

SENATE BILL NO. 504—COMMITTEE ON FINANCE

(ON BEHALF OF THE GOVERNOR)

MARCH 23, 2015

Referred to Committee on Education

SUMMARY—Amends provisions relating to a safe and respectful learning environment in public schools. (BDR 34-1201)

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; providing for disciplinary and licensure proceedings against administrators, teachers and other employees of a public school for failure to comply with certain provisions of law regarding bullying and cyber-bullying; providing for a cause of action related thereto; creating the Office for a Safe and Respectful Learning Environment within the Department of Education; providing for the appointment of the Director of the Office; providing the duties of the Office; amending provisions relating to reports of and investigations into incidents of bullying; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 This bill amends a number of provisions, and provides new provisions,
 2 regarding bullying and cyber-bullying in the public schools of this State.
 3 Existing law provides grounds by which licensed teachers and administrators
 4 may be disciplined. (NRS 391.31297) **Sections 2, 14 and 16** of this bill provide for
 5 disciplinary and licensure proceedings against teachers, administrators, principals,
 6 coaches or other staff members who knowingly and willfully fail to comply with
 7 applicable provisions of law regarding bullying and cyber-bullying.
 8 **Section 3** of this bill provides that a parent or guardian of a pupil may petition a
 9 court of competent jurisdiction for a writ of mandamus to compel the performance
 10 by a school official of any duty imposed by law regarding bullying and
 11 cyber-bullying.



12 **Section 4** of this bill creates the Office for a Safe and Respectful Learning
13 Environment within the Department of Education. The Office must maintain a
14 24-hour, toll-free hotline and an Internet website by which a person may report an
15 incident of bullying or cyber-bullying or receive information regarding anti-
16 bullying efforts and organizations. The Office must also provide outreach and anti-
17 bullying education and training. The Director of the Office, who is appointed by
18 and serves at the pleasure of the Superintendent of Public Instruction, must
19 establish procedures by which the Office may receive reports and complaints
20 regarding bullying and cyber-bullying, and the Director or his or her designee must
21 investigate any complaint that a teacher, administrator, principal, coach or other
22 staff member has violated applicable provisions of law regarding bullying or
23 cyber-bullying.

24 **Section 6** of this bill amends the definition of “bullying” for the purposes of
25 provisions of law regarding bullying.

26 **Section 12** of this bill changes requirements regarding the reporting and
27 investigation of an incidence of bullying or cyber-bullying. Under **section 12**, a
28 principal, or his or her designee, who receives a report of bullying or cyber-bullying
29 must immediately take any necessary action to stop the bullying or cyber-bullying
30 and ensure the safety and well-being of any reported victims. Before the end of that
31 or the next school day, the principal or designee must notify the parents or
32 guardians of every pupil reported to be involved in the bullying or cyber-bullying,
33 as applicable, or make a good faith effort to do so if the contact information for the
34 parent or guardian in the records of the school is not correct. The principal or
35 designee must interview all of the pupils reported to be involved and the parents or
36 guardians of those pupils, and the investigation must be completed within 2 school
37 days after receiving the report of the bullying or cyber-bullying or within 3 school
38 days if any of the persons is unavailable to be interviewed. After completing the
39 investigation, the principal or designee must complete a written report of the
40 investigation. Subject to applicable federal privacy laws, the report must be made
41 available to the parents or guardians of all the pupils who were reported to be
42 involved in the bullying or cyber-bullying, as applicable.

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

1 **Section 1.** Chapter 388 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2, 3 and 4 of this act.

