
Equal Educational Opportunity

Student Assault and Bullying in Nevada Public Schools

**A Summary Report by the
Nevada Advisory Committee to the
United States Commission on Civil Rights**

September 2013

State Advisory Committees to the U.S. Commission on Civil Rights

By law, the U.S. Commission on Civil Rights has established an advisory committee in each of the 50 states and the District of Columbia. The committees are composed of state citizens who serve without compensation. The committees advise the Commission of civil rights issues in their states that are within the Commission's jurisdiction. More specifically, they are authorized to advise the Commission in writing of any knowledge or information they have of any alleged deprivation of voting rights and alleged discrimination based on race, color, religion, sex, age, disability, or national origin, or in the administration of justice; advise the Commission on matters of their state's concern in the preparation of Commission reports to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public officials, and representatives of public and private organizations to committee inquiries; forward advice and recommendations to the Commission, as requested; and observe any open hearing or conference conducted by the Commission in their states.

Acknowledgements

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**Nevada Advisory Committee to the
U.S. Commission on Civil Rights**

Letter of Transmittal

The Nevada Advisory Committee to the U.S. Commission on Civil Rights submits this report on bullying and equal educational opportunity as part of its responsibility to study and report on civil rights issues in Nevada. This report of the Nevada Advisory Committee builds upon an examination of peer-on-peer bullying by the U.S. Commission on Civil Rights in 2012. The Committee's findings and recommendations are set out on page 17 of the report. This report was adopted without dissent.

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School Discipline and Equal Education Opportunity

Equal educational opportunity has been an ongoing concern of the U.S. Commission on Civil Rights (Commission). Most recently the Commission issued a report on bullying, *Peer-to-Peer Violence and Bullying, Examining the Federal Response*, which examined the work of the United States Departments of Education (ED) and Justice (DOJ) in enforcing prohibitions against discrimination and harassment as they relate to bullying and other peer-to-peer violence in public K-12 schools.¹

A nationwide survey of teachers and parents found student discipline to be a major concern. The same survey found that teachers across schools are reporting discipline problems such as classroom disruptions, disrespect towards teachers, and rowdiness.²

Peer-to-Peer Violence Generally

Within the general concern of school discipline, the Nevada Advisory Committee has concerns that peer-to-peer violence and bullying contribute to disruptive learning environments. Bullying triggers federal civil rights laws when it meets the heightened legal standard for harassment. As described by an official from the Office for Civil Rights (OCR) of the U.S. Department of Education: “School districts violate the federal civil rights laws that OCR enforces when harassment based on race, color, national origin, sex or disability is sufficiently serious to create a hostile environment and school employees encourage, tolerate, do not adequately address, or ignore the harassment.”³

Bullying includes being made fun of; being the subject of rumors; being threatened with harm; being pushed, shoved, tripped, or spit on; being pressured into doing things [one] did not

want to do; excluded from activities on purpose; and having property destroyed on purpose.⁴

Acts of bullying, violence and harassment appear to be widespread in schools. The School Survey on Crime and Safety sponsored by ED found that 25 percent of schools reported that bullying took place among their students on a daily or weekly basis.⁵

In 2009, nearly 28 percent of students ages 12–18 reported being bullied at school during the school year. The percentages of students who reported being bullied or being subjects of selected bullying problems were lower for Asian students than for white, African American or Hispanic students. For example, 17 percent of Asian students ages 12–18 reported being bullied at school, compared with 29 percent each of white and African American students and 26 percent of Hispanic students.⁶

Nearly one-third of all students aged 12 to 18 report being bullied in their schools during the school year.

--U.S. Dept. of Justice

Students’ reports of being bullied at school varied over time (figure 11.5 and table 11.5). While no overall pattern was observed between 2005 and 2009, a lower percentage of students reported being bullied in 2005 than in 2007 (28 vs. 32 percent). For most groups of students, the percentages reported by students in 2007 were higher than the percentages reported in 2009, returning percentages to 2005 levels.⁷

A survey by the National Education Association found that 62 percent of school staff reported witnessing bullying.⁸ Responding to this report and others on school bullying, in 2011 the White House initiated a conference on

¹ U.S. Commission on Civil Rights, *Peer-to-Peer Violence and Bullying, Examining the Federal Response*, 2012 (hereafter cited as *Commission Bullying Report*).

² Public Agenda, *Teaching Interrupted: Do Discipline Policies in Today’s Public Schools Foster the Common Good?*, May 2004.

³ Russlynn Ali, Asst. Secretary, OCR, U.S. Department of Education, *Commission Bullying Report*, p. 49.

⁴ Nat’l Center for Education Statistics/Bureau of Justice Statistics, *Indicators of School Crime and Safety: 2011*, (2012), p. 44 (hereafter cited as *School Crime and Safety report*).

⁵ U.S. Dept. of Education, “*School Survey on Crime and Safety—2007 school year*.”

⁶ *School Crime and Safety report*, p. 44.

⁷ *Ibid.*, p. 48.

⁸ National Education Society, press release, *Survey of Safety in the Nation’s Schools*, Mar. 10, 2011.

bullying prevention, an effort to coordinate attention at the federal level to the problem. As part of the coordinated effort, the website StopBullying.gov was launched—a site intended to provide information from various government agencies on how children, teens, young adults, parents, educators and others in the community can prevent or stop bullying.

In addition, in 2011 New Jersey Senator Frank Lautenberg and Representative Rush Holt filed S.540 and H.R.1048: Tyler Clementi Higher Education Anti-Harassment Act of 2011, anti-bullying legislation that would, among other measures, require colleges to adopt anti-bullying policies. The bill is named after Tyler Clementi, the 18-year-old Rutgers University student who committed suicide in 2010, after being secretly filmed by his roommate while he was kissing another man.

Another piece of proposed legislation, S.506 and H.R.1648: “The Safe Schools Improvement Act of 2011,” was a bipartisan bill sponsored by Pennsylvania Senator Robert Casey and California Representative Linda Sanchez. The proposed legislation had provisions applicable to sexual orientation or gender identity.

In recent years, the advent and widespread use of the Internet and cellular phones has led to new methods of bullying, often called —cyber-bullying.

In recent years, the advent and widespread use of the Internet and cellular phones has led to new methods of bullying, called cyber-bullying. Cyber-bullying has been defined to include incidents in which classmates post hurtful information about a student on the Internet or make unwanted contact through instant messaging or text messaging that threatens or insults the student. The growth of popularity of social networking sites (such as Facebook and MySpace) and video-sharing websites (such as YouTube) has led to increased reports of cyber-bullying.⁹

The California Healthy Kids Survey found that when youth in California were bullied or

harassed on school property, the most common specific reason cited was race or national origin, with about 18 percent of students in grades 7, 9, and 11 reporting at least one bullying incident in the past year for these reasons.

The problem is not limited to one specific racial or ethnic group. When results from 9th and 11th grade students are broken down by race and ethnicity, African-American students reported being bullied or harassed due to their race or ethnicity at the highest rate—23 percent. Twenty-two percent of Asian-American students, 22 percent of Native Hawaiian or Pacific Islander students and 20 percent of Native American students reported being harassed due to their race, ethnicity, or national origin.¹⁰

Specific survey numbers on sexual harassment bullying in schools are limited. One available survey showed the problem to be widespread. In a 2001 study by the American Association of University Women (AAUW), 81 percent of students in grades 8 to 11 reported experiencing sexual harassment, which included 83 percent of girls and 79 percent of boys.¹¹

More than 80 percent of students in grades 8 to 11 report experiencing sexual harassment

Twenty-seven percent of the students surveyed, including 30 percent of girls and 24 percent of boys, said that they were often sexually harassed. Seventy-six percent of students reported that they often experienced non-physical sexual harassment,¹² while 58 percent reported experiencing physical sexual harassment. In addition, 44 percent of girls and 20 percent of boys reported that they were afraid of being sexually harassed.¹³

Although statistical research on race- and national-origin-based harassment has been somewhat limited, DOJ activity provides

¹⁰ *Commission Bullying Report*, p. 12.

