

NEVADA DEPARTMENT OF EDUCATION

Thursday, August 13, 2015

9:00 a.m.

Department of Education
700 East Fifth Street
Board Conference Room
Carson City, Nevada

And

Department of Education
9890 South Maryland
Board Conference Room
Las Vegas, Nevada

MINUTES OF REGULATION WORKSHOPS

DEPARTMENT STAFF PRESENT:

In Carson City

Dale Erquiaga, Superintendent of Public Instruction
Steve Canavero, Deputy Superintendent, Student Achievement
Karen Johansen, Administrative Assistant

In Las Vegas

Dena Durish, Deputy Superintendent, Educator Effectiveness and Family Engagement

LEGAL STAFF PRESENT:

In Carson City

Greg Ott, Deputy Attorney General

AUDIENCE IN ATTENDANCE:

In Carson City

Mary Pierczynski, Nevada Association of State Superintendents
Anthony Spotts, Washoe County School District
Denise Lasher, American Federation for Children
Heather Brault, AAA Scholarship Foundation
Tiffany Young, Washoe County School District
Trish Shaffer, Washoe County School District
Adam Nicely, Academy for Career Education
Sandra Sheldon, Churchill County School District
Richard Stokes, Superintendent, Carson City School District
Todd Butterworth, Legislative Counsel Bureau
Dotty Merrill, Nevada Association of School Boards
Brandon Mueller, Clark County School District
Greta Peay, Clark County School District
Katherine Loudon, Clark County School District

Lisa Scurry, Washoe County School District
Scott Baez, Washoe County School District
Joseph Legat, Clark County School District
Nicole Rourke, Clark County School District

In Las Vegas

Jeanne Marie Hanna, Clark County School District
Jesse Welsh, Clark County School District
Robin Kincaid, Nevada PEP
Ben Gerhardt, Nevada Virtual Academy
Caroline McIntosh, Nevada Virtual Academy
Jason Lamberth
Heidi Arbuckle, Clark County School District
Seth Rau, Nevada Succeeds
Wendy Roselinsky, Clark County School District
Barbara Perez, Clark County School District
Nicole Klimow, Clark County School District
Jeanne Donadio, Clark County School District
Jhone Ebert, Clark County School District

The meeting was called to order at 9: 03 A.M.

Superintendent Erquiaga explained the regulation workshop process.

Public Comment

There was no public comment

Workshop to Solicit Comments on Proposed Amendments R036-15 to provide for administration of the high school exams for the Graduating Classes of 2019, 2020 and thereafter establishing the courses of study, number of times a student may take an exam, and other matters related to the new end of course examinations provided for as a requirement for graduation from high school.

The workshop opened at 9:07 a.m. There were 18 individuals present in Carson City and 13 individuals present in Las Vegas.

Superintendent Erquiaga explained this regulation was adopted in the temporary period for regulations and is being heard to re-adopt the existing regulation as a permanent regulation

Steve Canavero, deputy superintendent, student achievement, explained the language in this regulation addresses graduating cohort requirements to achieve on the end-of-course examination. This addresses the changes from 2013 and the transition from the HSPE to the end-of-course exam for graduating students. In the proposed language the class of 2017-18 remains the same. The proposed change is reflected in Section 3 and specifies *a pupil in the graduating cohort of 2019*. When the regulation was first adopted it was thought that the science test would be available as an end-of-course exam for the graduation cohort of 2019. Due to the timelines for the adoption of the Next Generation Science Standards the transition of content and the design of the assessment must be delayed for one graduating cohort. The cohort of 2019 must pass Mathematics I, Mathematics II, English Language Arts I, and English Language Arts II. The end-of-course science examination has been deleted for the graduating cohort of 2019. Science has been

added to the graduating cohort of 2020 with mathematics I, mathematics II, and English language arts collapsed in to one. In addition students in grade 6 have been enabled to participate in the end-of-course exam if they are enrolled in an aligned course.

There were no comments.

The workshop closed at 9:11 a.m.

Workshop to solicit comments on proposed amendments to NAC Chapter 385 to provide for the contents and procedures for applications for grants provided pursuant to the Nevada Educational Choice Scholarship Program (Statutes of Nevada 2015, Chapter 22) and other matters necessary to carry out the provisions of the Program

The workshop opened at 9:11 a.m. There were 18 individuals present in Carson City and 13 individuals present in Las Vegas.

Superintendent Erquiaga explained this regulation was adopted as temporary and is now being re-adopted as a permanent regulation. This program allows a tax payer, by business tax, to receive a tax incentive for making a contribution to an eligible scholarship organization. The scholarship organization then grants those funds in the form of a scholarship to pupils in Nevada, for attendance at a private school. The regulations deal with scholarship organizations, how they become registered, and what they must report to this office. By law, processes must be established through regulation for the contents and procedures for application of these grants including an order in what grants can be awarded in the case of a tie, or if there is not enough money to give to everyone who has applied.