3 **Sec. 2.** *If an administrator, principal or the designee of an*
4 *administrator or principal of a school knowingly and willfully fails*
5 *to comply with the provisions of NRS 388.1351, the superintendent*
6 *of the school district:*

7 1. *Shall take disciplinary action against the employee by*
8 *written admonishment, demotion, suspension, dismissal or refusal*
9 *to reemploy; and*

10 2. *If the employee is the holder of a license issued pursuant to*
11 *chapter 391 of NRS, may recommend to the board of trustees of*
12 *the school district that the board submit a recommendation to the*
13 *State Board for the suspension or revocation of the license.*

14 **Sec. 3.** 1. *The Legislature hereby declares that the*
15 *members of a board of trustees and all administrators and*



1 *teachers of a school district have a duty to create and provide a*
2 *safe and respectful learning environment for all pupils that is free*
3 *of bullying and cyber-bullying.*

4 *2. A parent or guardian of a pupil of the public school system*
5 *of this State may petition a court of competent jurisdiction for a*
6 *writ of mandamus to compel the performance of any duty imposed*
7 *by the provisions of NRS 388.121 to 388.145, inclusive, and*
8 *sections 2, 3 and 4 of this act.*

9 *3. Nothing in this section shall be deemed to preclude a*
10 *parent or guardian of a pupil of the public school system of this*
11 *State from seeking any remedy available at law or in equity.*

12 **Sec. 4. 1. The Office for a Safe and Respectful Learning**
13 **Environment is hereby created within the Department.**

14 *2. The Superintendent of Public Instruction shall appoint a*
15 *Director of the Office, who shall serve at the pleasure of the*
16 *Superintendent.*

17 *3. The Director of the Office shall ensure that the Office:*

18 *(a) Maintains a 24-hour, toll-free statewide hotline and*
19 *Internet website by which any person can report a violation of the*
20 *provisions of NRS 388.121 to 388.145, inclusive, and sections 2, 3*
21 *and 4 of this act, and obtain information about anti-bullying*
22 *efforts and organizations; and*

23 *(b) Provides outreach and anti-bullying education and*
24 *training for pupils, parents and guardians, teachers,*
25 *administrators, principals, coaches and other staff members and*
26 *the members of a board of trustees of a school district. The*
27 *outreach and training must include, without limitation:*

28 *(1) Training regarding methods, procedures and practice*
29 *for recognizing bullying and cyber-bullying behaviors;*

30 *(2) Training regarding effective intervention and*
31 *remediation strategies regarding bullying and cyber-bullying;*

32 *(3) Training regarding methods for reporting violations of*
33 *NRS 388.135; and*

34 *(4) Information on and referral to available resources*
35 *regarding suicide prevention and the relationship between*
36 *bullying or cyber-bullying and suicide.*

37 *4. The Director of the Office shall establish procedures by*
38 *which the Office may receive reports of bullying and cyber-*
39 *bullying and complaints regarding violations of the provisions of*
40 *NRS 388.121 to 388.145, inclusive, and sections 2, 3 and 4 of this*
41 *act.*

42 *5. The Director of the Office or his or her designee shall*
43 *investigate any complaint that a teacher, administrator, principal,*
44 *coach or other staff member or member of a board of trustees of a*
45 *school district has violated a provision of NRS 388.121 to 388.145,*



1 *inclusive, and sections 2, 3 and 4 of this act. If a complaint alleges*
2 *criminal conduct or an investigation leads the Director of the*
3 *Office or his or her designee to suspect criminal conduct,*
4 *the Director of the Office may request assistance from the*
5 *Investigation Division of the Department of Public Safety.*

6 **Sec. 5.** NRS 388.121 is hereby amended to read as follows:

7 388.121 As used in NRS 388.121 to 388.145, inclusive, *and*
8 *sections 2, 3 and 4 of this act*, unless the context otherwise requires,
9 the words and terms defined in NRS 388.122, 388.123 and 388.124
10 have the meanings ascribed to them in those sections.

