

# PERSHING COUNTY SCHOOL DISTRICT

## BOARD POLICY SAFE AND RESPECTFUL LEARNING ENVIRONMENT LEA Policy for Prohibiting Harassment & Intimidation *Nevada Public School Districts*

### Section I--Provision of Safe and Respectful Learning Environment (NRS 388.132)

The Nevada State 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 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 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 harassment or intimidation; and
  - c. All persons in public schools are entitled to maintain their own beliefs and to respectfully disagree without resorting to violence, harassment or intimidation; and
4. 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.

### Section II--Definition of Harassment and Intimidation

NRS 388.125--Harassment Defined. "Harassment" means a willful act or course of conduct that is not otherwise authorized by law and is:

1. Highly offensive to a reasonable person; and
2. Intended to cause or actually causes another person to suffer serious emotional distress.

NRS 388. 129--Intimidation Defined. "Intimidation" means a willful act or course of conduct that is not otherwise authorized by law and:

1. Is highly offensive to a reasonable person; and
2. Poses a threat of immediate harm or actually inflicts harm to another person or to the property of another person.

NRS 388. (TBD)—Bullying Defined. “Bullying” means a willful act or course of conduct that is not otherwise authorized by law and that 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. Such negative actions may include, without limitation:

1. Destroying the property of a pupil;
2. Excluding a pupil from participating in activities;
3. Extorting a pupil;
4. Gossiping maliciously;
5. Speaking disparagingly;
6. Staring and glaring;
7. Taunting;
8. Teasing;
9. Unreasonably banning the ability of a pupil to enter or exit an area;
10. Using restrooms with the intent to cause and actually causing a pupil to suffer harm or serious emotional distress; and,
11. Using oral, written or electronic communication with the intent to cause and actually causing a pupil to suffer harm or serious emotional distress.

### Section III--Policy: Safe & Respectful Learning Environment

#### Harassment and Intimidation are Prohibited in Public Schools

Pershing County School District is committed to providing all students and employees with a safe and respectful learning environment in which persons of differing beliefs; characteristics and backgrounds can realize their full academic and personal potential. It is the intent of this policy to ensure that all administrators, principals, teachers and other personnel of Pershing County School District demonstrate appropriate behavior on the premises of any public school in the district by treating other persons, including, without limitation, pupils, with civility and respect and by refusing to tolerate harassment, intimidation, and bullying.

No member of this district's board of trustees, employee of the board of trustees, including, without limitation, administrators, principals, teachers, or other staff members, nor pupils shall engage in acts of harassment, intimidation, or bullying on the premises of any public school, school-sponsored event, or school bus, in the district.

It is the intent of this policy that all persons in Pershing County School District are entitled to maintain their own beliefs and to respectfully disagree without resorting to violence, harassment, intimidation, and bullying. This policy does not advocate nor require the acceptance of differing beliefs in a manner that would inhibit the freedom of expression, but does require that pupils with differing beliefs be free from harassment intimidation, and bullying.

Pershing County School District will provide for the appropriate training of all administrators, principals, teachers and all other personnel employed by this district as prescribed by this policy under the heading “Professional Development.”

## Requirements and Methods for Reporting Violations of NRS 388.135

Pershing County School District shall assure that any person who believes that he or she has been a victim of harassment, intimidation, or bullying as defined by NRS 388.125, NRS 388.129 and/or NRS 388(TBD) by any or all individuals as specified by NRS 388.135, be encouraged and instructed to adhere to the following reporting mechanism:

1. Students. It is the policy of Pershing County School District to encourage students who are targets of harassment, intimidation, or bullying and students who have first-hand knowledge of such harassment, intimidation, or bullying to report such claims. Students should report incident(s) to any teacher, counselor, or school administrator.
2. Employees. Any Pershing County School District employee who witnesses, overhears, or receives a report, formal or informal, written or oral, of harassment, intimidation, or bullying at school, school-sponsored event or on a school bus shall report it to the principal or the principal's designee. If the report involves the school principal, the reporter shall make a report directly to the school district Title IX Officer or Superintendent. Contact information on current Title IX Officers are available on the Department of Education website at [www.doe.nv.govtitleix.html](http://www.doe.nv.govtitleix.html). If the report involves a board of trustees member or the district superintendent, the reporter shall contact the Nevada Department of Education equity coordinator.

### Notice: Harassment, Intimidation, and Bullying are Prohibited in Public Schools

The superintendent shall use all reasonable means to inform students, employees, and parents or guardians that the district will not tolerate harassment, intimidation, or bullying. Pershing County School District shall include the text of the provisions of NRS 388.125 to 388.135, inclusive, and the policy adopted by the board of trustees of the school pursuant to section 3 of AB 202 under the heading "Harassment, Intimidation, and Bullying is Prohibited in Public Schools," within each copy of the rules of behavior for pupils that the school district provides pupils pursuant to NRS 392.463.

### Professional Development

The superintendent shall develop age-appropriate methods of discussing the meaning and substance of this policy with staff and students in order to help prevent harassment, intimidation, and bullying.