The NDE licenses private schools and has some authority over private schools. This bill allows tax incentive scholarships to be spent with private schools. The NDE has proposed through these regulations standards for testing and the reporting of academic progress. The proposed regulations establish a means to complain if an individual does not think a taxpayer, scholarship organization, a student and family or a school have followed the rules.

Comments

Denise Lasher, American Federation for Children, said there is a great deal of enthusiasm for this program, not only from families but from corporations that want to be a partner in this opportunity. Ms. Lasher said under the current rule a scholarship funding organization needs to make available their procedures for qualifying families and awarding the grants.

Ms. Lasher stated under the current rule, a scholarship organization needs to make available their procedures for qualifying families and awarding grants. She suggested adding that the application submitted to the NDE for approval requires the applicant to submit their policies and procedures for identifying qualified pupils and procedures to awarding grants in Section 1.

Ms. Lasher said in section 2, paragraph 2, it states a scholarship organization (SO) will establish and make available written procedures to identify qualified pupils and award grants. She advised that information is posted on the SOs web site and provided to all interested applicants. It is important that parents know what those procedures are going to be and how the grants are awarded before they go through the process of completing the application. Ms. Lasher suggested that information is made available to the interested parties but is also part of what needs to be provided to the NDE for approval.

Ms. Lasher said section 2, paragraph 6, states that grants may also be made to a public school to defray transportation expenses or tuition based programs such as kindergarten or distant education. She asked if the fact that Nevada is implementing full day kindergarten change the intent of the language. Superintendent Erquiaga responded Nevada will have full day kindergarten in all schools by the end of the biennium. For this year kindergarten is not funded by the state. It is pay for kindergarten in about 10 to 15 percent of Nevada schools.

Ms. Lasher asked how the educational savings accounts will be administered. There has been discussion that a student could receive both the opportunity scholarship and an educational savings account and she inquired if additional rules related to this will be in place? What are the checks and balances so that funds from the scholarship grant are not covering the same expenses such as tuition or books as the education savings account funds. She stressed there needs to be checks and balances to have assurances funds are not coming from both sources and paying for the same expense. Also, would information be shared between the SOs and the State Treasures office? Superintendent Erquiaga said legal counsel for both entities is reviewing that question. There is no preclusion in the law from a student receiving both. It is unknown how counsel will advise on establishing such a barrier to a family.

Heather Brault, AAA Scholarship Foundation, stated she had a few questions. She asked about the process to determine if a student received more than the maximum allowed by law through the stacking that is allowed. Superintendent Erquiaga asked to clarify the question, the law says an individual cannot receive more than \$7700, how would a student receive more? Ms. Brault clarified if two organizations give through stacking, how will that be determined? Also, as a result of that, what will the process be to determine which of those SO's must recover the funds that were given to the school in excess. What will the timing be for that process, and what will happen if the SO is unable to recover those funds? Perhaps the school closes and now they cannot get the money back. What happens if that recovery causes there to be an excess of carry over. There is a limited amount that can be carried over per year, what happens if through no fault of their own this occurs and they are affected.

In section 1, subsection 3a, Ms. Brault asked to consider increasing the 120 days for the audit to be 180 days. An auditor may feel the 120 day deadline is a scope limitation and would result in a bad audit review. In section 2, subsection 8, she requested the consideration of allowing an SO to retain the administrative or application fee regardless of whether the grant is awarded, for two reasons. One, the fee is to cover the cost of processing the application. That cost does not go away if the applicant is determined ineligible. Two, requiring a refund may disenfranchise some SO's from creating robust eligibility criteria and instead incentivize finding everyone to be eligible in order to not have to give that refund.

Patrick Gavin, director, State Public Charter School Authority, reaffirmed his support for the kindergarten reimbursement in cases where schools are unable to afford full day kindergarten this year. There may be schools for which the allocation did not cover the full amount due to ways in which the limited funds were distributed this year. He suggested that funding for one of the allowable expenditures be for dual credit enrollment for schools which have dual credit agreements with NSHE institutions. Superintendent Erquiaga agreed adding he supports dual credit programs.

Robin Kincaid, Nevada PEP, informed that she represents the parent training information center in Nevada that supports families of children with disabilities. Most of the families that call the center are

parents whose children are receiving special education services. Nevada PEP is pleased that families will have additional choices in education for their children. She encouraged the NDE rely on the clarification issued by the U.S. Department of Education in April 2011. This guidance document is entitled, *Questions and Answers on Service Children with Disabilities, Placed by their Parents in Private Schools*. She encouraged the NDE to use this document to help families understand questions that will occur as they look at additional educational choices. She also encouraged that some of the language or information be incorporated into guidance documents that are parent friendly and will help families make an informed choice when they place their children in private schools.