11 **Sec. 6.** NRS 388.122 is hereby amended to read as follows:

12 388.122 1. "Bullying" means ~~fa willful act which is~~ written,
13 verbal or *electronic expressions or* physical ~~;~~ ~~or a course of~~
14 ~~conduct on the part of one or more persons which is not authorized~~
15 ~~by law and which exposes a person repeatedly and over time to one~~
16 ~~or more negative actions which is highly offensive to a reasonable~~
17 ~~person~~ *acts or gestures, or any combination thereof, that are*
18 *directed at a person or group of persons, or a single severe and*
19 *willful act or expression that is directed at a person or group of*
20 *persons, and:*

21 ~~1. Is intended to cause or actually causes the person to suffer~~
22 ~~harm or serious emotional distress;~~

23 ~~2. Exploits an imbalance in power between the person~~
24 ~~engaging in the act or conduct and the person who is the subject of~~
25 ~~the act or conduct;~~

26 ~~3. Poses a threat of immediate harm or actually inflicts harm to~~
27 ~~another person or to the property of another person;~~

28 ~~4. Places the person in reasonable fear of harm or serious~~
29 ~~emotional distress; or~~

30 ~~5. Creates an environment which is hostile to a pupil by~~
31 ~~interfering with the education of the pupil.]~~

32 (a) *Have the effect of:*

33 (1) *Physically harming a person or damaging the property*
34 *of a person; or*

35 (2) *Placing a person in reasonable fear of physical harm to*
36 *the person or damage to the property of the person; or*

37 (b) *Interfere with the rights of a person by:*

38 (1) *Creating an intimidating or hostile educational*
39 *environment for the person; or*

40 (2) *Substantially interfering with the academic*
41 *performance of a pupil or the ability of the person to participate in*
42 *or benefit from services, activities or privileges provided by a*
43 *school; or*

44 (c) *Are acts or conduct described in paragraph (a) or (b) and*
45 *are based upon the:*



1 (1) *Actual or perceived race, color, national origin,*
2 *ancestry, religion, gender identity or expression, sexual*
3 *orientation, physical or mental disability of a person, sex or any*
4 *other distinguishing characteristic or background of a person; or*

5 (2) *Association of a person with another person having one*
6 *or more of those actual or perceived characteristics.*

7 2. *The term includes, without limitation:*

8 (a) *Repeated or pervasive taunting, name-calling, belittling,*
9 *mocking or use of put-downs or demeaning humor regarding the*
10 *actual or perceived race, color, national origin, ancestry, religion,*
11 *gender identity or expression, sexual orientation, physical or*
12 *mental disability of a person, sex or any other distinguishing*
13 *characteristic or background of a person;*

14 (b) *Behavior that is intended to harm another person by*
15 *damaging or manipulating his or her relationships with others by*
16 *conduct that includes, without limitation, spreading false rumors;*

17 (c) *Repeated or pervasive nonverbal threats or intimidation*
18 *such as the use of aggressive, menacing or disrespectful gestures;*

19 (d) *Threats of harm to a person, to his or her possessions or to*
20 *other persons, whether such threats are transmitted verbally,*
21 *electronically or in writing;*

22 (e) *Blackmail, extortion or demands for protection money or*
23 *involuntary loans or donations;*

24 (f) *Blocking access to any property or facility of a school;*

25 (g) *Stalking; and*

26 (h) *Physically harmful contact with or injury to another*
27 *person or his or her property.*

28 **Sec. 7.** NRS 388.132 is hereby amended to read as follows:

29 388.132 The Legislature declares that:

30 1. *Pupils are the most vital resource to the future of this*
31 *State;*

32 2. A learning environment that is safe and respectful is
33 essential for the pupils enrolled in the public schools in this State
34 *and is necessary for those pupils* to achieve academic success and
35 meet this State's high academic standards;

36 ~~1-1~~ 3. *Every classroom, hallway, locker room, cafeteria,*
37 *restroom, gymnasium, playground, athletic field, school bus,*
38 *parking lot and other areas on the premises of a public school in*
39 *this State must be maintained as a safe and respectful learning*
40 *environment, and no form of bullying or cyber-bullying will be*
41 *tolerated within the system of public education in this State;*