¹¹ American Association of University Women, *Hostile Hallways: Bullying, Teasing, and Sexual Harassment in School* (2001), executive summary, p.4.

¹² *Ibid.*, p. 43.

¹³ *Ibid.*, p. 43.

⁹ Sameer Hinduja & Justin W. Patchin, “Overview of Cyberbullying,” White House Conference on Bullying, Mar. 10, 2011.

anecdotal evidence of the kinds of race-based harassment that has occurred.

For instance, in 2010, DOJ reached a settlement agreement with the Philadelphia, Pennsylvania School District, addressing harassment of Asian-American students at South Philadelphia High School that, in December 2009, led to a day-long attack by roving groups of students against the school's Asian-American student population. By the end of the day more than two dozen Asian-American students were attacked, and 13 of them were sent to the emergency room.¹⁴

Since the 2003-04 school year, Nevada public school districts have reported to the state on the number of student-on-student violence incidents that resulted in disciplinary action. Nevada law now specifically bans bullying, harassment and intimidation, and beginning in the 2011-12 school year bullying incidents that resulted in disciplinary action are also reported. In addition, new state law requires staff members to report violations to the building principal for investigation.

A teacher or other staff member who witnesses a violation of NRS 388.135 or receives information that a violation of NRS 388.135 has occurred shall verbally report the violation to the principal or his or her designee....The principal or his or her designee shall initiate an investigation not later than 1 day after receiving notice of the violation.¹⁵

Nevada Advisory Committee

Following a briefing on school violence and bullying, the Commission concluded that current federal laws and the laws of many states do not fully protect students from peer-to-peer bullying and harassment resulting from animus toward the students' group status.¹⁶ Recognizing the serious effect that assaults and bullying can have on equal educational opportunity, the Nevada Advisory Committee (Nevada Committee) at a meeting of the Committee in Reno, Nevada, on

June 27, 2012, determined that in collaboration with the Commission's work at the national level an examination of the issue was warranted at the state level.

Of the 17 school districts in the state, the Nevada Committee identified nine that it considered to encompass an identifiable urban or city area. This included the following school districts: Carson City, Churchill County, Clark County, Douglas County, Elko County, Humboldt County, Lyon County, Nye County, and Washoe County.

Two of the nine identified districts, Clark County and Washoe County, had significantly larger enrollments.¹⁷ The report first discusses these two school districts, then follows with a discussion of the other seven school districts.

In separate sections for each of the nine "urban" school districts in the state, data on bullying is reported. Information on district demographics and household wealth is also included to provide context to the reader about the overall environment of the district. Finally, an interview with a district official regarding violence in schools is included.

In doing its examination, the Nevada Committee solicited information from these nine districts to include: (1) school policies regarding bullying, (2) number and type of bullying incidents and (3) the district's understanding of federal law on bullying. Members of the Nevada Committee also interviewed school officials as to their assessment of the seriousness and extent of bullying in their schools.

An aggregate analysis follows the individual district pages. Following, the Committee states its findings and recommendations. One key recommendation following the Committee's examination of the issue is to the Nevada Department of Education to establish clear rules and guidelines for reporting incidents.¹⁸

¹⁴ Jocelyn Samuels, senior counselor to the Asst. Att'y Gen., Civil Rights Div., U.S. Dep't of Justice, *Commission Bullying report*, p. 13.

¹⁵ NRS 388.1351. (Full cite of NRS 388, Provision of Safe and Respectful Learning Environment, is in the Appendix to this report.)

¹⁶ *Commission Bullying report*, Letter of Transmittal.

¹⁷ The enrollment of Clark County is 315,000 and the enrollment of Washoe County is 65,000. Enrollment in the other seven districts ranges from 3,400 to 10,000.

¹⁸ State Advisory Committee reports to the Commission are wholly independent and do not necessarily represent the views of the Commission.

Clark County School District

The Clark County School District (CCSD) is the largest district in the state and includes three of the four largest cities in the state, Henderson, Las Vegas, and North Las Vegas. The district has a total enrollment of nearly 315,000 students, which is 70 percent of all students in Nevada public schools. Latinos are the largest ethnic racial group, comprising 42 percent of all students.¹⁹

Median household income in the county is \$56,258, equal to average of the state. However, 44 percent of all students qualify for free or reduced lunch.²⁰

Table 1: Student enrollment in the Clark County Public School District by race and ethnicity, 2010-11 school year

	Number	Percent
White	100,263	31.9
Hispanic	130,880	41.7
Other	1,955	26.4
Total	314,023	100

Source: Nevada Department of Education, Administration and Fiscal Services.

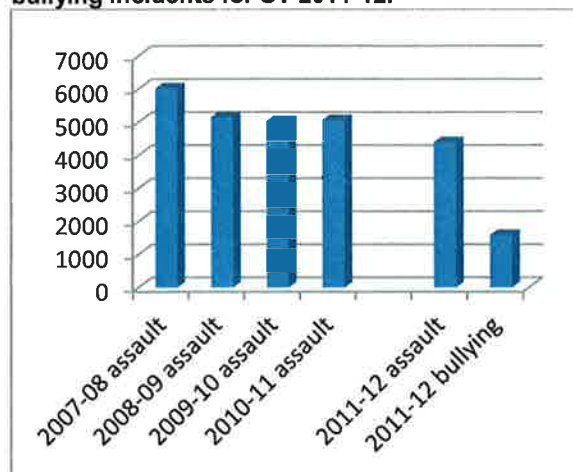
Student Assaults and Peer-to-Peer Bullying in CCSD

In the 2011-12 school year, CCSD reported 1,584 incidents of peer-to-peer bullying for which there was disciplinary action.²¹ The data suggest that only 5 students in 1,000 are bullied to an extent that disciplinary action is warranted.

In contrast, there were 4,392 incidents of student-on-student assault.²² This data implies that more than three times as many students in the district are assaulted as bullied.

The overall trend in student assaults is slightly diminishing. In the 2007-08 school year, more than 6,000 assaults were reported.²³ The number of assaults reported in SY 2011-12 (4,392) is the lowest in five years and reflects a downward trend in student violence in the district's schools.

Figure 1. Clark County School District, reported student-on-student assaults for SY 2007-08, SY 2008-09, SY 2009-10, SY 2010-11, SY 2011-12 and bullying incidents for SY 2011-12.



Source: Nevada Advisory Committee from Nevada Department of Education data. (Note: SY 2011-12 was the first year bullying incidents were reported.)

Brandon Moeller, an official with the Clark County School District, told the Nevada Committee that the extent of bullying in the district is hard to discern with any accuracy. In response to concerns about bullying, the district put in place a web-site called *Say No To Bullying*. On the site any parent, student or staff member can report incidents of bullying. The district has found in following up with posted reports that people may say an incident of bullying occurred; however, after investigations a number are found to be invalid.²⁴

Moeller told the Committee that he has been charged to give training seminars to staff and students in recent years. Defining bullying in a way that has a uniform understanding has proven to be difficult.²⁵

He added, however, to better track bullying and assault incidents, beginning in the 2013-14 school year, the district will have an automated system that will track all reports of such incidents to principals and the disposition of such reports. The new system will also be implemented with extensive training of teachers and staff so that there is consistency in reporting among the district's 320 schools.²⁶

¹⁹ Table 1.