The workshop closed at 9:31 a.m.

Workshop to solicit comments on proposed amendments to NAC Chapter 388 to provide procedures and standards by which the Office for a Safe and Respectful Learning Environment will conduct investigations of complaints (Statute of Nevada 2015, Chapter 115); to prescribe a policy for use by all school districts and public schools to provide a safe and respectful learning environment (NRS 388.133); and to establish a process for grants from the Bullying Prevention Account (NRS 388.1325 and 388.1327).

The workshop opened at 9:31 a.m. There were 18 individuals present in Carson City and 13 individuals present in Las Vegas.

Superintendent Erquiaga explained this workshop covers three topics, all related to a safe and respectful learning environment. One of the topics is the first item listed with proposed language for the procedures and standards for complaints pursuant to S.B. 504 of the 2013 Legislative session. This office now may accept complaints from the school district and charter school level for additional investigation by the state after a bullying incident has been investigated and the investigation has been closed at the local level. This is a new formal duty for the NDE, and the bill requires establishing procedures and standards. The second piece is old language from a prior legislative session requiring the NDE to promulgate a policy that is to be used at the school district level. That policy can be added to, but not subtracted from. This policy language is a base. School districts can add, but the policy would need to include those items stated in the regulation. Finally there is an old statute establishing the bullying prevention account that was never funded. Statute requires that the NDE adopt regulations to govern the dispersal of funds from that account. There were no funds and so the NDE did not adopt any regulation. Now there are funds in that account and so as we look this year to distributing money to assist the local education institutions and bullying prevention activities we would propose some procedures for how the money might be processed.

Robin Kincaid, Nevada PEP, said they welcome legislation directed toward anti-bullying efforts. They have worked closely with other community stakeholders, school districts and supported families regarding bullying issues. However, after reviewing the proposed language, including the regulatory topics and procedures and standards, Nevada PEP believes additional clarity could be provided regarding timelines, the type of complaints that can be brought forward, and the overall complaint process. Number five specifies the complainant needs to identify the criminal statute it is alleged the adult may have committed.

Ms. Kincaid said this is beyond what most families or individuals within the community could easily accomplish without the support of legal counsel and could encourage more litigation. Ms. Kincaid asked to consider using Nevada PEP and other parent organizations to provide feedback on draft materials that

could ensure policy and procedures are written so parents have a clear understanding of the complaint process.

Superintendent Erquiaga explained the bill, which is now law, specifies that the director of the office shall investigate any complaint that a teacher, administrator, principal, coach or other staff member, or member of a board of trustees has violated of a provision of NRS 388.121 – 388.145. The law requires that the complaint is regarding a provision of those statutes. He asked how a family can be told which statute they think has been violated without injecting staff inappropriately into an investigation. He asked, is it not the responsibility of the person to advise which statute they think has been violated? Ms. Kincaid said her impression was the information being asked for is what a police officer would cite. She asked if a list from NRS 388.121 could be included so the average person could choose from that list. When she read number 5, her impression was that criminal activity is being alleged.

Superintendent Erquiaga responded, the same statute specifies if the complaint alleges criminal conduct or if an investigation leads the director to suspect criminal conduct. If criminal conduct is going to be alleged, the type of conduct should be identified. The criminal law that has been violated needs to be identified. Ms. Kincaid questioned using the word *citation*. If a criminal act has been alleged then that is open for further investigation. The fact a specific cite is being asked for may be a challenge for families. Superintendent Erquiaga asked if she is concerned that parents do not have an understanding of NRS and they could allege criminal conduct, but not have to find the NRS, and her concern is with the word *citation*. Ms. Kincaid agreed, adding the word *citation* could be misunderstood.

Jason Lamberth echoed the same concerns Ms. Kincaid has regarding regulatory topics of four and five. He agreed it could be difficult for members of the community to cite specific statutes that have been violated. He suggested a standardized complaint form that lists statute. Mr. Lambert commented on the model policy language in section four, under reporting, sub-section 2, which lists employees. The NRS 388.1351 specifically lists teachers, administrators, principals, coaches or other staff members. Not all coaches are employees and that may need clarification.

Section 6, investigations, sub-section 1, specifies the principal or designee shall initiate an investigation, and a proper investigation *should* include. He suggested changing *should* to *shall*. Sub-section 1a specifies *a thorough and impartial inquiry including talking to each of the students involved*. Mr. Lamberth suggested listing the alleged target, alleged offender, and witnesses as well. In the same section 6, sub-section 1d, documentation of the investigation is specified and he suggested maintenance of those records so the school safety teams can properly identify potential target areas as part of their duties to eliminate bullying.