In addition to informing staff and students about the policy, the superintendent shall develop a plan, including requirements and procedures, to assure that the following professional development be provided to all administrators, principals, teachers, and other personnel employed by the board of trustees of Pershing County School District:

1. Awareness concerning the various types of harassment, intimidation, and bullying; how the harassment and intimidation manifests itself; and the devastating emotional and educational consequences of harassment, intimidation, and bullying.
2. Training in the appropriate methods to facilitate positive human relations among pupils without the use of harassment, intimidation, and bullying so that pupils may realize their full academic and personal potential.
3. Methods to improve the school environment in a manner that will facilitate positive human relations among pupils.

4. Methods to teach skills to pupils so that the pupils are able to replace inappropriate behavior with positive behavior.

## MODEL POLICY LANGUAGE FOR ADOPTION OR ADAPTATION

### Response to a Report of Harassment, Intimidation, or Bullying

Pershing County School District will ensure that local policy and procedures include the following procedural components: 1) Responsibility of Principal; 2) Responsibility of Title IX Officer; 3) Investigation of Report of Harassment, Intimidation, or Bullying (Who, How, When, Result); 4) School District Action; 5) Appeal Process; 6) Interference or Prohibition of Retaliation; 7) Record Keeping and Notification; 8) Professional Development.

The following text represents *suggested* procedures regarding how the district may implement a response to a report of harassment, intimidation, or bullying; however, Section 10.2 of AB 202 states, "each school district shall adopt the policy prescribed by the Department of Education, or an *expanded policy*..."

#### 1. Principal's Responsibility

The principal or principal's designee is the person responsible for receiving oral or written reports of harassment, intimidation, or bullying. Upon receipt of a report, the principal shall notify the school district Title IX Officer immediately, without screening or investigating the report. The principal may request, but may not insist upon, a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the principal to the school district equity coordinator. If the report was provided verbally, the principal shall reduce it to written form within 24 hours and forward to the district Title IX Officer. Failure to forward any harassment, intimidation, or bullying report or complaint as provided herein will result in disciplinary action against the principal.

#### 2. Title IX Officer

Each school district has one individual within the district designated as the school district Title IX Officer to receive reports of harassment, intimidation, or bullying. If the report involves the school district Title IX Officer, the reporter shall refer the complaint directly to the superintendent. The school district shall prominently post the name, mailing address, and telephone number of its Title IX Officer.

#### 3. Investigation of Report of Harassment, Intimidation, or Bullying

Who: The principal or school district Title IX Officer shall conduct an investigation upon receipt of a report or complaint alleging student harassment, intimidation, or bullying.

How: The investigator shall interview individuals involved and any other persons who may have knowledge of the circumstances giving rise to the complaint and may use other methods and documentation. In determining whether the alleged conduct constitutes a violation of this policy, the investigator shall consider, among other things: the nature of the behavior; how often the conduct occurred; whether there were past incidents or past continuing patterns of behavior; and the relationship of the parties involved.

When: The investigator shall complete the investigation as soon as practicable, but in no event later than fourteen (14) calendar days following receipt of the complaint.

Result: Upon completion of the investigation, the investigator shall decide if a violation of this policy has occurred and report that decision, along with the evidence supporting it, to the principal or school district Title IX Officer and the superintendent or, if the complaint involves the superintendent or board of trustee member, directly to the Nevada Department of Education Title IX Officer, for appropriate action in accordance with school district or state disciplinary policy.

#### 4. School District Action

The school district shall take disciplinary or remedial action as appropriate in order to ensure that further harassment, intimidation, or bullying does not occur. Such action may include, but is not limited to; 1) counseling, awareness training, parent-teacher conferences, warning, transfer, suspension and/or expulsion of a student, and 2) counseling, awareness training, transfer, suspension and/or termination of an employee or board of trustee member or employee.

School district action taken for violation of this policy shall be consistent with the requirements of applicable collective bargaining agreements, Nevada Revised Statutes (NRS), federal law and Pershing County School District policies.

#### 5. Appeal Process

A person deemed to be in violation of the policy on student harassment, intimidation, and bullying and subjected to action under it may appeal the determination and/or the action taken as follows:

Student: If the person filing the appeal is a student, the appeal shall proceed in accordance with School District policy governing discipline of students and with due process requirements.

Employee: If the person filing the appeal is an employee, the appeal shall proceed in accordance with School District policy governing employee discipline, including, if applicable, grievance procedures under any applicable collective bargaining agreement, and with legal due process requirements.

#### 6. Interference or Retaliation

- a. A school official shall not directly or indirectly interfere with or prevent the disclosure of information concerning a violation of NRS 388.135. As used in this context a "school official" means: (a) A member of the board of trustees of a school district; or (b) A licensed or unlicensed employee of the school district.
- b. No cause of action may be brought against a pupil or an employee or volunteer of a school who reports a violation of NRS 388.135 unless the person who made the report acted with malice, intentional misconduct, gross negligence, or intentional or knowing violation of the law.

#### 7. Record Keeping and Notification

Record Keeping: The superintendent shall assure that a record of any complaint and investigation of harassment or intimidation as well as the disposition of the complaint and any disciplinary or remedial action is maintained by the School District in a confidential file.

Notification: The superintendent shall assure that the complainant is notified whether allegations of harassment were found to be valid, whether a violation of the policy occurred, and whether action was taken as a result.

First Reading: April 21, 2009

Second Reading/Adoption: October 19, 2009