in public schools are entitled to maintain their own beliefs and to respectfully disagree without resorting to bullying, cyber-bullying, violence, harassment or intimidation; and

~~[4.]~~ 5. 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 and harassment.

1 **Sec. 6.** NRS 388.133 is hereby amended to read as follows:

2 388.133 1. The Department shall, in consultation with the boards of trustees
3 of school districts, educational personnel, local associations and organizations of
4 parents whose children are enrolled in public schools throughout this State, and
5 individual parents and legal guardians whose children are enrolled in public schools
6 throughout this State, prescribe by regulation a policy for all school districts and
7 public schools to provide a safe and respectful learning environment that is free of
8 bullying, cyber-bullying, harassment and intimidation.

9 2. The policy must include, without limitation:

10 (a) Requirements and methods for reporting violations of NRS 388.135; and

11 (b) A policy for use by school districts to train administrators, principals,
12 teachers and all other personnel employed by the board of trustees of a school
13 district. The policy must include, without limitation:

14 (1) Training in the appropriate methods to facilitate positive human
15 relations among pupils without the use of bullying, cyber-bullying, harassment and
16 intimidation so that pupils may realize their full academic and personal potential;

17 (2) Methods to improve the school environment in a manner that will
18 facilitate positive human relations among pupils; and

19 (3) Methods to teach skills to pupils so that the pupils are able to replace
20 inappropriate behavior with positive behavior.

21 **Sec. 7.** NRS 388.134 is hereby amended to read as follows:

22 388.134 The board of trustees of each school district shall:

23 1. Adopt the policy prescribed ~~[by the Department]~~ pursuant to NRS 388.133
24 ~~[and the policy prescribed pursuant to subsection 2 of NRS 389.520]~~. The board
25 of trustees may adopt an expanded policy *for one or both of the policies* if ~~[the]~~
26 *each* expanded policy complies with the policy prescribed ~~[by the Department]~~
27 *pursuant to NRS 388.133 or pursuant to subsection 2 of NRS 389.520, as*
28 *applicable*.

29 2. Provide for the appropriate training of all administrators, principals,
30 teachers and all other personnel employed by the board of trustees in accordance
31 with the ~~[policy]~~ *policies* prescribed ~~[by the Department]~~ pursuant to NRS 388.133
32 ~~[and pursuant to subsection 2 of NRS 389.520]~~.

33 3. On or before September 1 of each year, submit a report to the
34 Superintendent of Public Instruction that includes a description of each violation of
35 NRS 388.135 occurring in the immediately preceding school year that resulted in
36 personnel action against an employee or suspension or expulsion of a pupil, if any.

37 **Sec. 8.** NRS 388.135 is hereby amended to read as follows:

38 388.135 A member of the board of trustees of a school district, any employee
39 of the board of trustees, including, without limitation, an administrator, principal,
40 teacher or other staff member, or any pupil shall not engage in bullying, cyber-
41 bullying, harassment or intimidation on the premises of any public school, at an
42 activity sponsored by a public school or on any school bus.

43 **Sec. 9.** NRS 388.139 is hereby amended to read as follows:

44 388.139 Each school district shall include the text of the provisions of NRS
45 388.125 to 388.135, inclusive, and the ~~[policy]~~ *policies* adopted by the board of
46 trustees of the school district pursuant to NRS 388.134 under the heading
47 ~~["Harassment"]~~ "Bullying, Cyber-Bullying, Harassment and Intimidation Is
48 Prohibited in Public Schools," within each copy of the rules of behavior for pupils
49 that the school district provides to pupils pursuant to NRS 392.463.

50 **Sec. 10.** NRS 389.520 is hereby amended to read as follows:

51 389.520 1. The Council shall:

52 (a) Establish standards of content and performance, including, without
53 limitation, a prescription of the resulting level of achievement, for the grade levels

set forth in subsection ~~2~~ 3, based upon the content of each course, that is expected of pupils for the following courses of study:

- (1) English, including reading, composition and writing;
- (2) Mathematics;
- (3) Science;
- (4) Social studies, which includes only the subjects of history, geography, economics and government;
- (5) The arts;
- (6) Computer education and technology;
- (7) Health; and
- (8) Physical education.

(b) Establish a schedule for the periodic review and, if necessary, revision of the standards of content and performance. The review must include, without limitation, the review required pursuant to NRS 389.570 of the results of pupils on the examinations administered pursuant to NRS 389.550.

(c) Assign priorities to the standards of content and performance relative to importance and degree of emphasis and revise the standards, if necessary, based upon the priorities.