In Section 7, under responses, the numbering is off, 1, 2 Subsection a, b, then 5. He referred to listed number 5 that states the notification should be given to the parent or legal guardian of the alleged offender. He suggested the notification should be given to the alleged target as well. Then the parent is aware of the outcome and can be involved or have input on the forming of a safety plan with the administrator or designee. Last comment regarding section 9, professional development, sub-section 1b, it specifics, *training and methods to prevent, identify and report incidence of bullying and cyber bullying*. He suggested the language include investigative training, or training on how to properly conduct investigations.

Nicole Rourke, executive director government affairs, Clark County School District and Dr. Tammy Malich, assistant superintendent education services division, Clark County School District provided a document with suggested changes and clarifications in the proposed language (Attachment A).

Katherine Loudon, coordinator counselors, Washoe County School District and Lisa Scurry, policy coordinator Washoe County School District, introduced staff in the audience. Ms. Loudon addressed her concerns with the law.

Ms. Loudon expressed gratitude that the law was changed from students to persons. However, Washoe County School District (WCSD) began a new case and recognized their agreements with their multiple unions do not often allow them to complete an investigation within two days of a report following the procedure for investigating with employees if a complaint is filed from a student to a staff member. She asked for guidelines related to the timeline.

Superintendent Erquiaga explained WCSD has pre-existing collective agreements already set forth. There is a process in place if it is alleged someone has done something as an employee. There is now a law that states there is only a specific amount of time, there are existing CVSs and now there is a new law. Anthony Spot, WCSD, said their concern is regarding the due process rights that WCSD employees have. Under their process, if an employee is being informed they are going to receive formal discipline; notice must be provided that they have the right to an association representative or legal counsel present at that meeting. Their main concern is if speaking to an employee and rights are asserted, it might not be possible to get an association representative to the meeting site in time, within this two-day turnaround. Another concern is if a person is not provided their rights, that person cannot be disciplined if it is determined a violation has occurred. Or the person could be disciplined, but then fight a grievance process laid out in the contract.

Superintendent Erquiaga asked if a possible request in the way this good faith effort has been allowed. Would language that says, *the investigation may continue if employees' rights are involved*, capture what he is asking for? The problem is, there is a law, and the underlying law cannot be touched and he can only write rules pertaining to that law. This problem may be one for the WCSD lawyer to look into for this regulation, and WCSD CVS. Mr. Spot stated his concern is they have to do this within two days and provide report, and they cannot because of these conflicts, and the report they provide says if there was insufficient information during the time they were obligated during this two day window time, but they are continuing to investigate, would that be sufficient. Washoe County School District does not want to be dinged for not being able to complete the reports. They want to do them correctly, and respect everyone's rights. Superintendent Erquiaga said he would have to see if that is allowable.

Ms. Loudon said as the NDE is writing language to allow the district the ability to comply with employee laws, there are also incidences that occur with students that could impact their multi-track year around schedule with a kid on one schedule, another kid on a different schedule. She requested a way to apply to the state for additional time. It is impossible to think of all the incidences that could occur that would impact the timeline of the investigation. She stressed wanting to be compliant and asked for support along with the need to explain why more time is needed. Staff has many questions. Some of the confusion is regarding points of law that will not be changed. As WCSD staff is currently being trained using mandated reporting as an example for child abuse. Their mandated reporting laws allow that certified employees and other employees have 24 hours to report. It is encouraged they report immediately, but law provides for 24 hours. There is angst and confusion about timelines.

Ms. Louden said another concern in WCSD is regarding confidentiality and FERPA. The need to redact names in reports is a common practice in investigations. When a parent is notified to ensure safety, and that parent is the next custodian after the role of a school district, sometimes there is a need to share who the alleged person engaging in the bullying or cyber bullying is to provide protection for that student. She asked for more clarity regarding FERPA.

Dr. Scurry added principals are nervous about interviewing the parent and what can and cannot be said. FERPA has contradictory language, at what point can a name be stated, at what point is it a student record. There is the concern about retaliation. Ms. Louden said immediately after training was introduced they began to receive questions about parents. Does this law involve parents and how staff should work with parents. She asked for recommendations for staff member concerning parent behavior against students who might be on the campus, or staff members. Those questions keep reoccurring. Superintendent Erquiaga asked to clarify the question is: there are parents on campus during extra-curricular activities, and parents could be accused of bullying other students, are caught in this? Ms. Louden agreed, asking what their part is regarding behavior with staff members.

Ms. Louden said another concern is about wanting to assure there is collaboration with the state being sure the training and mechanisms WCSD has in place is aligned. Dr. Scurry said focus on remedies, not just between students but school wide is pervasive. Any help from the state level to educate parents about this law, about bullying and the processes would be helpful to everyone, in particular with WCSD, because they hit the ground running this week.

