

Amendment No. 272

Senate Amendment to Senate Bill No. 80	(BDR 34-502)
<b>Proposed by:</b> Senate Committee on Education	
<b>Amends:</b> 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.

IK/RBL



Date: 4/18/2019

S.B. No. 80—Revises provisions relating to providing a safe and respectful learning environment. (BDR 34-502)





SENATE BILL NO. 80—COMMITTEE ON EDUCATION  
(ON BEHALF OF THE CLARK COUNTY SCHOOL DISTRICT)

PREFILED NOVEMBER 20, 2018

Referred to Committee on Education

SUMMARY—Revises provisions relating to providing a safe and respectful learning environment. (BDR 34-502)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

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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 the welfare of pupils; renaming the Safe-to-Tell Program within the Office for a Safe and Respectful Learning Environment within the Department of Education as the SafeVoice ~~[Nevada]~~ Program; requiring the establishment of the Handle with Care Program; requiring ~~[law enforcement]~~ officers and employees of law enforcement agencies to report to the Handle with Care Program certain information about a child who may attend a public school and has been exposed to ~~[a traumatic event]~~ certain events; requiring information submitted to the Handle with Care Program to be provided to certain school personnel; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the establishment of the Safe-to-Tell Program within the Office for a Safe and Respectful Learning Environment within the Department of Education. That Program allows a person to make an anonymous report to a support center regarding dangerous, violent or unlawful activity that is conducted, or threatened to be conducted, on property of a public school or in certain other circumstances related to public schools. (NRS 388.1455) Any anonymous tip made through the Safe-to-Tell Program is then forwarded to certain trained personnel at the public school to take appropriate action. (NRS 388.14553) **Sections 5 and 7** of this bill change the name of the Safe-to-Tell Program to instead be the SafeVoice ~~[Nevada]~~ Program. **Sections 3-13** of this bill make conforming changes.

**Section 3** of this bill similarly requires the establishment of the Handle with Care Program within the Office for a Safe and Respectful Learning Environment to receive reports from law enforcement officers or agencies when a child is exposed to a traumatic event as required by **section 14** of this bill. **Section 3** requires the Handle with Care Program to use the support center of the Safe-to-Tell Program or a similar program as identified by a school district for such reports. **Section 3** limits the information to be included in the report to only certain identifying information regarding the child ~~[ ]~~, except that, an officer or employee of a law enforcement agency may include additional information about the event if the officer or employee believes that disclosing such information is in the best interest of the child or is necessary for reasons related to school safety. Upon receipt of a report, **section 3**

requires the support center to determine whether the child attends a public school and if so, to notify certain trained personnel of the public school of the report. **Section 7** of this bill requires those trained personnel to take appropriate action in accordance with their training when they receive a report that a pupil has been exposed to a traumatic event. (NRS 388.14553)

Existing law requires the Director of the Office for a Safe and Respectful Learning Environment to provide training related to the Safe-to-Tell Program to certain public school personnel. (NRS 388.1455) **Section 3** additionally requires the Director to provide training regarding the Handle with Care Program to certain persons who will be involved with the Program.

Existing law provides immunity from liability to certain trained personnel of the public school appointed to respond to reports submitted to the Safe-to-Tell Program for acts or omissions of those personnel in carrying out their duties relating to the Program. (NRS 388.14555) **Section 9** of this bill expands that immunity to when such personnel carry out their duties relating to the Handle with Care Program.

Under section 14, a traumatic event must be reported if it involves: (1) domestic violence in the presence of the child; (2) the death of a member of the family or household of the child; (3) the arrest of a parent or guardian of the child in the presence of the child; and (4) child abuse or neglect. Section 14 also authorizes an officer or employee of a law enforcement agency to submit a report to the Program if the officer or employee reasonably believes a child has been exposed to any other event that may affect his or her ability to succeed at school. Section 14 provides that a report is not required if disclosure of information that would be contained in the report may compromise an ongoing investigation.

Sections 4 and 10 of this bill make conforming changes.

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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 2 and 3 of this act.

