

Amendment No. 476

Assembly Amendment to Assembly Bill No. 292	(BDR 34-916)
Proposed by: Assembly Committee on Education	
Amends: Summary: No 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) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

KRO/JWP



Date: 4/22/2017

A.B. No. 292—Revises provisions relating to bullying and cyber-bullying in public schools. (BDR 34-916)



ASSEMBLY BILL NO. 292—ASSEMBLYMEN CARRILLO,
FUMO, OHRENSCHALL, JOINER; AND SWANK

MARCH 14, 2017

JOINT SPONSOR: SENATOR MANENDO

Referred to Committee on Education

SUMMARY—Revises provisions relating to bullying and cyber-bullying in public schools. (BDR 34-916)

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; requiring the principal of a public school ~~who receives a report of bullying or cyber-bullying to report the matter to the board of trustees of the school district in which the school is located;~~ to submit a monthly report to his or her direct supervisor that includes certain information relating to reports of bullying or cyber-bullying; requiring the direct supervisor of a principal to report certain information relating to reports of bullying or cyber-bullying to the Office for a Safe and Respectful Learning Environment each quarter; requiring the principal to notify the parents or guardians of certain pupils before interviewing such a pupil about the matter; requiring the board of trustees of a school district to reassign a pupil who is a victim of bullying or cyber-bullying to a different school upon request of the parent or guardian of the pupil; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a public school teacher or other staff member who witnesses bullying or cyber-bullying or receives information about an incident of bullying or cyber-bullying to report the matter to the principal or a person designated by the principal. The principal or designee is required to take any necessary action to stop the bullying or cyber-bullying, ensure the safety of the victim and begin an investigation into the report. (NRS 388.1351) This bill requires ~~that~~ the board of trustees of the school district in which a pupil is enrolled to assign a pupil who is the victim of bullying or cyber-bullying to a different school upon the request of the parent or guardian of the pupil.

This bill also requires a principal or designee ~~also~~ to submit a monthly report to the direct supervisor of the principal that includes the ~~matter to the board of trustees of the school district in which the school is located;~~ number of: (1) reports received concerning incidents of bullying or cyber-bullying; (2) times in which a violation is found to have

occurred; and (3) times in which no violation is found to have occurred. This bill also requires the direct supervisor of a principal to submit a quarterly report containing this information to the Office for a Safe and Respectful Learning Environment.

Existing law further provides that the required investigation must include notification to the parents or guardians of all the pupils directly involved in the matter, whether as reported aggressors or victims, and an interview of those pupils. (NRS 388.1351) This bill requires that the parental notification precede any such interview, and that it advise the relevant parents or guardians that the pupil will be interviewed.

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

Section 1. NRS 388.1351 is hereby amended to read as follows:

388.1351 1. A teacher, administrator, principal, coach or other staff member who witnesses a violation of NRS 388.135 or receives information that a violation of NRS 388.135 has occurred shall report the violation to the principal or his or her 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.

2. Upon receiving a report required by subsection 1, the principal or designee shall immediately ~~+~~

~~(a) 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 ~~+~~

~~(b) Begin~~ an investigation into the report ~~+~~ and

~~(c) Report the violation to the board of trustees of the school district in which the school is located as soon as practicable, but not later than 1 school day after the principal or designee receives a report made pursuant to subsection 1.~~

3. The investigation conducted pursuant to subsection 2 must include, without limitation:

(a) Except as otherwise provided in subsection ~~13~~ 4, notification provided by telephone, electronic mail or other electronic means or provided in person, of the parents or guardians of all pupils directly involved in the reported bullying or cyber-bullying, as applicable, either as a reported aggressor or a reported victim of the bullying or cyber-bullying. The notification of the parents or guardians of a pupil must precede any interview of the pupil conducted pursuant to paragraph (b) and must advise the parents or guardians that the pupil will be interviewed. The notification must be provided not later than:

(1) If the bullying or cyber-bullying is reported before the end of school hours on a school day, 6 p.m. on the day on which the bullying or cyber-bullying is reported; or

(2) 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, 6 p.m. on the school day following the day on which the bullying or cyber-bullying is reported.

(b) Interviews with all pupils whose parents or guardians must be notified pursuant to paragraph (a) and with all such parents and guardians.

~~13~~ 4. If the contact information for the parent or guardian of a pupil in the records of the school is not correct, a good faith effort to notify the parent or guardian shall be deemed sufficient to meet the requirement for notification pursuant to paragraph (a) of subsection ~~12~~.

~~4~~ 3.

5. Except as otherwise provided in this subsection, an investigation required by this section must be completed not later than 2 school days after the principal or designee receives a report required by subsection 1. If the principal or designee is not able to complete the interviews required by paragraph (b) of subsection ~~1~~ 3 within 2 school days after making a good faith effort because any of the persons to be interviewed is not available, 1 additional school day may be used to complete the investigation.

~~1~~ 6. A principal or designee who conducts an investigation required by this section 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 school district. Subject to the provisions of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, the report must be made available, not later than 24 hours after the completion of the written report, to all parents or guardians who must be notified pursuant to paragraph (a) of subsection ~~1~~ 3 as part of the investigation.

~~1~~ 7. Not later than 10 school days after receiving a report required by subsection 1, 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.

~~1~~ 8. To the extent that information is available, the principal or his or her designee shall provide a list of any resources that may be available in the community to assist a pupil to each parent or guardian of a pupil to whom notice was provided pursuant to this section as soon as practicable. Such a list may include, without limitation, resources available at no charge or at a reduced cost. If such a list is provided, the principal, his or her designee, or any employee of the school or the school district is not responsible for providing such resources to the pupil or ensuring the pupil receives such resources.

~~1~~ 9. The parent or guardian of a pupil involved in the reported violation of NRS 388.135 may appeal a disciplinary decision of the principal or his or her designee, made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by the board of trustees of the school district. Not later than 30 days after receiving a response provided in accordance with such a policy, the parent or guardian may submit a complaint to the Department. The Department shall consider and respond to the complaint pursuant to procedures and standards prescribed in regulations adopted by the Department.

10. If a violation of NRS 388.135 is found to have occurred, the parent or guardian of a pupil who is a victim of bullying or cyber-bullying may request that the board of trustees of the school district in which the pupil is enrolled to assign the pupil to a different school in the school district. Upon receiving such a request, the board of trustees shall, in consultation with the parent or guardian of the pupil, assign the pupil to a different school.

11. A principal or his or her designee shall submit a monthly report to the direct supervisor of the principal that includes for the school the number of:

(a) Reports received pursuant to subsection 1;

(b) Times in which a violation of NRS 388.135 is found to have occurred; and

(c) Times in which no violation of NRS 388.135 is found to have occurred.

12. A direct supervisor who receives a monthly report pursuant to subsection 11 shall, each calendar quarter, submit a report to the Office for a

Safe and Respectful Learning Environment that includes, for the schools for which the direct supervisor has received a monthly report in the calendar quarter, the:

(a) Total number of reports received pursuant to subsection 1;

(b) Number of times in which a violation of NRS 388.135 is found to have occurred; and

(c) Number of times in which no violation of NRS 388.135 is found to have occurred.

Sec. 2. This act becomes effective on July 1, 2017.