2. *The standards for computer education and technology must include a policy for the ethical, safe and secure use of computers and other electronic devices. The policy must include, without limitation:*

(a) *The ethical use of computers and other electronic devices, including, without limitation:*

(1) *Rules of conduct for the acceptable use of the Internet and other electronic devices; and*

(2) *Methods to ensure the prevention of:*

(I) *Cyber-bullying;*

(II) *Plagiarism; and*

(III) *The theft of information or data in an electronic form;*

(b) *The safe use of computers and other electronic devices, including, without limitation, methods to:*

(1) *Avoid harassment, cyber-bullying and other unwanted electronic communication, including, without limitation, communication with on-line predators;*

(2) *Recognize when an on-line electronic communication is dangerous or potentially dangerous; and*

(3) *Report a dangerous or potentially dangerous on-line electronic communication to the appropriate school personnel;*

(c) *The secure use of computers and other electronic devices, including, without limitation:*

(1) *Methods to maintain the security of personal identifying information and financial information, including, without limitation, identifying unsolicited electronic communication which is sent for the purpose of obtaining such personal and financial information for an unlawful purpose;*

(2) *The necessity for secure passwords or other unique identifiers;*

(3) *The effects of a computer contaminant;*

(4) *Methods to identify unsolicited commercial material; and*

(5) *The dangers associated with social networking Internet sites; and*

(d) *A designation of the level of detail of instruction as appropriate for the grade level of pupils who receive the instruction.*

3. The Council shall establish standards of content and performance for each grade level in kindergarten and grades 1 to 8, inclusive, for English and mathematics. The Council shall establish standards of content and performance for

the grade levels selected by the Council for the other courses of study prescribed in subsection 1.

~~[3-]~~ 4. The Council shall forward to the State Board the standards of content and performance established by the Council for each course of study. The State Board shall:

(a) Adopt the standards for each course of study, as submitted by the Council; or

(b) If the State Board objects to the standards for a course of study or a particular grade level for a course of study, return those standards to the Council with a written explanation setting forth the reason for the objection.

~~[4-]~~ 5. If the State Board returns to the Council the standards of content and performance for a course of study or a grade level, the Council shall:

(a) Consider the objection provided by the State Board and determine whether to revise the standards based upon the objection; and

(b) Return the standards or the revised standards, as applicable, to the State Board.

➤ The State Board shall adopt the standards of content and performance or the revised standards, as applicable.

~~[5-]~~ 6. The Council shall work in cooperation with the State Board to prescribe the examinations required by NRS 389.550.

7. *As used in this section:*

(a) *“Computer contaminant” has the meaning ascribed to it in NRS 205.4737.*

(b) *“Cyber-bullying” has the meaning ascribed to it in section 2 of this act.*

(c) *“Electronic communication” has the meaning ascribed to it in section 3 of this act.*

Sec. 11. NRS 392.915 is hereby amended to read as follows:

392.915 1. A person shall not, through the use of any means of oral, written or electronic communication, *including, without limitation, through the use of cyber-bullying*, knowingly threaten to cause bodily harm or death to a pupil or employee of a school district or charter school with the intent to:

(a) Intimidate, *harass*, frighten, alarm or distress a pupil or employee of a school district or charter school;

(b) Cause panic or civil unrest; or

(c) Interfere with the operation of a public school, including, without limitation, a charter school.

2. Unless a greater penalty is provided by specific statute, a person who violates the provisions of subsection 1 is guilty of:

(a) A misdemeanor, unless the provisions of paragraph (b) apply to the circumstances.

(b) A gross misdemeanor, if the threat causes:

(1) Any pupil or employee of a school district or charter school who is the subject of the threat to be intimidated, *harassed*, frightened, alarmed or distressed;

(2) Panic or civil unrest; or

(3) Interference with the operation of a public school, including, without limitation, a charter school.

3. As used in this section ~~[, “oral, ”]~~:

(a) *“Cyber-bullying” has the meaning ascribed to it in section 2 of this act.*

(b) *“Oral*, written or electronic communication” includes, without limitation, any of the following:

~~[(a)]~~ (1) A letter, note or any other type of written correspondence.

~~[(b)]~~ (2) An item of mail or a package delivered by any person or postal or delivery service.

~~(e)~~ (3) A telegraph or wire service, or any other similar means of communication.

~~(e)~~ (4) A telephone, cellular phone, satellite phone, page or facsimile machine, or any other similar means of communication.

~~(e)~~ (5) A radio, television, cable, closed-circuit, wire, wireless, satellite or other audio or video broadcast or transmission, or any other similar means of communication.

~~(e)~~ (6) An audio or video recording or reproduction, or any other similar means of communication.

~~(e)~~ (7) An item of electronic mail, a modem or computer network, or the Internet, or any other similar means of communication.

Sec. 12. 1. On or before January 1, 2010, the Council to Establish Academic Standards for Public Schools shall establish the policy required by subsection 2 of NRS 389.520, as amended by section 10 of this act. In establishing the policy, the Council shall consider policies currently in use by school districts in this State.

2. On or before July 1, 2010, the board of trustees of each school district shall adopt the policy regarding the ethical, safe and secure use of computers and other electronic devices pursuant to NRS 388.134, as amended by section 7 of this act.

Sec. 13. ~~{This act becomes}~~

1. This section and sections 6, 10 and 12 of this act become effective on July 1, 2009 ~~H~~, for the purpose of adopting policies and on July 1, 2010, for all other purposes.

2. Sections 1 to 5, inclusive, 7, 8, 9 and 11 of this act become effective on July 1, 2010.