42 4. Any form of bullying or cyber-bullying seriously interferes
43 with the ability of teachers to teach in the classroom and the ability
44 of pupils to learn;



1 ~~13-1~~ 5. The use of the Internet by pupils in a manner that is
2 ethical, safe and secure is essential to a safe and respectful learning
3 environment and is essential for the successful use of technology;

4 ~~14-1~~ 6. The ~~intended goal of the~~ Legislature ~~is to~~ *hereby*
5 *declares that it will* ensure that:

6 (a) The public schools in this State provide a safe and respectful
7 learning environment in which persons of differing beliefs, *rac*
8 *es, colors, national origins, ancestries, religions, gender identities or*
9 *expressions, sexual orientations, physical or mental disabilities,*
10 *sexes or any other distinguishing* characteristics ~~and~~ *or*
11 backgrounds can realize their full academic and personal potential;

12 (b) All administrators, principals, teachers and other personnel
13 of the school districts and public schools in this State demonstrate
14 appropriate *and professional* behavior on the premises of any public
15 school by treating other persons, including, without limitation,
16 pupils, with civility and respect , ~~and~~ *by refusing to tolerate*
17 *bullying and cyber-bullying* ~~;~~ ~~and~~ *, and by taking immediate*
18 *action to protect a victim or target of bullying or cyber-bullying*
19 *when witnessing, overhearing or being notified that bullying or*
20 *cyber-bullying is occurring or has occurred;*

21 (c) All persons in public schools are entitled to maintain their
22 own beliefs and to respectfully disagree without resorting to
23 bullying, cyber-bullying or violence;

24 ~~15-1~~ *and*

25 (d) *Any teacher, administrator, principal, coach or other staff*
26 *member or pupil who tolerates or engages in an act of bullying or*
27 *cyber-bullying or violates a provision of NRS 388.121 to 388.145,*
28 *inclusive, and sections 2, 3 and 4 of this act regarding a response*
29 *to bullying or cyber-bullying will be held accountable;* and

30 7. By declaring ~~its goal~~ *this mandate* that the public schools
31 in this State provide a safe and respectful learning environment, the
32 Legislature is not advocating or requiring the acceptance of differing
33 beliefs in a manner that would inhibit the freedom of expression, but
34 is requiring that pupils ~~with differing beliefs~~ *be free from physical,*
35 *emotional or mental* abuse ~~;~~ *while in the care of the State and*
36 *that pupils be provided with an environment that allows them to*
37 *learn.*

38 **Sec. 8.** NRS 388.1325 is hereby amended to read as follows:

39 388.1325 1. The Bullying Prevention Account is hereby
40 created in the State General Fund, to be administered by the
41 ~~Superintendent of Public Instruction. The Superintendent of Public~~
42 ~~Instruction~~ *Director of the Office for a Safe and Respectful*
43 *Learning Environment appointed pursuant to section 4 of this act.*
44 *The Director of the Office* may accept gifts and grants from any



1 source for deposit into the Account. The interest and income earned
2 on the money in the Account must be credited to the Account.

3 2. In accordance with the regulations adopted by the State
4 Board pursuant to NRS 388.1327, a school district that applies for
5 and receives a grant of money from the Bullying Prevention
6 Account shall use the money for one or more of the following
7 purposes:

8 (a) The establishment of programs to create a school
9 environment that is free from bullying and cyber-bullying;

10 (b) The provision of training on the policies adopted by the
11 school district pursuant to NRS 388.134 and the provisions of NRS
12 388.121 to 388.145, inclusive **††**, *and sections 2, 3 and 4 of this*
13 *act*; or

14 (c) The development and implementation of procedures by
15 which the public schools of the school district and the pupils
16 enrolled in those schools can discuss the policies adopted pursuant
17 to NRS 388.134 and the provisions of NRS 388.121 to 388.145,
18 inclusive **††**, *and sections 2, 3 and 4 of this act*.