**Sec. 2.** *“Handle with Care Program” means the Program established pursuant to section 3 of this act.*

**Sec. 3.** *The Director shall establish the Handle with Care Program within the Office for a Safe and Respectful Learning Environment. The Handle with Care Program must enable a law enforcement officer or agency to report to the Program when a child who may attend a public school is exposed to a traumatic event ~~or~~ or other event that may affect his or her ability to succeed at school as described in section 14 of this act. ~~Such an event may include, without limitation,~~*

- ~~—(a) Domestic violence;~~
- ~~—(b) Substance abuse by a member of the family or household of the child;~~
- ~~—(c) Death of a member of the family or household of the child;~~
- ~~—(d) Emotional abuse or neglect;~~
- ~~—(e) Physical abuse or neglect;~~
- ~~—(f) Removal of the child from his or her home;~~
- ~~—(g) Incarceration of a member of the family or household of the child;~~
- ~~—(h) Sexual abuse; or~~
- ~~—(i) Exposure to violence.~~

*2. The Handle with Care Program must use the support center established for the SafeVoice ~~(Nevada)~~ Program and teams appointed pursuant to NRS 388.14553 ~~or~~ or a similar program designated by a school district. The support*

center shall establish a separate hotline and any other appropriate method to allow a law enforcement officer or agency to submit a report pursuant to subsection 1.

3. A report submitted by a law enforcement officer or employee of a law enforcement agency must include only identifying information about the child. Such information must include, to the extent that it is available, the name of the child, the grade and school where the child is enrolled and the date of birth of the child.

4. The report ~~must not~~ may include basic information about the traumatic event ~~if~~

~~4.1~~ if the law enforcement officer or employee reasonably believes that disclosing such information is in the best interest of the child or necessary for reasons related to school safety.

5. Upon receipt of a report, the support center shall determine whether the child attends a public school in this State. If so, the team appointed pursuant to NRS 388.14553 must be notified that the child has been exposed to a traumatic event.

~~5.1~~ 6. The Director shall provide training regarding:

(a) The Handle with Care Program to law enforcement agencies and employees of law enforcement agencies that may respond to a traumatic event involving a child, the board of trustees of a school district, the governing body of a charter school and any other entity whose employees and volunteers the Director determines should receive training regarding the Program;

(b) The procedure for making a report to the support center and the information to provide when making a report;

(c) Properly responding to a report received from the support center, including without limitation, the manner in which to respond to a report through the Handle with Care Program to each member of a team appointed pursuant to NRS 388.14553; and

(d) Collaboration with teachers and other members of the staff of a school, pupils, family members of pupils and other persons, as appropriate, to reduce the negative impact of the traumatic event on the affected pupil and appropriate interventions that may be available to assist the pupil.

~~6.1~~ 7. The State Board shall adopt regulations necessary to carry out the provisions of this section.

Sec. 4. NRS 388.1451 is hereby amended to read as follows:

388.1451 As used in NRS 388.1451 to 388.1459, inclusive, and sections 2 and 3 of this act, unless the context otherwise requires, the words and terms defined in NRS 388.1452 to 388.14535, inclusive, and section 2 of this act have the meanings ascribed to them in those sections.

Sec. 5. NRS 388.1453 is hereby amended to read as follows:

388.1453 ~~“Safe-to-Tell Program” or “Program”~~ “SafeVoice [Nevada] Program” means the ~~[Safe-to-Tell]~~ SafeVoice [Nevada] Program established within the Office for a Safe and Respectful Learning Environment pursuant to NRS 388.1455.

Sec. 6. NRS 388.1454 is hereby amended to read as follows:

388.1454 The Legislature hereby finds and declares that ~~[Nevada]~~ [Nevada] a SafeVoice Program is necessary because:

1. The ability to anonymously report information about dangerous, violent or unlawful activities, or the threat of such activities, conducted on school property, at an activity sponsored by a public school, on a school bus of a public school or by a pupil enrolled at a public school is critical in preventing, responding to and recovering from such activities.

2. It is in the best interest of this State to ensure the anonymity of a person who reports such an activity, or the threat of such an activity, and who wishes to remain anonymous and to ensure the confidentiality of any record or information associated with such a report.

