



**Responsible Office:** Office of the General Counsel, Civil Rights Compliance Department

## **BOARD POLICY 5700**

### **SAFE AND RESPECTFUL LEARNING ENVIRONMENT**

#### **PURPOSE**

The Board of Trustees (“Board”) believes that a learning environment that is safe and respectful is essential for students to achieve success. The Washoe County School District (“District”) is committed to providing students a learning environment that is free from bullying, cyber-bullying, harassment, sexual harassment, discrimination, intimidation, violence, and violent behavior. This policy and the associated governing documents establish the procedures necessary to create a safe and respectful learning environment, to promptly investigate accusations of bullying and other behaviors, to implement remedies and interventions for all who are involved, and to provide training to staff and students of the prevention and remediation of such behaviors.

#### **POLICY**

1. For the purposes of this policy:
  - a. The term “bullying” refers to acts and allegations of bullying, cyber-bullying, harassment, sexual harassment, discrimination, intimidation, retaliation, hazing, and related forms of violence or violent behavior.
  - b. The prohibition against bullying applies to any individual on District property, to include District-provided transportation, at District-sponsored activities and events, and/or while acting on behalf of the District. This includes outside entities renting/using District facilities.
  - c. The act of bullying does not apply to a student enrolled in prekindergarten, or between two or more adults regardless of whether or not one or more of the adults is a District employee.
2. Governing Principles
  - a. The District is committed to:
    - i. providing an environment in which persons of differing beliefs, characteristics and backgrounds can realize their full academic and personal potential;

- ii. The belief that all persons are entitled to maintain their own beliefs and to respectfully disagree without resorting to or being subjected to bullying.
  - iii. Ensuring that all students, administrators, faculty, and other District staff demonstrate appropriate behavior by treating other persons, including students, with civility and respect and by refusing to tolerate bullying.
- b. By declaring the above, the Board is not advocating or requiring the acceptance of differing beliefs in a manner that would inhibit freedom of expression. The Board does require that any persons with differing beliefs be free from bullying.
- c. The District shall partner with the Washoe County community in its intent and belief that:
  - i. Students are a vital resource to the future of the Washoe County community;
  - ii. A safe and respectful learning environment is essential for students to achieve academic success;
  - iii. All District/school properties shall be maintained as safe and respectful learning environments, and no form of bullying will be tolerated; and
  - iv. Any form of bullying seriously interferes with the ability of teachers to teach in the classroom and the ability of students to learn; and
  - v. The use of the internet and other technology by students in a manner that is ethical, safe, and secure is essential to a safe and respectful learning environment and for the successful use of technology.

### 3. Governing Practices

- a. The Superintendent shall cause to be created procedures and protocols necessary for the establishment and maintenance of safe and respectful environments that are free from bullying. Such protocols include, but are not limited to:
  - i. Civil Rights Compliance Department. The District, through the Office of the General Counsel's Civil Rights Compliance Department, shall:

1. Establish and maintain reporting mechanisms, to include an internet website, through which any person can report an allegation of bullying;
  2. In conjunction with the Departments of Guidance Counseling, Equity and Diversity, and others:
    - a. create and distribute information about anti-bullying efforts; and
    - b. Provide outreach and anti-bullying education and training for students, staff, and parents/guardians.
  3. Protect the rights of gender non-conforming students through the protocols described in Administrative Regulation 5161, Gender Identity and Gender Non-Conformity.
- ii. Training and professional learning for the Board of Trustees, District staff, volunteers, students and their families shall include, but not be limited to:
1. Methods to promote a positive learning environment and facilitate positive relationships between students;
  2. Methods for recognizing bullying behaviors;
  3. Requirements and methods for reporting bullying allegations to include the mandatory reporting requirements for staff and volunteers;
  4. Requirements concerning the needs of students with disabilities and students with autism spectrum disorder;
  5. Requirements and methods for addressing the rights and needs of persons with diverse gender identities or expressions; and
  6. Information on and referral to available resources regarding suicide prevention and the relationship between bullying and suicide.
- iii. School administrators shall receive further training and guidance in:
1. Bullying allegation investigation requirements and procedures;
  2. Effective intervention and remediation strategies;

3. The prevention of violence and suicide associated with bullying as well as appropriate methods to respond to such incidents; and
  4. Employing strategies to improve the climate of schools and the overall District environment in a manner that will facilitate respectful positive human relations among students, families and staff;
  5. Establishment of a site based school safety team to develop, foster and maintain a school environment which is free from bullying.
- iv. Reporting.
1. Students, their family members, and members of the community who have knowledge or concerns of potential bullying are encouraged report potential incidents of bullying of a student to school administration and/or school police immediately to ensure incidents are investigated and harmful behavior stopped.
  2. Staff and volunteers are mandatory reporters of bullying and shall promptly report when they know or have reasonable reason to believe that an incident of bullying may have occurred.
  3. The District shall maintain an online reporting website ([www.wcsdbullying.com](http://www.wcsdbullying.com)) to allow for the expedient reporting of incidents to the school principal/designee.
  4. Reports of student discrimination based on race, national origin, disability, sex, or religion may also be filed with the U.S. Department of Education's Office for Civil Rights.
- v. Investigation Procedures.
1. The District shall implement standard protocols related to the investigation of bullying allegations.
  2. When an incident of staff on student bullying is alleged, an independent investigator shall be assigned by the Superintendent to oversee the investigation. See Administrative Regulation 5701 for additional information.
- vi. Retaliation. The District prohibits retaliation against any person who reports an act of bullying, cyber-bullying, harassment or

discrimination, or against any person who testifies, assists, or participates in the investigation of a report. Such retaliation is itself a violation of law and may lead to disciplinary or other appropriate action against the offender.