Superintendent Erquiaga inquired about FERPA and whether the WCSD counsel could suggest language regarding how he could suggest LCB advises NDE refers to FERPA. He asked how to provide suggestions about how to do that in a constructive way. The NDE does not have the authority to interpret a student record.

Patrick Gavin, director, State Public Charter School Authority, said he thought it is important to make clear that *a school* also includes *charter schools*, and similarly where there are references to the board of trustees, also make it clear that includes a governing board of a charter school. He suggested for the purposes of this regulation, that an individual who is a scheduled volunteer at a school should be considered an employee or a staff member, regardless of whether it is a traditional public school or a charter school. That would also include coaches or anyone else that is frequently at the school, such as a cafeteria volunteer. He also suggested that with regard to the notification that the sponsor of a charter school be notified of a finding by the NDE. This is an area where sponsors of charter schools have legal responsibilities to ensure schools are complying with statute and regulation. With regard to policy guidelines, he noted that the governing body of each charter school is required to do certain things. He suggested for the purpose of definitions that it is a *lead administrator* or *senior administrator*, of a charter school or the facility which is authorized to operate the charter school. Superintendent Erquiaga if Mr. Gavin is suggesting for the policy section the NDE states, as a definition, the policy include, in the case of a school which does not use the title principal or administrator, that the term is understood.

The workshop closed at 10:27 a.m.

Workshop to solicit comments on proposed amendments to NAC Chapter 389. The proposed amendments remove the language in 389.605 related to standards for a course of study in Graphic

Communications and Production since current state standards for the same program are referenced in 389.803; the amendments also provide for the updating of career and technical education program nomenclature in 389.803 to align with the approved program names in the 2015-16 Career and Technical Education Course Catalog, which was endorsed by the State Board of Education on April 30, 2015.

The workshop was opened at 10:20 a.m. There were 18 individuals present in Carson City and 13 individuals present in Las Vegas.

Alex Kyser, Education Programs Professional explained this regulation is to update NAC to represent the current course offerings in the Career and Technical Education (CTE) programs within high schools and charter schools. It is to align the current programs that are being offered in the course catalog and that the code is up to date.

There were no comments. Superintendent Erquiaga said this regulation will go to the State Board as a public hearing. The workshop was closed at 10:30 a.m.

Public Comment #2

Public Comment will be taken during this agenda item. No Action may be taken on a matter raised under this item until the matter is included on an agenda as an item on which For Possible Action may be taken.

There was no public comment.

The meeting was adjourned at 10:31 a.m.

**Safe and Respectful Learning
Environment Proposed Regulatory
Topics
CLARK COUNTY SCHOOL DISTRICT
COMMENTS**

Procedures and Standards for Complaints pursuant to Statutes of Nevada 2015, Chapter 115 (SB 504 of the 78th Regular Session):

1. Complaints regarding disciplinary actions taken against pupils can only be submitted to the Department after a final decision is made at the local level. ~~report at the local level is provided to the parent.~~ Parents have 30 days following receipt of the final decision at the local level ~~local report~~ to file a complaint. [The District will have the standard bullying written report as required by SB 504, and then an appeal form. The District does not think it is necessary to generate another "local report" for the appeals procedure.]
2. Complaints must be in writing and must include contact information and as much information about the incident as can be provided.
3. A complaint to the Department must include any written report and any appeal form prepared by or at the direction of the local district or school regarding the alleged violation. If no report was made in writing, the parent or guardian may submit his or her own narrative summation and must provide the name(s) of the person(s) who provided the local report and appeal so that the Department can verify the report as restated.
4. If the complaint alleges that a teacher, administrator, principal, coach or other staff member or a member of a board of trustees has violated a provision of NRS 388.121 to 388.145, inclusive, a citation for what statute is alleged to have been violated must be provided. This office cannot provide legal advice.
5. If the complaint alleges that a teacher, administrator, principal, coach or other staff member or a member of a board of trustees has engaged in criminal conduct, a citation for the criminal conduct must be provided. This office cannot provide legal advice.
6. If the complaint does not allege a violation of state law or criminal conduct, but the nature of the complaint is dissatisfaction with the outcome of a local investigation or the remedy provided, the complaint must state this fact and suggest an acceptable outcome or remedy. The Department may be able to provide certain remedies; but in the event a remedy is beyond the scope of the Department's authority, the Superintendent of Public Instruction may be able to refer the matter back to the local jurisdiction for further review and action.
7. The Department may request additional information if a complaint is deemed insufficient for an investigation to be conducted. Such requests will be made within 48 hours of receipt of the initial complaint and the parent will be advised when the complaint filed is deemed "complete" for purposes of a preliminary determination.
8. A Preliminary Report, determining whether to conduct an additional or further investigation will be issued within five working days of receipt of the final complaint. The Department may consult with legal counsel and the Investigation Division of the Department of Public Safety in making its Preliminary Report. If the Department considers the complaint to be invalid or finds that it cannot conduct an investigation, the parent will be notified.
9. A Final Report will be issued within 30 days of the Preliminary Report. If the Investigation Division requests additional time for its work, the Department will notify the parent.