3. It is the intent of the Legislature ~~{in enacting NRS 388.1451 to 388.1459, inclusive,}~~ to enable the people of this State to easily and anonymously provide to appropriate state or local public safety agencies and to school administrators information about dangerous, violent or unlawful activities, or the threat of such activities, conducted on school property, at an activity sponsored by a public school, on a school bus of a public school or by a pupil enrolled at a public school.

**Sec. 7.** NRS 388.1455 is hereby amended to read as follows:

388.1455 1. The Director shall establish the ~~{Safe-to-Tell}~~ **SafeVoice** ~~{Nevada}~~ Program within the Office for a Safe and Respectful Learning Environment. The Program must enable any person to report anonymously to the Program any dangerous, violent or unlawful activity which is being conducted, or is threatened to be conducted, on school property, at an activity sponsored by a public school, on a school bus of a public school or by a pupil enrolled at a public school. Any information relating to any such dangerous, violent or unlawful activity, or threat thereof, received by the Program is confidential and, except as otherwise authorized pursuant to paragraph (a) of subsection 2 and NRS 388.1458, must not be disclosed to any person.

2. The **SafeVoice** ~~{Nevada}~~ Program must include, without limitation, methods and procedures to ensure that:

(a) Information reported to the Program is promptly forwarded to the appropriate public safety agencies, the Department and other appropriate state agencies, school administrators and other school employees, including, without limitation, the teams appointed pursuant to NRS 388.14553; and

(b) The identity of a person who reports information to the Program:

(1) Is not known by any person designated by the Director to operate the Program;

(2) Is not known by any person employed by, contracting with, serving as a volunteer with or otherwise assisting an organization with whom the Director enters into an agreement pursuant to subsection 3; and

(3) Is not disclosed to any person.

3. On behalf of the **SafeVoice** ~~{Nevada}~~ Program, the Director or his or her designee shall establish and operate a support center that meets the requirements of NRS 388.14557, which includes, without limitation, a hotline, Internet website, mobile telephone application and text messaging application or enter into an agreement with an organization that the Director determines is appropriately qualified and experienced, pursuant to which the organization will establish and operate such a support center, which includes, without limitation, a hotline, Internet website, mobile telephone application and text messaging application. The support center shall receive initial reports made to the Program through the hotline, Internet website, mobile telephone application and text messaging application and forward the information contained in the reports in the manner required by subsection 2.

4. The Director shall provide training regarding:

(a) The Program to employees and volunteers of each public safety agency, public safety answering point, board of trustees of a school district, governing body of a charter school and any other entity whose employees and volunteers the Director determines should receive training regarding the Program.

(b) Properly responding to a report received from the support center, including, without limitation, the manner in which to respond to reports of different types of

dangerous, violent and unlawful activity and threats of such activity, to each member of a team appointed pursuant to NRS 388.14553.

(c) The procedure for making a report to the support center using the hotline, Internet website, mobile telephone application and text messaging application and collaborating to prevent dangerous, violent and unlawful activity directed at teachers and other members of the staff of a school, pupils, family members of pupils and other persons.

5. The Director shall:

(a) Post information concerning the *SafeVoice [Nevada]* Program on an Internet website maintained by the Director;

(b) Provide to each public school educational materials regarding the *SafeVoice [Nevada]* Program, including, without limitation, information about the telephone number, address of the Internet website, mobile telephone application, text messaging application and any other methods by which a report may be made; and

(c) On or before July 1 of each year, submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Education a report containing a summary of the information reported to the Director pursuant to NRS 388.14557 during the immediately preceding 12 months and any other information that the Director determines would assist the Committee to evaluate the *SafeVoice [Nevada]* Program.

6. As used in this section:

(a) "Public safety agency" has the meaning ascribed to it in NRS 239B.020.

(b) "Public safety answering point" has the meaning ascribed to it in NRS 707.500.

