

SENATE BILL NO. 142—SENATORS SEEVERS GANSERT, HARDY,
PICKARD, PARKS, SPEARMAN; GOICOECHEA, HAMMOND,
RATTI AND SETTELMEYER

FEBRUARY 11, 2019

JOINT SPONSORS: ASSEMBLYMEN TOLLES,
SPIEGEL; AND ROBERTS

Referred to Committee on Education

SUMMARY—Makes various changes relating to school safety.
(BDR 34-167)

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 education; revising provisions governing a
school safety team; revising the name of the Safe-to-Tell
Program; revising provisions related to the Program; and
providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the administrator of each public school or his or her designee to: (1) establish a school safety team; (2) conduct investigations of reported incidents of bullying or cyber bullying; and (3) collaborate with the board of trustees of the school district and the school safety team to prevent, identify and address reported incidents of bullying and cyber-bullying. (NRS 388.1343) Existing law also prescribes the qualifications of persons the administrator appoints to the school safety team. (NRS 388.1344) **Section 1** of this bill revises the qualifications of persons the administrator appoints to the school safety team to include a: (1) school counselor or psychologist; and (2) school police officer or school resource officer.

Existing law provides for the establishment of the Safe-to-Tell Program within the Office for a Safe and Respectful Learning Environment within the Department of Education. The Program enables a person to anonymously report any dangerous, violent or unlawful activity which is being conducted or threatened to be conducted on the property of a public school, at an activity sponsored by a public school or on a school bus of a public school. (NRS 388.1455) **Section 4** of this bill: (1) revises the name of the Program to the SafeVoice Program; (2) requires that under certain circumstances a person who makes a report to the Program will not remain



anonymous; and (3) requires that certain public safety agencies be authorized to access certain pupil information in response to a report to the Program. **Sections 2-8** of this bill make conforming changes.

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

Section 1. NRS 388.1344 is hereby amended to read as follows:

388.1344 1. Each school safety team established pursuant to NRS 388.1343 must consist of the administrator of the school or his or her designee and the following persons appointed by the administrator:

(a) A school counselor ~~and~~ , *school psychologist or social worker;*

(b) At least one teacher who teaches at the school;

(c) At least one parent or legal guardian of a pupil enrolled in the school; ~~and~~

(d) *A school police officer or school resource officer; and*

(e) Any other persons appointed by the administrator.

2. The administrator of the school or his or her designee shall serve as the chair of the school safety team.

3. The school safety team shall:

(a) Meet at least two times each year;

(b) Identify and address patterns of bullying or cyber-bullying;

(c) Review and strengthen school policies to prevent and address bullying or cyber-bullying;

(d) Provide information to school personnel, pupils enrolled in the school and parents and legal guardians of pupils enrolled in the school on methods to address bullying and cyber-bullying; and

(e) To the extent money is available, participate in any training conducted by the school district or school regarding bullying and cyber-bullying.

Sec. 2. NRS 388.1453 is hereby amended to read as follows:

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

Sec. 3. NRS 388.1454 is hereby amended to read as follows:

388.1454 The Legislature hereby finds and declares that ~~the~~

~~—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~~ *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. 4. NRS 388.1455 is hereby amended to read as follows:

388.1455 1. The Director shall establish the ~~{Safe-to-Tell}~~ *SafeVoice* 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 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 ~~is~~:

~~(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.~~ *may remain anonymous, unless the policies established and regulations adopted pursuant to*



subsection 6 require the identity of such a person to be disclosed; and

(c) The appropriate public safety agencies may access personally identifiable information concerning a pupil:

(1) To take the appropriate action in response to an activity or threat reported pursuant to this section;

(2) Twenty-four hours a day; and

(3) Subject to the confidentiality required pursuant to this section.

3. On behalf of the 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 Program on an Internet website maintained by the Director;

(b) Provide to each public school educational materials regarding the Program, including, without limitation, information



1 about the telephone number, address of the Internet website, mobile
2 telephone application, text messaging application and any other
3 methods by which a report may be made; and

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

11 6. *The Department shall establish policies and adopt*
12 *regulations pursuant to subsection 2 relating to the disclosure of*
13 *the identity of a person who reports information to the Program.*
14 *The regulations must include, without limitation, the disclosure of*
15 *the identity of a person who reported information to the Program:*

16 (a) *To ensure the safety and well-being of the person who*
17 *reported the information to the Program;*

18 (b) *To comply with the provisions of NRS 388.1351; and*

19 (c) *If the person knowingly reported false information to the*
20 *Program.*

21 7. As used in this section:

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

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

26 **Sec. 5.** NRS 388.1457 is hereby amended to read as follows:

27 388.1457 1. The ~~Safe-to-Tell~~ **SafeVoice** Program Account
28 is hereby created in the State General Fund.

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

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

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

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

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

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

43 6. The Director shall:

44 (a) Post on the Internet website maintained by the Department a
45 list of each gift, donation, bequest, grant or other source of money,



1 if any, received pursuant to subsection 3 for deposit in the Account
2 and the name of the donor of each gift, donation, bequest, grant or
3 other source of money;

4 (b) Update the list annually; and

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

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

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

12 **Sec. 6.** NRS 388.1458 is hereby amended to read as follows:

13 388.1458 1. Except as otherwise provided in this section or
14 as otherwise authorized pursuant to ~~paragraph (a) of~~ subsection 2
15 of NRS 388.1455, a person must not be compelled to produce or
16 disclose any record or information provided to the ~~{Safe-to-Tell}~~
17 **SafeVoice** Program.

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

24 3. If the court grants a motion filed by a defendant in a criminal
25 action pursuant to subsection 2, the court may conduct an in camera
26 review of the record or information or make any other order which
27 justice requires. Counsel for all parties shall be permitted to be
28 present at every stage at which any counsel is permitted to be
29 present. If the court determines that the record or information
30 includes evidence that could be offered by the defendant to
31 exculpate the defendant or to impeach the testimony of a witness ~~{}~~
32 **and unless otherwise authorized by subsection 2 of NRS 388.1455,**
33 the court shall order the record or information to be provided to the
34 defendant. The identity of any person who reported information to
35 the ~~{Safe-to-Tell}~~ **SafeVoice** Program must be redacted from any
36 record or information provided pursuant to this subsection, and the
37 record or information may be subject to a protective order further
38 redacting the record or information or otherwise limiting the use of
39 the record or information.

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



1 **Sec. 7.** NRS 388.1459 is hereby amended to read as follows:
2 388.1459 Except as otherwise provided in NRS 388.1458 or as
3 otherwise authorized pursuant to ~~paragraph (a) of~~ subsection 2 of
4 NRS 388.1455, the willful disclosure of a record or information of
5 the ~~Safe-to-Tell~~ *SafeVoice* Program, including, without limitation,
6 the identity of a person who reported information to the Program,
7 or the willful neglect or refusal to obey any court order made
8 pursuant to NRS 388.1458, is punishable as criminal contempt.
9 **Sec. 8.** This act becomes effective on July 1, 2019.