19 **Sec. 9.** NRS 388.1327 is hereby amended to read as follows:

20 388.1327 The State Board shall adopt regulations:

21 1. Establishing the process whereby school districts may apply
22 to the State Board for a grant of money from the Bullying
23 Prevention Account pursuant to NRS 388.1325.

24 2. As are necessary to carry out the provisions of NRS 388.121
25 to 388.145, inclusive **††**, *and sections 2, 3 and 4 of this act*.

26 **Sec. 10.** NRS 388.1341 is hereby amended to read as follows:

27 388.1341 1. The Department, in consultation with persons
28 who possess knowledge and expertise in bullying and cyber-
29 bullying, shall, to the extent money is available, develop an
30 informational pamphlet to assist pupils and the parents or legal
31 guardians of pupils enrolled in the public schools in this State in
32 resolving incidents of bullying or cyber-bullying. If developed, the
33 pamphlet must include, without limitation:

34 (a) A summary of the policy prescribed by the Department
35 pursuant to NRS 388.133 and the provisions of NRS 388.121 to
36 388.145, inclusive **††**, *and sections 2, 3 and 4 of this act*.

37 (b) A description of practices which have proven effective in
38 preventing and resolving violations of NRS 388.135 in schools,
39 which must include, without limitation, methods to identify and
40 assist pupils who are at risk for bullying and cyber-bullying; and

41 (c) An explanation that the parent or legal guardian of a pupil
42 who is involved in a reported violation of NRS 388.135 may request
43 an appeal of a disciplinary decision made against the pupil as a
44 result of the violation, in accordance with the policy governing



1 disciplinary action adopted by the board of trustees of the school
2 district.

3 2. If the Department develops a pamphlet pursuant to
4 subsection 1, the Department shall review the pamphlet on an
5 annual basis and make such revisions to the pamphlet as the
6 Department determines are necessary to ensure the pamphlet
7 contains current information.

8 3. If the Department develops a pamphlet pursuant to
9 subsection 1, the Department shall post a copy of the pamphlet on
10 the Internet website maintained by the Department.

11 4. To the extent the money is available, the Department shall
12 develop a tutorial which must be made available on the Internet
13 website maintained by the Department that includes, without
14 limitation, the information contained in the pamphlet developed
15 pursuant to subsection 1, if such a pamphlet is developed by the
16 Department.

17 **Sec. 11.** NRS 388.1342 is hereby amended to read as follows:

18 388.1342 1. The Department, in consultation with persons
19 who possess knowledge and expertise in bullying and cyber-
20 bullying shall:

21 (a) Establish a program of training on methods to prevent,
22 identify and report incidents of bullying and cyber-bullying for
23 members of the State Board.

24 (b) Establish a program of training on methods to prevent,
25 identify and report incidents of bullying and cyber-bullying for
26 members of the boards of trustees of school districts.

27 (c) Establish a program of training for school district and charter
28 school personnel to assist those persons with carrying out their
29 powers and duties pursuant to NRS 388.121 to 388.145, inclusive ~~†~~
30 *, and sections 2, 3 and 4 of this act.*

31 (d) Establish a program of training for administrators in the
32 prevention of violence and suicide associated with bullying and
33 cyber-bullying and appropriate methods to respond to incidents of
34 violence or suicide.

35 2. Each member of the State Board shall, within 1 year after
36 the member is elected or appointed to the State Board, complete the
37 program of training on bullying and cyber-bullying established
38 pursuant to paragraph (a) of subsection 1 and undergo the training at
39 least one additional time while the person is a member of the State
40 Board.

41 3. Except as otherwise provided in NRS 388.134, each member
42 of a board of trustees of a school district shall, within 1 year after
43 the member is elected or appointed to the board of trustees,
44 complete the program of training on bullying and cyber-bullying
45 established pursuant to paragraph (b) of subsection 1 and undergo



1 the training at least one additional time while the person is a
2 member of the board of trustees.