10. The Department may request a plan of corrective action with suggested changes to be made by the local district subject pursuant to the Superintendent of Public Instruction's authority under state law. The request for a corrective action plan and any local response would be made public, allowing for the redaction of personally identifiable information about the student(s) involved.
11. Timelines may be adjusted if school is not in session.

Policy for All School Districts and Public Schools to Provide a Safe and Respectful Learning Environment, pursuant to NRS 388.133:

Safe, Respectful and Inclusive Learning Environment Policy

WORKSHOP NOTE: Policy was initially proposed by the Anti-bullying Task Force in 2014; it has been amended by NDE staff as of July 2015 for purposes of discussion in the regulation workshop process.

Chapter 388 of NAC is hereby amended by adding thereto the provisions set forth below:

Section 1. Pursuant to NRS 388.132, the board of trustees of each school district and the governing board of each charter school shall adopt a policy in substantially the form set forth in sections 2 through 10 of this regulation.

Section 2. Introduction or Statement of Intent

The School District or charter school is committed to providing a safe and respectful learning environment to ensure that pupils be free from physical, emotional or mental abuse while in our care and that pupils be provided with an environment that allows them to learn. No member of the board, employee of the district or school, member of a club or organization which uses district or school facilities (regardless of whether the club or organization has any connection to the district or school), or any students shall tolerate or engage in bullying or cyber-bullying in any district or school facilities, including but not limited to every classroom, locker room, cafeteria, restroom, gymnasium, playground, athletic field, school bus, parking lot and other areas on the premises of a school. [Should the District follow bullying procedures on the way to school and home from school and/or at the bus stop?]

Section 3. Definitions

The definitions of "bullying," "cyber-bullying," and "electronic communication" set forth in NRS 388.121 through 388.124 are incorporated by reference and may be restated entirely for clarity and ease of reference.

Section 4. Reporting

1. Students who are subjected to, witness, or overhear incidents of bullying or cyber-bullying should report such an incident to a teacher, counselor, coach, school or district staff member, or a school administrator, or through the on-line tip line or 24 hour hotline maintained at the Department of Education, or through an on-line tip line maintained by the district.
2. Employees who witness, overhear, or receive information, formal or informal, written or oral, of bullying and/or cyber-bullying at school, at a school-sponsored event, or on a school bus, shall report it to the principal or the principal's designee as soon as practicable, but not later than on the same day the violation was witnessed or information on the violation was received, and should take immediate action to protect a target or target of bullying or cyber-bullying when witnessing, overhearing, or being notified that bullying or cyber-bullying is occurring or has occurred.
3. Upon receiving a report, the principal or designee shall immediately take any necessary action to stop the bullying or cyber-bullying and ensure the safety and well-being of the reported target(s). [Is this only an expectation if the student is in the presence of the principal/designee, at school, on a field trip etc.? If the

report is made to the principal/designee after hours on a weekend, is there any expectation that the principal/designee would do anything prior to parent notification by 6:00 p.m. on the next school day and ensure the safety of the student upon him/her returning to school?]

- a. This action shall in no way cause further harm to the target-for example, they should not be forced to switch classrooms or remain isolated from their peers;
 - b. The target(s) should not have undue attention brought to them; care should be taken to talk to them discreetly and privately.
4. When violations of the prohibition against bullying and cyber-bullying occur among teachers; between teachers and administrators, principals and other personnel of a school district ~~there~~, a report must be made to the immediate supervisor, or if the person the complaint is regarding is the immediate supervisor, to the next supervisor in line of authority. As soon as possible after receiving the complaint, the supervisor must take appropriate action, as outline in the school board adopted policies for complaints.

Section 5. Notifications

1. The principal or designee shall provide notice of a reported violation to the parent or guardian of the alleged target(s) and the alleged offender(s).
2. The notification should be provided by telephone, electronic mail, robo calling, or other electronic means-or provided in person. A record of the notification must be maintained by the principal or designee.
3. Notification must be made not later than 6 pm on the same day the report was made, unless the report was made on a day that wasn't a school day, or after school hours on a school day- in which case, notification must happen by 6 pm the following school day.
[Are school hours defined or measured by the school bell schedule or the school office hours?]
4. The notice must include, without limitation, a statement that the principal or the designee will be conducting an investigation into the reported violation and that the parent or legal guardian may discuss with the principal or the designee any counseling and intervention services that are available to the student(s).
5. The notice may not include personally identifiable information regarding other students (such as the name of the alleged offender or any other involved students), and does not need to label the student's alleged role in the incident.
6. If the contact information for the parent or guardian is not correct, a good faith effort to notify them must be made.