**Sec. 8.** NRS 388.14553 is hereby amended to read as follows:

388.14553 1. The board of trustees of a school district or the governing body of a charter school shall:

(a) Appoint a team of at least three members of the staff of each public school, other than a charter school, that is located in the school district or of the charter school, as applicable, including, without limitation, a school counselor, psychologist, social worker or a similar person, if the school employs such a person on a full-time basis, and a school administrator. The team must receive notification if the support center receives a report :

*(1) Through the SafeVoice [Nevada] Program, of any dangerous, violent or unlawful activity which is being conducted, or is threatened to be conducted, on the property of the school, at an activity sponsored by the school, on a school bus of the school or by a pupil enrolled at the school [H] ; or*

*(2) Through the Handle with Care Program, of a pupil who was exposed to a traumatic event.*

(b) Ensure that information concerning the *SafeVoice [Nevada]* Program, including, without limitation, the telephone number for the hotline established pursuant to NRS 388.1455:

(1) Appears on the back of any identification card issued to pupils and staff at the school; and

(2) Is posted in conspicuous locations around the school, which may include, without limitation, the front office, the cafeteria or a school bus.

2. Upon receiving notification from the support center ~~of dangerous, violent or unlawful activity which is being conducted, or is threatened to be conducted, on the property of a public school, at an activity sponsored by a public school, on a school bus of a public school or by a pupil enrolled at a public school,~~ *through the SafeVoice [Nevada] Program or the Handle with Care Program,* a member of the appropriate team appointed pursuant to paragraph (a) of subsection 1 shall take

appropriate action in accordance with the training he or she has received pursuant to NRS 388.1455 *or section 3 of this act* to respond to the activity, ~~the~~ threat ~~or traumatic event, as applicable.~~

3. The team appointed pursuant to paragraph (a) of subsection 1 may:  
(a) Include a person appointed by the public school pursuant to NRS 388.247 to a committee to review the plan developed for the school pursuant to NRS 388.243.

(b) Allow another person to temporarily serve on the team if a member of the team is unavailable.

**Sec. 9.** NRS 388.14555 is hereby amended to read as follows:

388.14555 The team appointed pursuant to NRS 388.14553 and each member of the team are immune from civil liability for any damages resulting from an act or omission of the team or the member or another member of the team in performing the duties set forth in NRS 388.1455 and 388.14553 ~~or~~ *and section 3 of this act.*

**Sec. 10.** NRS 388.14557 is hereby amended to read as follows:

388.14557 The support center must:

1. Be capable of receiving reports made ~~using the hotline, Internet website, mobile telephone application and text messaging application established pursuant to NRS 388.1455;~~ *through the SafeVoice (Nevada) Program and Handle with Care Program;*

2. Be available to receive reports and staffed with trained personnel 24 hours a day, 7 days a week, including holidays and other days when school is not in session;

3. Establish a process for handling a report if personnel at the support center are unable to determine the location of the school or the person about whom the report is made, or if the report concerns a private school or an entity other than a school;

4. Train personnel at the support center who are involved in responding to reports to follow up on each report by gathering information necessary to determine the validity of the report and the severity of any threat;

5. Use a software system that is resistant to hacking and copying of information to protect the anonymity of persons who submit reports;

6. Develop and implement a standardized procedure for tracking the outcome of reports;

7. Compile statistics to determine:

(a) The most frequent days of the week on which reports are made;

(b) The most frequent times of the day for making reports;

(c) The types of dangerous, violent or unlawful activity that are reported and the frequency of reports of each type of dangerous, violent or unlawful activity;

(d) The frequency with which reports are submitted using the hotline, Internet website, mobile telephone application and text messaging application, respectively; and

(e) The outcome of reports;

8. Submit to the Director a quarterly report that contains the information compiled pursuant to subsection 7 and any other information necessary for the Director to evaluate the ~~(Program)~~ *Programs* or that is requested by the Director; and

9. Provide each report received to the appropriate law enforcement agency.

**Sec. 11.** NRS 388.1457 is hereby amended to read as follows:

388.1457 1. The ~~(Safe-to-Tell)~~ *SafeVoice (Nevada)* Program Account is hereby created in the State General Fund.



2. Except as otherwise provided in subsection 4, the money in the Account may be used only to implement and operate the ~~Safe-to-Tell~~ **SafeVoice** ~~Nevada~~ Program.