3 4. Each administrator of a public school shall complete the
4 program of training established pursuant to paragraph (d) of
5 subsection 1:

6 (a) Within 90 days after becoming an administrator;

7 (b) Except as otherwise provided in paragraph (c), at least once
8 every 3 years thereafter; and

9 (c) At least once during any school year within which the
10 program of training is revised or updated.

11 5. Each program of training established pursuant to subsection
12 1 must, to the extent money is available, be made available on the
13 Internet website maintained by the Department or through another
14 provider on the Internet.

15 6. The board of trustees of a school district may allow school
16 district personnel to attend the program established pursuant to
17 paragraph (c) or (d) of subsection 1 during regular school hours.

18 7. The Department shall review each program of training
19 established pursuant to subsection 1 on an annual basis to ensure
20 that the program contains current information.

21 **Sec. 12.** NRS 388.1351 is hereby amended to read as follows:

22 388.1351 1. A teacher ~~{or}~~, *administrator, principal, coach*
23 *or* other staff member who witnesses a violation of NRS 388.135 or
24 receives information that a violation of NRS 388.135 has occurred
25 shall ~~{verbally}~~ report the violation to the principal or his or her
26 designee ~~{on}~~ *as soon as practicable, but not later than a time*
27 *during* the *same* day on which the teacher ~~{or}~~, *administrator,*
28 *principal, coach or* other staff member witnessed the violation or
29 received information regarding the occurrence of a violation.

30 2. ~~{The principal or his or her designee shall initiate an~~
31 ~~investigation not later than 1 day after receiving notice of the~~
32 ~~violation pursuant to subsection 1. The principal or the designee~~
33 ~~shall provide written notice of a reported violation of NRS 388.135~~
34 ~~to the parent or legal guardian of each pupil involved in the reported~~
35 ~~violation. The notice must include, without limitation, a statement~~
36 ~~that the principal or the designee will be conducting an investigation~~
37 ~~into the reported violation and that the parent or legal guardian may~~
38 ~~discuss with the principal or the designee any counseling and~~
39 ~~intervention services that are available to the pupil. The~~
40 ~~investigation must be completed within 10 days after the date on~~
41 ~~which the investigation is initiated and, if a violation is found to~~
42 ~~have occurred, include recommendations concerning the imposition~~
43 ~~of disciplinary action or other measures to be imposed as a result of~~
44 ~~the violation, in accordance with the policy governing disciplinary~~
45 ~~action adopted by the board of trustees of the school district.}~~ *Upon*



1 receiving a report required by subsection 1, the principal or
2 designee shall immediately take any necessary action to stop the
3 bullying or cyber-bullying and ensure the safety and well-being of
4 the reported victim or victims of the bullying or cyber-bullying and
5 shall begin an investigation into the report. The investigation must
6 include, without limitation:

7 (a) Except as otherwise provided in subsection 3, notification
8 provided by telephone, electronic mail or other electronic means
9 or provided in person, of the parents or guardians of all pupils
10 directly involved in the reported bullying or cyber-bullying, as
11 applicable, either as a reported aggressor or a reported victim of
12 the bullying or cyber-bullying. The notification must be provided
13 not later than:

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

17 (2) If the bullying or cyber-bullying was reported on a day
18 that is not a school day, or after school hours on a school day,
19 6 p.m. on the school day following the day on which the bullying
20 or cyber-bullying is reported.

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

24 3. If the contact information for the parent or guardian of a
25 pupil in the records of the school is not correct, a good faith effort
26 to notify the parent or guardian shall be deemed sufficient to meet
27 the requirement for notification pursuant to paragraph (a) of
28 subsection 2.