Section 6. Investigations

1. The principal or designee shall initiate an investigation. A proper investigation should [the district likes leaving the word should because shall would require all of the below and the investigation has a two day limitation with a possible third day which may not allow for all of the below beyond the control of the principal or designee.] include:
 - a. A thorough and impartial inquiry, including talking to each of the students involved;
 - b. Interviews conducted individually with, to the extent possible, the identity of each person interviewed and the content of the interview remaining confidential; In the spirit of confidentiality and data privacy, the District appreciates Section 6, Investigations; 1. c.
 - c. Interviews with the parents or guardians of the alleged target and the alleged aggressor. Principals/designees ~~may~~ **should** use this time to find out if there is any other information that could be useful when making their determinations, such as home factors impacting the students, patterns of behavior witnessed at home, etc.
 - d. Documentation of the investigation.
2. The investigation must be completed not later than two school days after the date on which the report was received. If a parent or guardian or the alleged target or aggressor is unavailable to interview, after making a good faith effort of at least two documented attempts to contact the individual, the principal or designee may have one additional school day to complete the investigation.

3. No cause of action may be brought against a student, an employee, or volunteer of a school who reports a bullying or cyber-bullying incident unless the person who made the report acted with malice, intentional misconduct, gross negligence, or intentional or knowing violation of the law.
4. If the principal determines that the report was false and that the person who made the report acted with malice, intentional misconduct, gross negligence, or intentional or knowing violation of the law, the principal may recommend the imposition of disciplinary action or other measures against the person in accordance with the policy governing disciplinary action of the school district.

Section 7. Responses

1. The principal or designee must complete a written report of the findings and conclusions of the investigation, and, while protecting the privacy rights of the students involved, must have that report available to the parents or guardians of the students involved not later than 24 hours after the completion of the written report, should they request to see it.
2. 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. [FERPA? The district confirmed with the AG, only the bully's parent/guardian will receive the portion of the written report that confirms or denies the imposition of disciplinary action.] Other measures may include:
 - a. Using consequences to teach: For example, the student who engaged in bullying can do a project about civil rights and bullying; read a book about bullying; be kept from the social network that encouraged him or her to bully; do a service learning project; clean up, repair, or replace any damaged property; use his or her power and leadership skills in positive outlets; remove access to the electronic medium used for cyber-bullying, and etc.
 - b. The goal is to help the student to see the harm, repair the harm, and take steps to ensure the harm won't occur again in the future.
5. ~~Notification~~ The Written Report should be given to the parent or legal guardians of the alleged offender(s) involved as to the outcome of the investigation-without disclosing personally identifiable student information. If there is discipline or other consequences/measures imposed upon an alleged aggressor, the school district will only provide that information to that student's parent/guardian. ~~The notification~~ Written Report must inform the parent or legal guardian of the aggressor that he or she may:
 - a. Submit to the principal or his or her designee a complaint or a concern regarding the conduct or outcome of the investigation.
 - b. Request a meeting with the principal or his or her designee to discuss the outcome of the investigation; and
 - c. Request an appeal of any disciplinary decision made against the student in accordance with the policy governing disciplinary action adopted by the board of trustees of the school district.
6. In addition to, or in lieu of disciplinary action, a student found to have engaged in bullying or cyber-bullying should be provided with resources and/or services in an effort to prevent future acts of bullying or cyber-bullying. Examples of these services may include, at the principal's discretion, one or more of the following: a referral to on-site counseling; a referral to off-site counseling (not at the district's expense); tutoring; utilizing positive behavioral interventions and supports; removing the student from situations where he/she is able to spend free time with peers for a designated period of time; teaching positive leadership skills; or other resources available based on the child's individualized needs. [The District likes that it includes principal discretion here.]
7. If, based on the investigation it is determined that bullying did occur, the principal or designee shall develop and implement a safety strategy for each student who was subjected to the bullying or cyber-bullying. This strategy may not place any undue burdens on the student and must include, without limitation:
 - a. Reasonable steps to end the bullying or cyber-bullying,