## DEFINITIONS

1. "Bullying" means written, verbal or electronic expressions or physical acts or gestures, or any combination thereof, that are directed at a person or group of persons, or a single severe and willful act or expression that is directed at a person or group of persons, and:
  - a. Have the effect of: physically harming a person or damaging the property of a person; or placing a person in reasonable fear of physical harm to the person or damage to the property of the person; or
  - b. Interfere with the rights of a person by: creating an intimidating or hostile educational environment for the person; or substantially interfering with the academic performance of a pupil or the ability of the person to participate in or benefit from services, activities or privileges provided by a school; or
  - c. Are acts or conduct described in paragraph (a) or (b) and are based upon the: actual or perceived race, color, national origin, ancestry, religion, gender identity or expression, sexual orientation, physical or mental disability of a person, sex or any other distinguishing characteristic or background of a person; or association of a person with another person having one or more of those actual or perceived characteristics.
  - d. The term "bullying" includes, without limitation: Repeated or pervasive taunting, name-calling, belittling, mocking or use of put-downs or demeaning humor regarding the actual or perceived race, color, national origin, ancestry, religion, gender identity or expression, sexual orientation, physical or mental disability of a person, sex or any other distinguishing characteristic or background of a person; Behavior that is intended to harm another person by damaging or manipulating his or her relationships with others by conduct that includes, without limitation, spreading false rumors; Repeated or pervasive nonverbal threats or intimidation such as the use of aggressive, menacing or disrespectful gestures; Threats of harm to a person, to his or her possessions or to other persons, whether such threats are transmitted verbally, electronically or in writing; Blackmail, extortion or demands for protection money or involuntary loans or donations; Blocking access to any property or facility of a school; Stalking; and Physically harmful contact with or injury to another person or his or her property. (NRS 388.122)

2. "Cyber-bullying" means bullying through the use of electronic communication. The term includes the use of electronic communication to transmit or distribute a sexual image of a minor. (NRS 388.123)
  - a. "Electronic communication device" means any electronic device that is capable of transmitting or distributing an image of bullying, including, without limitation, a cellular telephone, personal digital assistant, computer, computer network and computer system. (NRS 388.124)
  - b. "Image of bullying" means any visual depiction, including, without limitation, any photograph or video, or a minor bullying another minor. (NRS 200.900)
3. Retaliation is adverse action (e.g. payback, retribution, revenge) taken against an individual for engaging in legally protected activity such as making a complaint of harassment or participating in workplace or school site investigations.
4. "Hazing" means an activity in which a person intentionally or recklessly endangers the physical health of another person for the purpose of initiation into or affiliation with a student organization, academic association or athletic team at a high school. (NRS 200.605)

## **DESIRED OUTCOMES**

1. Through this policy, the Board and District seek to:
  - a. implement consistent processes for the intervention and prevention of bullying.
  - b. Provide training in the prevention and/or recognition of bullying for all employees and, when appropriate, students.
  - c. Implement procedures for the establishment and maintenance of School Safety Teams.
  - d. Empower students, parents/guardians, and staff with information about District mechanisms to prevent and intervene related to bullying situations.

## **IMPLEMENTATION GUIDELINES**

1. This policy reflects the goals of the District's Strategic Plan and the governing documents of the District, to include:
  - a. Board Policy 5100, Student Behavior.

- b. Board Policy 9200, Harassment and Discrimination Prohibited.
  - c. Administrative Regulation 5701, Student Complaint and Appeal Procedures – Bullying, Harassment, and Discrimination
  - d. Administrative Regulation 5161, Gender Identity and Gender Non-Conformity – Students
2. This policy complies with Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC) to include:
    - a. Chapter 200, Crimes Against the Person
    - b. Chapter 388, System of Public Instruction, and specifically:
      - i. NRS 388.121 – 388.1459, inclusive, Provision of Safe and Respectful Learning Environment
    - c. Chapter 392, Students, and specifically:
      - i. NRS 392.461 – 392.4675, inclusive, Behavior and Discipline
      - ii. NRS 392.900 – 392.920, inclusive, Unlawful Acts
  3. This policy complies with federal laws and regulations, to include:
    - a. Section 504 of the Rehabilitation Act, as amended
    - b. The Civil Rights Act of 1964
    - c. Title IX of the Education Amendments of 1972

## **REVIEW AND REPORTING**

1. This document shall be reviewed as part of the bi-annual review and reporting process, following each regular session of the Nevada Legislature. The Board of Trustees shall receive notification of any required changes to the policy as well as an audit of the accompanying governing documents.
  - a. Should the policy be updated, a copy shall be submitted to the Nevada Department of Education within 30 days after the update.
2. Administrative regulations, and/or other associated documents, will be developed as necessary to implement this policy.
3. Incidents, types and the prevalence of interventions for bullying, cyber-bullying, harassment, and intimidation will be recorded and reported to the Board of Trustees on an annual basis.

4. The District will conduct Climate and Safety Surveys with input from students, parents, and staff. The results of the Climate and Safety Surveys are provided to the Board of Trustees annually.
5. The District shall, on or before September 30 of each year, prepare an annual report of accountability that includes data related to bullying and cyber-bullying. Such report will be presented to the Board of Trustees prior to its submission to the Nevada Department of Education.

**REVISION HISTORY**

Date	Revision	Modification
4/03/2012	1.0	Adopted
2/11/2014	2.0	Revised: pursuant to changes during the 2013 Legislative Session (SB164, SB414, SB427)
7/14/2015	3.0	Revised: pursuant to changes during the 2015 Legislative Session (SB504)
12/13/2016	4.0	Revised: Changed number from 9031; added "harassment;" added additional definitions
5/22/2018	5.0	Revised: Changed from 9205 (moved to Student Series); changes compliant with 2017 Senate Bill 225