²⁰ 2010 Census of Population and Housing and Nevada Department of Education, Office of Child Nutrition and School Health, 2009-10 school year.

²¹ Figure 1.

²² Ibid.

²³ Ibid.

²⁴ Interview, Brandon Moeller, Assistant Director, Equity and Diversity Education Department, Clark County School District, December 11, 2012.

²⁵ Ibid.

²⁶ Ibid.

Washoe County School District

The Washoe County School District (WCSD) includes the city of Reno. The district has the second largest student body in the state, with an enrollment of about 65,000 students. About half of the district student population is white, while Hispanic students comprise one-third of total student enrollment.²⁷

Median household income is \$55,658, equal to the average for the state. About 35 percent of students qualify for free or reduced lunch.²⁸

Table 2: Student enrollment in the Washoe County Public School District by race and ethnicity, 2010-11 school year

	Number	Percent
White	34,185	52.8
Hispanic	22,105	34.0
Other	8,465	13.2
Total	64,755	100

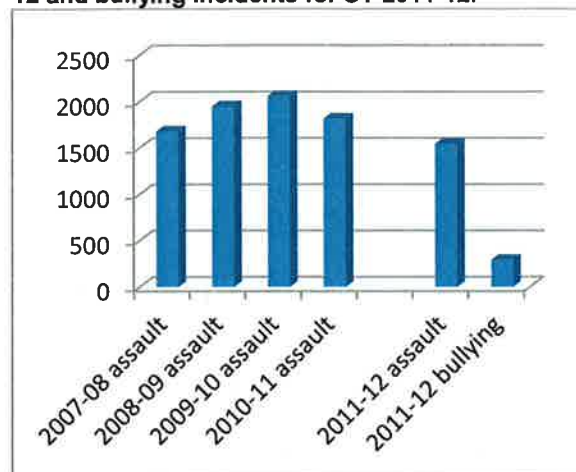
Source: Nevada Department of Education, Administration and Fiscal Services.

Student Assaults and Peer-to-Peer Bullying in WCSD

In the 2011-12 school year, WCSD reported 291 incidents of peer-to-peer bullying for which there was disciplinary action.²⁹ In contrast, there were 1,546 incidents of student-on-student assault.³⁰

Of note, WCSD district has recently placed a special emphasis on tracking and monitoring students who have been involved in such incidents.³¹ As part of that initiative, the district conducts an annual survey on youth risk behavior. In its survey, students are asked about safety and violence in the schools. In the 2011 survey, 19.4 percent of middle school students and 21.4 percent of high school students said that they sometimes, rarely, or never feel “safe and secure at school.”³²

Figure 2. Washoe School District, reported student-on-student assaults for SY 2007-08, SY 2008-09, SY 2009-10, SY 2010-11, SY 2011-12 and bullying incidents for SY 2011-12.



Source: Nevada Advisory Committee from Nevada Department of Education data. (Note: SY 2011-12 was the first year bullying incidents were reported.)

Katherine Loudon, Counseling Coordinator, told the Nevada Committee that the district has observed increases in bullying. However, it is uncertain whether there is actually an increase in the number of incidents or better reporting. Staff members, parents, and students have been learning the differences between bullying, other aggression, and conflict.³³

According to Loudon, “Cyber-bullying now seems to be significant. Social media and its anonymity are fueling this development. Bullying is most severe against students who are, or who are perceived to be, gay or lesbian.”³⁴

District programs to deal with bullying and other aggressive student behavior are not focused on discipline. Rather, the emphasis in the district is to teach different behaviors and re-integrate the student into normal school activities. To accomplish this, the district does formal follow-up after incidents with training and treatment. As part of this program, students—both the perpetrator and the victim—are tracked through the first incident to graduation to attain successful outcomes for both students.³⁵

²⁷ Table 2.

²⁸ 2010 Census of Population and Housing and Nevada Department of Education, Office of Child Nutrition and School Health, 2009-10 school year.

²⁹ Figure 2.

³⁰ Ibid.

³¹ See district official “response to bullying.”

³² Washoe County School District, Youth Risk Behavior Survey Results, Jan. 22, 2012, p. 11.

³³ Interview, Katherine Loudon, Counseling Coordinator, Washoe County School District, interview, Nov. 9, 2012.

³⁴ Ibid.

³⁵ Ibid.

Trends in student assaults for Clark County and Washoe County School Districts

For CCSD, the overall trend in student assaults has decreased in recent years. Five years ago, more than 6,000 incidents of student-on-student assaults were reported.³⁶ In school year 2011-12, there were 4,392 reported assaults—the lowest in the past five years.

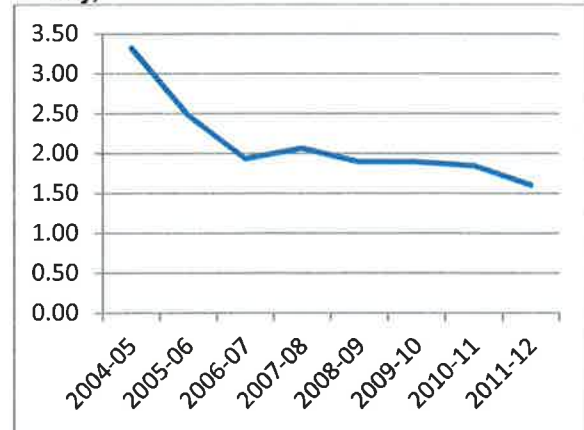
For WCSD, the other large school district in the state with a large city as part of its district, student-on-student assaults do not show a decreasing trend in recent years. Eight years ago the number of reported assaults was 1,694. The number peaked in the 2009-10 school year at 2,060, and in the most recent school year the number is lower than that observed eight years ago, 1,546.³⁷

Collectively in the most recent school year, the two school districts accounted for 84 percent of total enrollment in all Nevada public schools. Moreover, that percentage of total enrollment has been consistent over the past eight years.

Notably, however, the two school districts have been accountable for a slightly higher percentage of all student-on-student assaults than their proportion of students would indicate. While during the 8-year period, 2004-2012, the two school districts combined account for an average of 85 percent of all students, during the same period the two districts combined to account for about 90 percent of all reported student-on-student assaults that resulted in a disciplinary action.³⁸

Overall numbers, though, do not depict an accurate representation of the data in school education research. The most commonly used data employed for comparison purposes is the per-child factor. Utilizing per-child data for the most recent 8-year period, the number of incidents of student-on-student violence in the two school districts has declined markedly.

Figure 3. Per 100 students, combined student-on-student assaults for Clark County and Washoe county, SY 2004-05 to SY 2011-12



Source: Nevada Advisory Committee from Nevada Department of Education data.

In the 2004-05 school year, the combined number of reported student-on-student assaults was 11,381. That was a rate of 3.3 assaults for every 100 students. Since that school year, the per-child number of assaults has decreased during the past eight years to a level that is half that eight years ago.³⁹ Specifically, in the 2011-12 school year, the combined number of student-on-student assaults was 5,938. This number is half the number that occurred eight years earlier and—correspondingly—the number of assaults per 100 children number has declined to 1.6.⁴⁰

As previously noted, new state law requires staff members to report violations to the building principal for investigation. CCSD reported that during the 2011-12 school year there were 2,862 observed peer-to-peer bullying incidents.⁴¹ This number is about two times the reported 1,584 incidents of peer-to-peer bullying for which there was disciplinary action.