- b. A strategy to prevent the reoccurrence of the bullying or cyber-bullying. Examples of elements of a safety strategy may include, at the principal's discretion, one or more of the following: identification of trusted adults; a referral to onsite counseling or psychological services; a referral to offsite counseling or psychological services (not at district expense); teaching preventative skills, including advocacy and problem solving skills; utilizing positive behavioral interventions and supports; encouraging bystander support; increased adult supervision; and check-ins by administrators and teachers; and [The District likes that it includes principal discretion. Would a checklist of strategy options with room for a narrative be enough?]
- c. Opportunity to obtain the educational benefit that was denied, if any, due to the bullying or cyber-bullying (such as making up a test or missing homework).
8. Not later than 10 school days after receiving the initial report, the principal or designee shall again meet with the reported victim(s) of the bullying or cyber-bullying to inquire about their well-being and ensure that the bullying or cyber-bullying has stopped. [If bullying was not substantiated during the investigation, is it necessary to do the follow-up with the "reported victim"?]
 - a. The principal or designee should check in with the reported victim(s) student(s) regardless of the outcome of the investigation.
 - b. This check in should be done privately and discreetly, so as not to draw undue attention to the alleged victim(s).
9. To the extent that it is available, the principal or designee must provide the parents and guardians a list of any resources that may be available in the community to assist their students, as soon as practicable. The school district is not responsible for providing the resources or ensuring the pupil receives such resources.
 - a. This list could include such things as mental health providers, organized activities available to students in or outside of school, volunteers who are willing to help students get transportation to activities that can boost their confidence, on-line resources such as bullyfreezone.nv.gov

Section 8. Appeals

1. The parent or guardian of a student accused of the reported bullying or cyber-bullying may appeal the disciplinary decision in accordance with the school district policy.
2. Not later than 30 days after receiving a final decision response related to the appeal at the local level, the parent or guardian may submit a complaint to the Department of Education, in accordance with the policies adopted governing complaints to the Office for a Safe and Respectful Learning Environment.
3. Any district employee who violates either the provisions of state law or this policy related to bullying and the provision of a safe and respectful learning environment is subject to discipline in accordance with district or charter school policy. These employees may not appeal disciplinary actions to the Office for a Safe and Respectful Learning Environment.
4. The parent or guardian of a pupil who was the target of bullying investigated under this policy or any other person who believes that a teacher, administrator, principal, coach or other staff member or member of the board of trustees or the governing board has violated a provision of NRS 388.121 to 388.145, inclusive, may file a complaint with the Office for a Safe and Respectful Learning Environment in the Nevada Department of Education, pursuant to standards and procedures adopted by that office. [Is this saying a target/victim can appeal to the DOE for any reason? Only for a violation of NRS 388.121 to 388.145? Can they argue the CCSD should have determined the conduct was bullying instead of unsubstantiated or that discipline should have been stronger?]

Section 9. Professional Development

1. ~~The district superintendent, along with the board of trustees,~~ A school district shall develop a plan, including requirements and procedures, to assure that the following professional development be provided to the members of the board of trustees and all administrators, principals, teachers, and other personnel employed by the Board of Trustees of the _____ School District.
 - a. Training in the appropriate methods to facilitate positive human relations among students by

- eliminating the use of bullying and cyber-bullying so that students may realize their full academic and personal potential;
- b. Training in methods to prevent, identify, ~~and~~ report, investigate and complete a written report of findings for incidents of bullying and cyber-bullying;
 - c. Methods to promote a positive learning environment
 - d. Methods to improve the school environment in a manner that will facilitate positive human relations among students; and
 - e. Methods to teach ~~social and emotional~~ skills to students so that the students are able to replace inappropriate behavior with positive behavior. [Social and emotional are not in SB 504.]
2. For members of the board of trustees or for employees of the school district who have not previously been employed by the district, the training required must be provided within 180 days after the member begins his or her term of office or after the employee begins his or her employment.
 3. The Department of Education established training on methods to prevent, identify, and report incidents of bullying and cyber-bullying for members of the board of trustees. Each member of the board of trustees must complete the established training within one year after being elected or appointed, and at least one other time while the person is a member of the board of trustees, except as otherwise provided for in 2 of this policy.
 4. The Department of Education established a training to assist school district personnel in carrying out their powers and duties as a part of this policy. The board of trustees may allow school district personnel to attend the program of training during regular school hours.
 5. Each administrator of a public school shall complete the program of training established by the Department of Education for the prevention of violence and suicide and appropriate methods to respond to incidents of violence or suicide within 90 days after becoming an administrator and every three years thereafter, or at least once during any school year within which the program of training is revised or updated. The board of trustees may allow school district personnel to attend the program of training during regular school hours.

Section 10: Disclosure and Public Reporting

1. This policy will be distributed annually to all students enrolled in the district or charter school, their parents and/or guardians, and employees. It will also be made available to organizations in the community having cooperative agreements with the schools. The district or charter school will also provide a copy of the policy to any person who requests it.
2. Personally identifiable student information related to bullying and cyber-bullying must not be included in the annual report of accountability.
3. Members of the board of trustees and employees of the district are prohibited from interfering with disclosure of statistical information related to violations of the bullying prohibition. Nothing in this policy or regulation shall require the district or any member of its board, administrator, teacher, counselor, employee or agent to disclose personally identifiable student information.