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

37 5. A principal or designee who conducts an investigation
38 required by this section shall complete a written report of the
39 findings and conclusions of the investigation. If a violation is
40 found to have occurred, the report must include recommendations
41 concerning the imposition of disciplinary action or other measures
42 to be imposed as a result of the violation, in accordance with the
43 policy governing disciplinary action adopted by the board of
44 trustees of the school district. Subject to the provisions of the
45 Family Educational Rights and Privacy Act of 1974, 20 U.S.C. §



1 *1232g, and any regulations adopted pursuant thereto, the report*
2 *must be made available, not later than 24 hours after the*
3 *completion of the written report, to all parents or guardians who*
4 *must be notified pursuant to paragraph (a) of subsection 2 as part*
5 *of the investigation.*

6 *6. Not later than 10 school days after receiving a report*
7 *required by subsection 1, the principal or designee shall meet with*
8 *each reported victim of the bullying or cyber-bullying to inquire*
9 *about the well-being of the reported victim and to ensure that the*
10 *reported bullying or cyber-bullying, as applicable, is not*
11 *continuing.*

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

22 **Sec. 13.** NRS 388.139 is hereby amended to read as follows:

23 388.139 Each school district shall include the text of the
24 provisions of NRS 388.121 to 388.145, inclusive, *and sections 2, 3*
25 *and 4 of this act*, and the policies adopted by the board of trustees of
26 the school district pursuant to NRS 388.134 under the heading
27 “Bullying and Cyber-Bullying Is Prohibited in Public Schools,”
28 within each copy of the rules of behavior for pupils that the school
29 district provides to pupils pursuant to NRS 392.463.

30 **Sec. 14.** NRS 391.31297 is hereby amended to read as
31 follows:

32 391.31297 1. A teacher may be suspended, dismissed or not
33 reemployed and an administrator may be demoted, suspended,
34 dismissed or not reemployed for the following reasons:

- 35 (a) Inefficiency;
36 (b) Immorality;
37 (c) Unprofessional conduct;
38 (d) Insubordination;
39 (e) Neglect of duty;
40 (f) Physical or mental incapacity;
41 (g) A justifiable decrease in the number of positions due to
42 decreased enrollment or district reorganization;
43 (h) Conviction of a felony or of a crime involving moral
44 turpitude;
45 (i) Inadequate performance;



- 1 (j) Evident unfitness for service;
- 2 (k) Failure to comply with such reasonable requirements as a
- 3 board may prescribe;
- 4 (l) Failure to show normal improvement and evidence of
- 5 professional training and growth;
- 6 (m) Advocating overthrow of the Government of the United
- 7 States or of the State of Nevada by force, violence or other unlawful
- 8 means, or the advocating or teaching of communism with the intent
- 9 to indoctrinate pupils to subscribe to communistic philosophy;
- 10 (n) Any cause which constitutes grounds for the revocation of a
- 11 teacher's license;
- 12 (o) Willful neglect or failure to observe and carry out the
- 13 requirements of this title;
- 14 (p) Dishonesty;
- 15 (q) Breaches in the security or confidentiality of the questions
- 16 and answers of the examinations that are administered pursuant to
- 17 NRS 389.550 or 389.805 and the college and career readiness
- 18 assessment administered pursuant to NRS 389.807.
- 19 (r) Intentional failure to observe and carry out the requirements
- 20 of a plan to ensure the security of examinations and assessments
- 21 adopted pursuant to NRS 389.616 or 389.620;
- 22 (s) An intentional violation of NRS 388.5265 or 388.527;
- 23 (t) *Knowingly and willfully failing to comply with the*
- 24 *provisions of NRS 388.1351;*
- 25 (u) Gross misconduct; or
- 26 ~~(v)~~ (v) An intentional failure to report a violation of NRS
- 27 388.135 if the teacher or administrator witnessed the violation.

28 2. In determining whether the professional performance of a

29 licensed employee is inadequate, consideration must be given to the

30 regular and special evaluation reports prepared in accordance with

31 the policy of the employing school district and to any written

32 standards of performance which may have been adopted by the

33 board.