If the experience of CCSD reflects the situation in other school districts, the data suggest that individually reported incidents of bullying may exaggerate the number of severe bullying incidents that are occurring in the state's schools.

³⁶ Ibid.

³⁷ Nevada Advisory Committee from Nevada Department of Education data.

³⁸ The collective percentage of student assaults for the two districts for the eight school years: 2004-05 to 2011-12 are: 92.4; 90.1; 81.6; 87.6; 89/5; 89.2; 88.9; and 87.8 (Nevada Advisory Committee from Nevada Department of Education data.).

³⁹ The collective per-100 child number of student assaults for the two districts for the eight school years: 2004-05 to 2011-12 are: 3.32; 2.48; 1.93; 2.07; 1.90; 1.90; 1.85; and 1.60 (Nevada Advisory Committee from Nevada Department of Education data.).

⁴⁰ Figure 3.

⁴¹ CCSD, letter to Peter Minarik, Jan. 24, 2013, Western Regional Office files.

Risk of student assault higher in schools with higher proportions of minority students

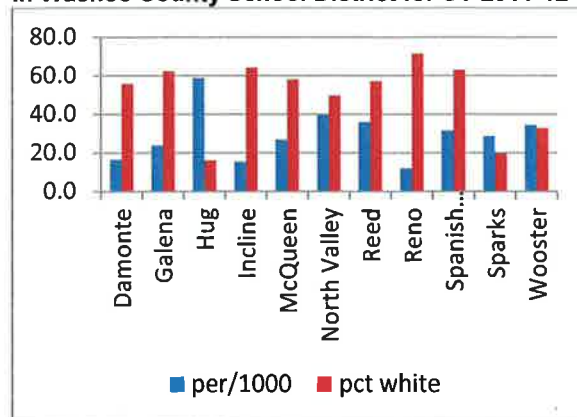
Student violence generally involves federal civil rights laws where it meets the heightened legal standard for harassment. As previously noted, the interpretation of the U.S. Department of Education regarding violation of federal law is that school districts violate federal civil rights laws when harassment based on race, color, national origin, sex or disability is sufficiently serious to create a hostile environment and school employees encourage, tolerate, do not adequately address, or ignore the harassment.⁴² An aggregated examination of assault data in Clark and Washoe County school districts raises concern with respect to federal civil rights laws and equal educational opportunity.⁴³

In the Clark and Washoe County School Districts, the Nevada Advisory Committee examined assault data for the mostly reported school year for the district's ten regular high schools and the 14 middle schools. In Washoe County, there was a significant correlation between the likelihood of a student assault and the percentage of minority children in the school. That is, preliminary data analysis by the Nevada Advisory Committee suggests that a student is more likely to encounter a "hostile environment" in a school that is predominantly non-white.

High correlation in Washoe County high schools and middle schools between percent of non-white students and likelihood of student assault

In the ten Washoe County regular high schools, the correlation between the percent of the student population that is non-white and the number of assaults per 1,000 students is statistically significant ($r=0.69$). A similar positive and significant correlation exists in the district's middle schools ($r=0.60$).

Figure 4. Per 1,000 student assaults and percent of students that are white for regular high schools in Washoe County School District for SY 2011-12



Source: Nevada Advisory Committee from Nevada Department of Education data.

What the above data suggest in terms of equal educational opportunity is that minority students are increasingly likely to be assaulted in the course of a school year as the school becomes more and more minority. Conversely, students in schools with high percentages of white students are at a significantly lower risk of student assault.

However, for the other large urban school district in the state, the Clark County School District, such a trend does not seem to be present. In the Clark County school district, among the 42 regular high schools the Nevada Advisory Committee found virtually no relationship between the likelihood of assault and the racial and ethnic demographics of the student population. In other words, the rate of student assault appears to be independent of the racial/ethnic mix of the students in the school ($r=0.09$).⁴⁴

Of note, however, the above result only holds in Clark County for high schools. Among the district's 45 middle schools, there is a significant and positive relationship between the likelihood of an assault and the percentage of students in a school being persons of a racial or ethnic minority group ($r=0.44$).⁴⁵

⁴² Russlynn Ali, Asst. Secretary, OCR, U.S. Department of Education, *Commission Bullying Report*, p. 9.

⁴³ The analysis by the Nevada Advisory Committee examined collective school data, but did not examine data at the individual student level.

⁴⁴ All correlations are considered significant at the 0.05 level of significance.

⁴⁵ Ibid.

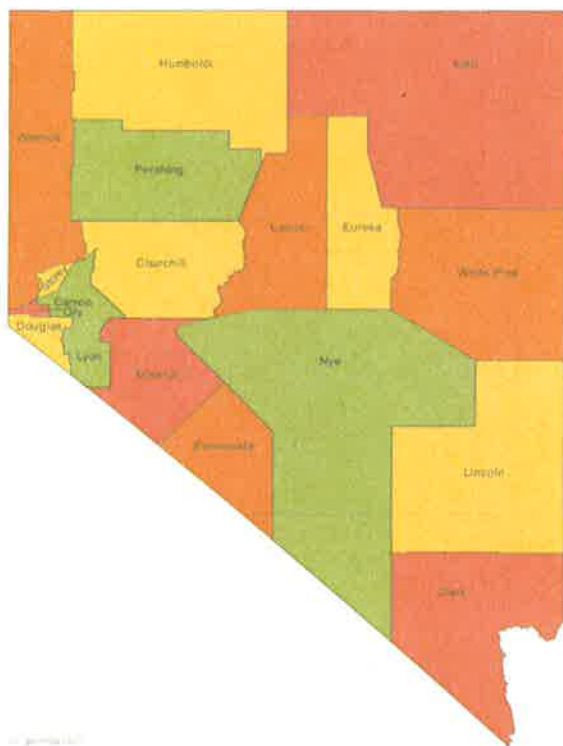
Seven smaller urban-center Districts examined

In contrast to the two large urban-centered districts, the Nevada Advisory Committee examined seven other school districts with an urban center. These districts included:

- Carson City School District
- Churchill County School District
- Douglas County School District
- Elko County School District
- Humboldt County School District
- Lyon County School District
- Nye County School District

Whereas the Clark County School District and the Washoe County School District had enrollments of approximately 315,000 and 64,000 students respectively, enrollment in the other seven examined school districts ranged from a low of 3,400 students to a high of 9,500 students.

Figure 5: Counties of Nevada



Source: Geology.com maps.

While median household income for both Clark and Washoe is about \$56,000, the range in median household income in the seven smaller districts was \$41,000 (Nye County) to \$67,000 (Lyon County). Median income in three of the districts, Carson City, Churchill, and Humboldt, were essentially the same as that of the two large districts.

Smaller school districts are generally viewed as allowing for a more personal educational experience. In school districts with fewer families and students, school officials live in the immediate community. As a result it is not unusual for district superintendents and officials to be acquainted on a first name basis with a large percentage of the families and students. Some educational research suggests that as a result there are likely to be proportionately fewer discipline problems.

Total district enrollment at the seven smaller examined school districts is markedly lower than in the Clark County and Washoe County School Districts. However, student-to-teacher ratios are similar across the nine districts. As a result, across the nine examined school districts there is a proportionate number of adults in the school to the number of children.