3. The Account must be administered by the Director, who may:

(a) Apply for and accept any gift, donation, bequest, grant or other source of money for deposit in the Account; and

(b) Expend any money received pursuant to paragraph (a) in accordance with subsection 2.

4. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

5. The money in the Account does not revert to the State General Fund at the end of any fiscal year.

6. The Director shall:

(a) Post on the Internet website maintained by the Department a list of each gift, donation, bequest, grant or other source of money, if any, received pursuant to subsection 3 for deposit in the Account and the name of the donor of each gift, donation, bequest, grant or other source of money;

(b) Update the list annually; and

(c) On or before February 1 of each year, transmit the list prepared for the immediately preceding year:

(1) In odd-numbered years, to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature; and

(2) In even-numbered years, to the Legislative Committee on Education.

**Sec. 12.** NRS 388.1458 is hereby amended to read as follows:

388.1458 1. Except as otherwise provided in this section or as otherwise authorized pursuant to paragraph (a) of subsection 2 of NRS 388.1455, a person must not be compelled to produce or disclose any record or information provided to the ~~Safe-to-Tell~~ **SafeVoice** ~~Nevada~~ Program.

2. A defendant in a criminal action may file a motion to compel a person to produce or disclose any record or information provided to the **SafeVoice** ~~Nevada~~ Program. A defendant in a criminal action who files such a motion shall serve a copy of the motion upon the prosecuting attorney and upon the Director, either or both of whom may file a response to the motion not later than a date determined by the court.

3. If the court grants a motion filed by a defendant in a criminal action pursuant to subsection 2, the court may conduct an in camera review of the record or information or make any other order which justice requires. Counsel for all parties shall be permitted to be present at every stage at which any counsel is permitted to be present. If the court determines that the record or information includes evidence that could be offered by the defendant to exculpate the defendant or to impeach the testimony of a witness, the court shall order the record or information to be provided to the defendant. The identity of any person who reported information to the ~~Safe-to-Tell~~ **SafeVoice** ~~Nevada~~ Program must be redacted from any record or information provided pursuant to this subsection, and the record or information may be subject to a protective order further redacting the record or information or otherwise limiting the use of the record or information.

4. The record of any information redacted pursuant to subsection 3 must be sealed and preserved to be made available to the appellate court in the event of an appeal. If the time for appeal expires without an appeal, the court shall provide the record to the ~~Safe-to-Tell~~ **SafeVoice** ~~Nevada~~ Program.

**Sec. 13.** NRS 388.1459 is hereby amended to read as follows:

388.1459 Except as otherwise provided in NRS 388.1458 or as otherwise authorized pursuant to paragraph (a) of subsection 2 of NRS 388.1455, the willful

disclosure of a record or information of the ~~[Safe-to-Tell]~~ *SafeVoice [Nevada]* Program, including, without limitation, the identity of a person who reported information to the Program, or the willful neglect or refusal to obey any court order made pursuant to NRS 388.1458, is punishable as criminal contempt.

**Sec. 14.** Chapter 289 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Any officer or employee of a law enforcement agency who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child who may attend a public school has been exposed to a traumatic event ~~[as described in section 3 of this act,~~ shall submit a report to the Handle with Care Program established pursuant to section 3 of this act ~~for~~ any time the traumatic event involves:*

*(a) Domestic violence in the presence of the child;*

*(b) Death of a member of the family or household of the child;*

*(c) Arrest of a parent or guardian of the child in the presence of the child; or*

*(d) Child abuse or neglect;*

*2. In addition to submitting a report required by subsection 1, any officer or employee of a law enforcement agency may submit a report to the Handle with Care Program established pursuant to section 3 of this act if the officer or employee of a law enforcement agency reasonably believes a child who attends a public school has been exposed to any other event that may affect his or her ability to succeed at school.*

*3. Nothing in this section shall be construed to require an officer or employee of a law enforcement agency to submit a report pursuant to this section if the disclosure of information may compromise an ongoing investigation.*

**Sec. 14.5.** *The Legislative Counsel shall in preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.*

**Sec. 15.** This act becomes effective upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act, and on January 1, 2020, for all other purposes.