34 3. As used in this section, "gross misconduct" includes any act

35 or omission that is in wanton, willful, reckless or deliberate

36 disregard of the interests of a school or school district or a pupil

37 thereof.

38 **Sec. 15.** NRS 391.313 is hereby amended to read as follows:

39 391.313 1. Whenever an administrator charged with

40 supervision of a licensed employee believes it is necessary to

41 admonish the employee for a reason that the administrator believes

42 may lead to demotion or dismissal or may cause the employee not to

43 be reemployed under the provisions of NRS 391.31297, the

44 administrator shall:



1 (a) Except as otherwise provided in subsection 3, bring the
2 matter to the attention of the employee involved, in writing, stating
3 the reasons for the admonition and that it may lead to the
4 employee's demotion, dismissal or a refusal to reemploy him or her,
5 and make a reasonable effort to assist the employee to correct
6 whatever appears to be the cause for the employee's potential
7 demotion, dismissal or a potential recommendation not to reemploy
8 him or her; and

9 (b) Except as otherwise provided in NRS 391.314, allow
10 reasonable time for improvement, which must not exceed 3 months
11 for the first admonition.

12 ➔ The admonition must include a description of the deficiencies of
13 the teacher and the action that is necessary to correct those
14 deficiencies.

15 2. An admonition issued to a licensed employee who, within
16 the time granted for improvement, has met the standards set for the
17 employee by the administrator who issued the admonition must be
18 removed from the records of the employee together with all
19 notations and indications of its having been issued. The admonition
20 must be removed from the records of the employee not later than 3
21 years after it is issued.

22 3. An administrator need not admonish an employee pursuant
23 to paragraph (a) of subsection 1 if his or her employment will be
24 terminated pursuant to NRS 391.3197.

25 4. A licensed employee is subject to immediate dismissal or a
26 refusal to reemploy according to the procedures provided in NRS
27 391.311 to 391.3197, inclusive, without the admonition required by
28 this section, on grounds contained in paragraphs (b), (f), (g), (h), (p)
29 , ~~and~~ (t) *and* (u) of subsection 1 of NRS 391.31297.

30 **Sec. 16.** NRS 391.330 is hereby amended to read as follows:

31 391.330 The State Board may suspend or revoke the license of
32 any teacher, administrator or other licensed employee, after notice
33 and an opportunity for hearing have been provided pursuant to NRS
34 391.322 and 391.323, for:

- 35 1. Immoral or unprofessional conduct.
- 36 2. Evident unfitness for service.
- 37 3. Physical or mental incapacity which renders the teacher,
38 administrator or other licensed employee unfit for service.
- 39 4. Conviction of a felony or crime involving moral turpitude.
- 40 5. Conviction of a sex offense under NRS 200.366, 200.368,
41 201.190, 201.220, 201.230, 201.540 or 201.560 in which a pupil
42 enrolled in a school of a county school district was the victim.
- 43 6. Knowingly advocating the overthrow of the Federal
44 Government or of the State of Nevada by force, violence or
45 unlawful means.



1 7. Persistent defiance of or refusal to obey the regulations of
2 the State Board, the Commission or the Superintendent of Public
3 Instruction, defining and governing the duties of teachers,
4 administrators and other licensed employees.

5 8. Breaches in the security or confidentiality of the questions
6 and answers of the examinations that are administered pursuant to
7 NRS 389.550 or 389.805 and the college and career readiness
8 assessment administered pursuant to NRS 389.807.

9 9. Intentional failure to observe and carry out the requirements
10 of a plan to ensure the security of examinations and assessments
11 adopted pursuant to NRS 389.616 or 389.620.

12 10. An intentional violation of NRS 388.5265 or 388.527.

13 *11. Knowingly and willfully failing to comply with the*
14 *provisions of NRS 388.1351.*

15 **Sec. 17.** This act becomes effective on July 1, 2015.

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