While the Clark and Washoe County School Districts have a student-to-teacher ratio of 23:1, the student-to-teacher ratio for the seven smaller school districts ranges from 21:1 (Elko) to 24:1 (Churchill).⁴⁶ This suggests that regardless of school district size, there is a near equal proportionate number of teachers to students in all nine school districts examined.

This is a critical aspect to any examination of school discipline data in Nevada, as any teacher who witnesses an assault or bullying is obligated under state law to report the incident to the building principal.⁴⁷

⁴⁶ Nevada Department of Education, School Report Card data, 2011-12 school year.

⁴⁷ *Supra* footnote 13.

Carson City School District

The Carson City School District (C-CSD) has a total enrollment of about 7,530 students. Demographically, white students at 53 percent and Hispanic students at 40 percent represent the majority of the school population.⁴⁸

Median household income in the school district is \$52,067. This is below the state average of \$55,600. In addition, a high percentage of district students, 50.8 percent, qualified for free or reduced lunch in 2011-12.⁴⁹

Table 3: Student enrollment in the Carson City Public School District by race and ethnicity, 2010-2011 school year

	Number	Percent
White	4,112	52.8
Hispanic	3,046	39.1
Other	633	8.1
Total	7,791	100

Source: Nevada Department of Education, Administration and Fiscal Services.

Peer-to-Peer Bullying in C-CSD

In the 2011-12 school year, C-CSD reported to the state two incidents of peer-to-peer bullying serious enough to warrant disciplinary action.⁵⁰ In the same school year, the district reported 12 incidents of student-on-student assault.⁵¹ The previous four years, student-on-student assaults in the district ranged from 24 to 32.⁵² With respect to incidents severe enough to rise to the level of district disciplinary action, while about 5 of every 3,000 students are assaulted just 1 in 3,000 are bullied

C-CSD also provided the Nevada Youth Risk Behavior Survey (YRBS), which reported that during a 30-day period 6 percent of all students in the state did not go to school on one or more days because they felt unsafe.⁵³

⁴⁸ Susan Keema, Carson City School District, letter to Western Regional Office (WRO), Mar. 11, 2013, WRO files.

⁴⁹ Ibid.

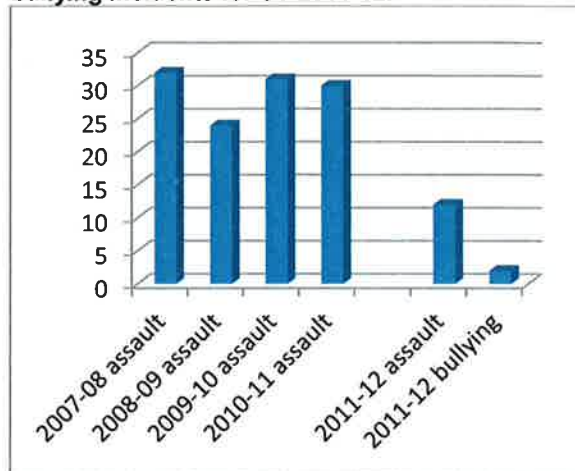
⁵⁰ Figure 6.

⁵¹ Ibid.

⁵² Ibid.

⁵³ C-CSD school bullying data submission to the Nevada Advisory Committee, Sept. 4, 2012, enclosure, 2011 Nevada Youth Risk Behavior Survey (Western Regional Office files).

Figure 6. Carson City School District, reported student-on-student assaults for SY 2007-08, SY 2008-09, SY 2009-10, SY 2010-11, SY 2011-12 and bullying incidents for SY 2011-12.



Source: Nevada Advisory Committee from Nevada Department of Education data. (Note: SY 2011-12 was the first year bullying incidents were reported.)

District Response to Bullying

The C-CSD believes a safe and respectful environment is essential for pupils to achieve academic and career success. District policy informs students, employees and parents and/or guardians that C-CSD will not tolerate bullying of any kind. Being proactive is the best defense.

Yearly training occurs for district staff and students in appropriate methods to facilitate positive human relations among students without the use of bullying, cyber-bullying, and harassment and/or intimidation.

C-CSD promotes two way communications with parents and/or guardians with the purpose of replacing inappropriate behavior with positive behavior. Educational materials have been purchased from research based organizations on bullying.

Most important is promoting a caring environment with an individualized graduation plan for each student which promotes college and career readiness. As a result, assaults among students declined in 2011-12 as shown in Figure 6.⁵⁴

⁵⁴ Susan Keema, Carson City School District, letter to Western Regional Office (WRO), Mar. 14, 2013, WRO files.

Churchill County School District

The Churchill County School District (ChCSD) is a small school district, with a total enrollment of a little more than 4,000 students. Demographically, no racial ethnic group is a majority, although whites are the largest racial group at 65 percent. Hispanics are 17 percent of all students, and there are 222 American Indian students in the district.⁵⁵ The median household income in the county is \$51,579, which is below the average of the state. Almost half of all students, 43 percent, qualify for free or reduced lunch.⁵⁶

Table 4: Student enrollment in the Churchill County Public School District by race and ethnicity, 2010-2011 school year

	Number	Percent
White	4,169	65.0
Hispanic	732	17.6
American Indian	266	6.4
Total	4,169	100

Source: Nevada Department of Education, Administration and Fiscal Services.

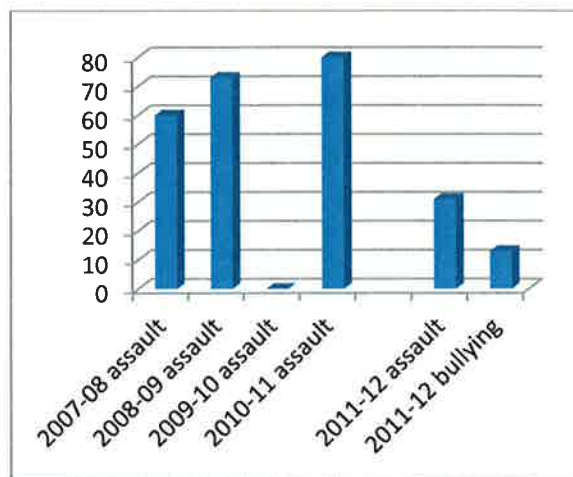
Peer-to-Peer Bullying in ChCSD

In the 2011-12 school year, ChCSD reported 13 incidents of peer-to-peer bullying for which there was disciplinary action.⁵⁷ The data suggest that only 3 students in 1,000 are bullied to an extent that disciplinary action is warranted. In contrast, there were 31 incidents of student-on-student assault.⁵⁸

In response to a request for information, the ChCSD reported a total of 93 bullying incidents in the SY 2011-12 school year. Among different age groups, middle school students were bullied with the most frequency, 39 of the 93 incidents (41 percent).⁵⁹

This suggests that district reporting to the state on bullying incidents, which only reports those for which there was a disciplinary action, likely understates the number of actual bullying incidents experienced by students.

Figure 7. Churchill School District, reported student-on-student assaults for SY 2007-08, SY 2008-09, SY 2009-10, SY 2010-11, SY 2011-12 and bullying incidents for SY 2011-12.



Source: Nevada Advisory Committee from Nevada Department of Education data. (Note: SY 2011-12 was the first year bullying incidents were reported.)

District Response to Bullying

Kimi Melendy told the Nevada Committee that peer-to-peer violence is a top priority within the district. The issue is kept in the forefront for the students, teachers, parents and community, and she emphasized that all reports of bullying are investigated.⁶⁰

To address bullying, a number of targeted programs have been implemented including: peer mediation and military liaisons due to the close proximity to the Fallon Naval Air Station and the large number of military dependents enrolled in the district. Students and staff are also educated that if they do not report incidents of bullying, they are part of the problem.⁶¹

According to Melendy, "The Churchill District believes it is appropriately addressing the issue of peer to peer violence. OLWEUS, a researched-based anti-bullying program, is in the early implementation stages. There is ongoing training that includes awareness, education and continuing training for teachers. These programs collectively have all helped to make the district's anti-bullying programs effective."⁶²

⁵⁵ Table 4.

⁵⁶ 2010 Census of Population and Housing and Nevada Department of Education, Office of Child Nutrition and School Health, 2009-10 school year.

⁵⁷ Figure 7.

⁵⁸ Ibid.

⁵⁹ Ibid.

⁶⁰ Interview, Kimi Melendy, Director of Curriculum, Churchill County School District, telephone interview, Nov. 5, 2012.

⁶¹ Ibid.

⁶² Ibid.

Douglas County School District

Among the nine school districts examined, the Douglas County School District (DCSD) is a medium size district with an enrollment of about 6,300 students. Nearly three-fourths of all students are white. Hispanic students are the largest minority group comprising 18 percent of all students.⁶³

Median household income in the county is \$60,721, which is above the average for the state. About one-third of students qualify for free or reduced lunch, the lowest rate among the nine examined school districts.⁶⁴

Table 5: Student enrollment in the Douglas County Public School District by race and ethnicity, 2010-2011 school year

	Number	Percent
White	4,453	70.3
Hispanic	1,172	18.5
Other	711	11.2
Total	6,336	100

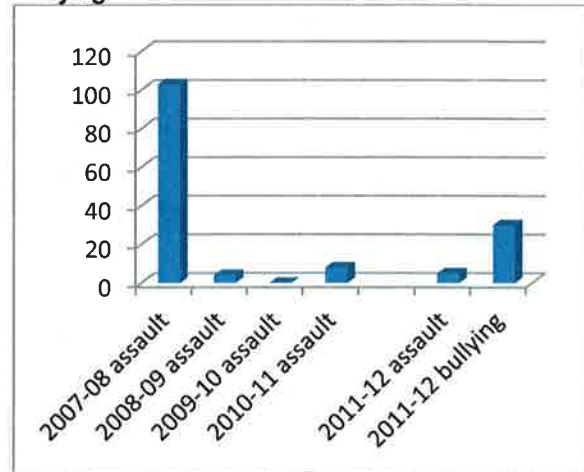
Source: Nevada Department of Education public education accountability website located at www.nevadareportcard.com.

Peer-to-Peer Bullying in DCSD

In the 2011-12 school year, DCSD reported 30 incidents of peer-to-peer bullying for which there was disciplinary action.⁶⁵ The data suggest that 4 students in 1,000 are bullied to an extent that disciplinary action is warranted. In contrast, there were only five incidents of student-on-student assault.⁶⁶

However, in response to a survey from the Committee, in SY 2011-12 DCSD reported a total of 34 peer-to-peer bullying incidents. The district also reported 43 incidents in SY2010-11 and 72 incidents in the 2009-10 school year.⁶⁷ Data from the three school years imply that about 1 in every 140 students experiences some form of bullying.

Figure 8. Douglas School District, reported student-on-student assaults for SY 2007-08, SY 2008-09, SY 2009-10, SY 2010-11, SY 2011-12 and bullying incidents for SY 2011-12.



Source: Nevada Advisory Committee from Nevada Department of Education data. (Note: SY 2011-12 was the first year bullying incidents were reported.)

District Response to Bullying

Lyn Gorrindo told the Nevada Committee the district does not view peer-to-peer violence as a serious issue in their area because of proactive programs the district has put in place. As part of this program, the district has a 24-hour timeline to initiate an investigation for all reported incidents of bullying. There is also an anonymous “safe line” for those students who feel they are victims of bullying.⁶⁸

According to Gorrindo, “For Douglas County, awareness is (our) most effective tool. In addition to the “safe line,” the following programs have been implemented; Safe School Ambassadors, Anti-bullying Campaigns and Staff Awareness Training. Administrators also have access to the State of Nevada’s website with scripted talking points, best practices and guidance for bullying. The only trend the district is seeing is cyber-bullying. Cyber-bullying seems to have increased, although it was not previously tracked separately.”⁶⁹

⁶³ Table 5.

⁶⁴ 2010 Census of Population and Housing and Nevada Department of Education, Office of Child Nutrition and School Health, 2009-10 school year.

⁶⁵ Figure 8.

⁶⁶ Ibid.

⁶⁷ DCSD school bullying data submission to the Nevada Advisory Committee, Aug. 20, 2012 (Western Regional Office files).

⁶⁸ Interview, Lyn Gorrindo, Assistant Superintendent, Douglas County School District, telephone interview, Nov. 5, 2012.

⁶⁹ Ibid.

Elko County School District

The Elko County School District (ECSD) is one of the largest school districts of the nine examined. The district has a total enrollment of almost 10,000 students. Demographically the majority of students in the district are white, but Hispanic students are nearly one-third of total enrollment.⁷⁰ Median household income in the county is \$67,038, the highest in the state. Despite the high median income, 35 percent of students still qualify for free or reduced lunch.⁷¹

Table 6: Student enrollment in the Elko County Public School District by race and ethnicity, 2010-11 school year

	Number	Percent
White	5,956	62.3
Hispanic	2,767	29.0
Other	833	8.7
Total	9,556	100

Source: Nevada Department of Education, Administration and Fiscal Services.

Peer-to-Peer Bullying in ECSD

In the 2011-12 school year, ECSD reported no incidents of peer-to-peer bullying for which there was disciplinary action.⁷² In contrast, there were 138 incidents of student-on-student assault for which there was a disciplinary action.⁷³ Such data imply that more than one in every 100 students in the district is seriously assaulted in a school year.

Nevada law now specifically bans bullying, harassment and intimidation in school and state law now requires staff members to report violations to the building principal for investigation. At the request of the Committee, the ECSD reviewed all of its behavioral incidents during the 2011-12 school year. A reconciliation of behavioral incidents for the 2011-12 school year showed the total number of bullying, cyber-bullying, harassment, or intimidation incidents in ECSD was 211.⁷⁴

⁷⁰ Table 6.

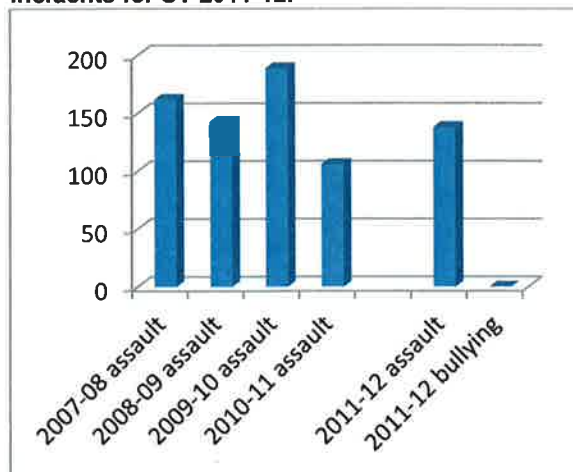
⁷¹ 2010 Census of Population and Housing and Nevada Department of Education, Office of Child Nutrition and School Health, 2009-10 school year.

⁷² Figure 9.

⁷³ Figure 5.

⁷⁴ Mike Smith, Assistant Superintendent, ECSD, letter to WRO, Apr. 22, 2013.

Figure 9. Elko School District, reported student-on-student assaults for SY 2007-08, SY 2008-09, SY 2009-10, SY 2010-11, SY 2011-12 and bullying incidents for SY 2011-12.



Source: Nevada Advisory Committee from Nevada Department of Education data. (Note: SY 2011-12 was the first year bullying incidents were reported.)

District Response to Bullying

With respect to bullying incidents, district officials reported to the Committee that ECSD tracks and provides data to a variety of state and federal agencies annually with respect to student disciplinary issues.⁷⁵

⁷⁵ Ibid.

Humboldt County School District

The Humboldt County School District (HCSD) is the smallest of the nine examined school districts. Total enrollment is almost 3,400 students. White and Hispanic students comprise 90 percent of all students, at 57 percent and 34 percent respectively.⁷⁶

Median household income is \$55,656, equal to the average for the state. The percent of students qualifying for free or reduced lunch, 33 percent, is among the lowest of the nine school districts examined.⁷⁷

Table 7: Student enrollment in the Humboldt County Public School District by race and ethnicity, 2010-11 school year

	Number	Percent
White	1,948	57.7
Hispanic	1,159	34.3
Other	272	8.0
Total	3,379	100

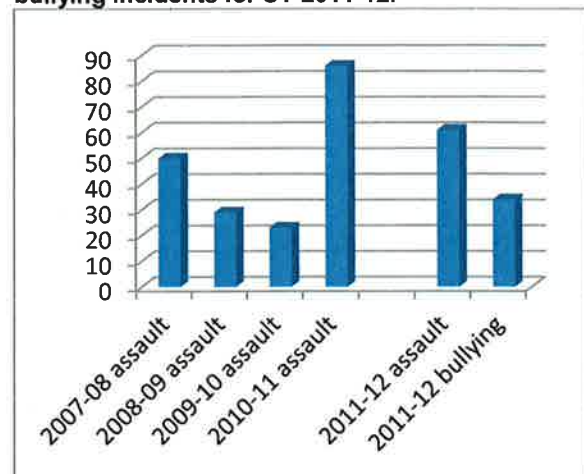
Source: Nevada Department of Education, Administration and Fiscal Services.

Peer-to-Peer Bullying in HCSD

In the 2011-12 school year, HCSD reported to the state department of education 34 incidents of peer-to-peer bullying for which there was disciplinary action.⁷⁸ There were 61 reported incidents of student-on-student assault.⁷⁹ The reported assault data is similar to the average of the nine examined districts in the rate of students assaulted.

While the data imply that more than two times as many students in the district are assaulted as bullied, it also highlights the wide disparity in bullying reports to the state. While HCSD reports a higher number of bullying incidents than other districts, further examination by the Committee indicates that the higher numbers observed in HCSD are most likely due to the district having engaged in a high profile initiative to identify and report bullying incidents.

Figure 10. Humboldt School District, reported student-on-student assaults for SY 2007-08, SY 2008-09, SY 2009-10, SY 2010-11, SY 2011-12 and bullying incidents for SY 2011-12.



Source: Nevada Advisory Committee from Nevada Department of Education data. (Note: SY 2011-12 was the first year bullying incidents were reported.)

District Response to Bullying

David Jensen, Superintendent of the Humboldt School District, told the Nevada Advisory Committee that bullying is an issue in the district. Notably, although the district is diverse racially and ethnically, bullying incidents seem to occur by individuals against other persons within these groups and not against persons of other groups. Teachers and staff are taught to use a reasonable person rule to distinguish between normal teasing and serious bullying.⁸⁰

“There is a bullying ‘bubble’ in middle school. To speak to this, the district has put in place a focus on its elementary schools to preempt such incidents. Overall, the district is adequately addressing the bullying issue but there is always more that could be done.”⁸¹

Apart from bullying, however, is a primary concern over peer-to-peer violence. “At the high school there has been a noticeable up-tick in fights.”⁸² To address that issue and bullying and after the Columbine High School shooting, the district instituted Rachel’s Challenge program.⁸³

⁷⁶ Table 7.

⁷⁷ 2010 Census of Population and Housing and Nevada Department of Education, Office of Child Nutrition and School Health, 2009-10 school year.

⁷⁸ Figure 10.

⁷⁹ Ibid.

⁸⁰ Interview, David Jensen, Superintendent, Humboldt County School District, telephone interview, Nov. 9, 2012.

⁸¹ Ibid.

⁸² Ibid.

⁸³ Ibid.

Lyon County School District

The Lyon County School District (LCSD) is a medium size district of those examined, with a total student enrollment of 8,500 students. Two-thirds of the student body is white, while Hispanics comprise the largest minority group, 24 percent of total enrollment.⁸⁴

Median household income in the county is \$48,433, substantially below the average for the state. Nearly 40 percent of students qualify for free or reduced lunch.⁸⁵

Table 8: Student enrollment in the Lyon County Public School District by race and ethnicity, 2010-11 school year

	Number	Percent
White	5,544	65.2
Hispanic	2,066	24.3
Other	890	10.5
Total	8,500	100

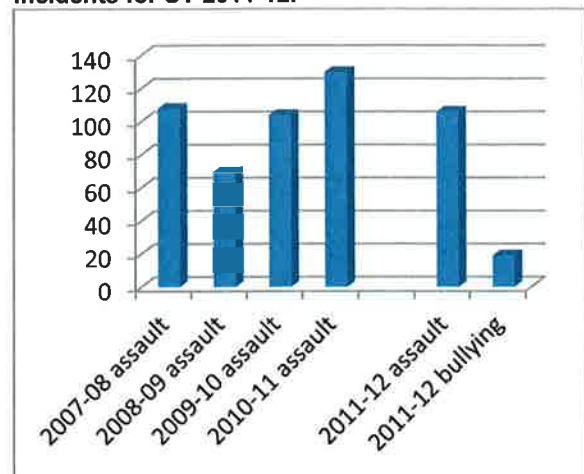
Source: Nevada Department of Education, Administration and Fiscal Services.

Peer-to-Peer Bullying in LCSD

In the 2011-12 school year, LCSD reported 19 incidents of peer-to-peer bullying for which there was disciplinary action.⁸⁶ Such data suggests that only two students in 1,000 are subjected to bullying. The Nevada Committee requested the district provide data on all reported bullying incidents, and the district reply did not reveal a higher number of incidents than reported to the state.⁸⁷

In contrast, there were 106 incidents of student-on-student assault.⁸⁸ This data implies that more than five times as many students in the district are assaulted as bullied. Both the bullying numbers reported to the state by LCSD as well as the number of student on student assaults are similar to the overall per student incident rates reported by the other nine examined school districts.

Figure 11. Lyon School District, reported student-on-student assaults for SY 2007-08, SY 2008-09, SY 2009-10, SY 2010-11, SY 2011-12 and bullying incidents for SY 2011-12.



Source: Nevada Advisory Committee from Nevada Department of Education data. (Note: SY 2011-12 was the first year bullying incidents were reported.)

District Response to Bullying

Julie Leavitt, Director of human resources, told the Nevada Committee that LCSD continues to reinforce what constitutes bullying and harassment. Part of that effort includes examining incidents for possible trends.

Regarding the 19 bullying incidents, nine came from one high school—the district's largest, with three associated with sexual remarks and the remaining as isolated incidents. One incident from each of the second and third largest high schools were associated with sexual remarks. Four of the incidents in the middle school were associated with sexual remarks.⁸⁹

The district acknowledged knowledge of its obligation to investigate all reports of bullying within 24 hours and complete the research within 10 days. The discipline that occurred for the 19 bullying incidents included: parent conferences, detention, in-school suspension, and out-of-school suspension.⁹⁰

⁸⁴ Table 8.

⁸⁵ 2010 Census of Population and Housing and Nevada Department of Education, Office of Child Nutrition and School Health, 2009-10 school year.

⁸⁶ Figure 11.

⁸⁷ LCSD school bullying data submission to the Nevada Advisory Committee, Aug. 20, 2012 (Western Regional Office files).

⁸⁸ Ibid.

⁸⁹ Julie Leavitt, Director of Human Resources, Lyon County School District, letter, Nov. 29, 2012.

⁹⁰ Ibid.

Nye County School District

The Nye County School District (NCSD) is one of the smaller districts examined. The district has an enrollment of almost 6,000 students. The student population is about 70 percent white. Hispanics comprise 23 percent of all students, while students from other racial and ethnic backgrounds are 8 percent of students.⁹¹

Median household income in the district is \$41,181, the lowest in the state. As might be expected, the district has the highest percentage of students that qualify for free or reduced lunch, 57 percent.⁹²

Table 9: Student enrollment in the Nye County Public School District by race and ethnicity, 2010-11 school year

	Number	Percent
White	4,059	68.4
Hispanic	1,359	22.9
Other	514	8.7
Total	5,932	100

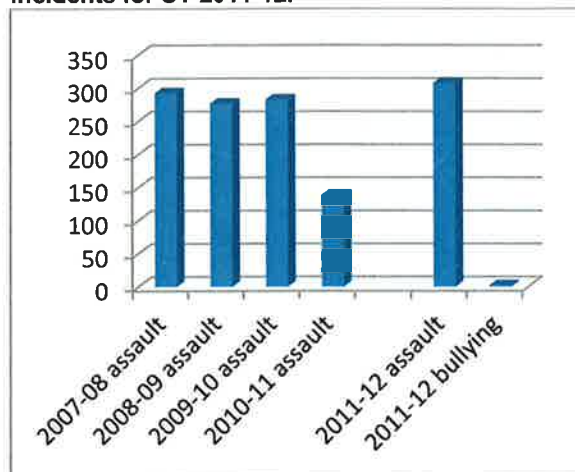
Source: Nevada Department of Education, Administration and Fiscal Services.

Peer-to-Peer Bullying in NCSD

In the 2011-12 school year, NCSD reported only two incidents of peer-to-peer bullying for which there was disciplinary action.⁹³ The data suggest that only 1 student in every 2,500 are bullied to an extent that warrants disciplinary action.

In contrast, in the same school year there were 308 incidents of student-on-student assault.⁹⁴ The number of student assaults has remained relatively constant over the past several years, and suggests that about five students out of every 100 are victims of an assault during the school year.⁹⁵

Figure 12. Nye School District, reported student-on-student assaults for SY 2007-08, SY 2008-09, SY 2009-10, SY 2010-11, SY 2011-12 and bullying incidents for SY 2011-12.



Source: Nevada Advisory Committee from Nevada Department of Education data. (Note: SY 2011-12 was the first year bullying incidents were reported.)

District Response to Bullying

Notably, the reported per student bullying incident rate in NCSD is lower generally than what is reported from the other examined districts. The reported rate is approximately 1/10 of the overall aggregate rate. District officials commented on this.

“The Nye County School District recognized a discrepancy in the student assault and bullying reporting in July of 2012. Beginning in August of 2012, the NCSD has trained its administrators and secretaries on the accurate input of this data. The district is already seeing results.”⁹⁶

⁹¹ Table 9.

⁹² 2010 Census of Population and Housing and Nevada Department of Education, Office of Child Nutrition and School Health, 2009-10 school year.

⁹³ Figure 12.

⁹⁴ Ibid.

⁹⁵ Ibid.

⁹⁶ Sheena Barnes, Director of Human Resources, Nye County School District, letter to Peter Minarik, Mar. 11, 2013, Western Regional Office files.

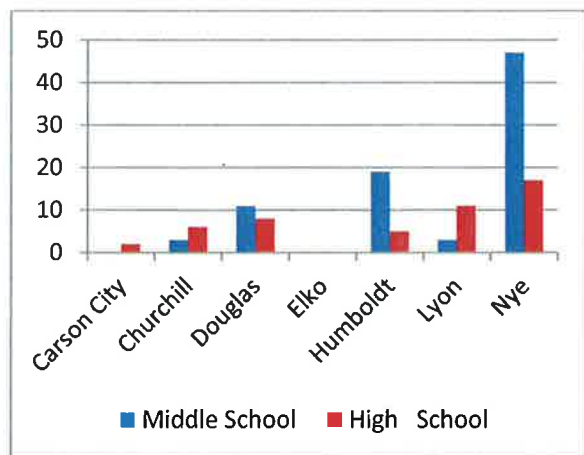
Patterns in assaults and bullying among seven smaller districts—

Middle School students are the most common target of reported bullying

Among the selected seven smaller school districts examined in Nevada, middle school students were found to be the group of students most susceptible to bullying. High school students are the group of students most susceptible to assault.

Overall, there were 83 incidents of bullying against middle school students that resulted in a disciplinary action. In contrast, there were only 49 bullying incidents against high school students resulting in a disciplinary action—nearly half as many incidents.⁹⁷

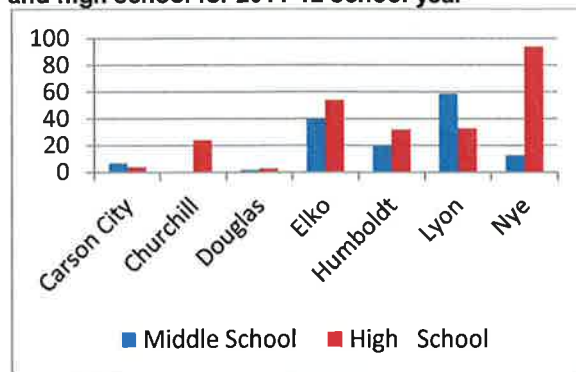
Figure 13. Reported bullying incidents for selected Nevada school districts by middle school and high school for 2011-12 school year



Source: Nevada Advisory Committee from Nevada Department of Education data.

Patterns in victimization are reversed when it comes to actual assaults. In the seven smaller school districts examined, during the 2011-12 school year there were 244 student assaults against high school students that resulted in a disciplinary action. Among middle school students there were 141 assaults, a rate of about 60 percent of that for high school students.⁹⁸

Figure 14. Reported student assault incidents for selected Nevada school districts by middle school and high school for 2011-12 school year



Source: Nevada Advisory Committee from Nevada Department of Education data.

School districts vary widely in per-child number of reported incidents

The rate of assaults and bullying incidents for which there is a disciplinary action vary widely among the seven smaller school districts examined. Carson City reports less than 2 students per 1,000 are assaulted to an extent that disciplinary action is taken. In contrast, in the Nye County School District 36 students per 1,000 are assaulted.⁹⁹

Per-child serious incidents of bullying show a similar wide variance among the examined districts. The Carson City School District is again among the lowest in reporting incidents. The district report shows less than 1 student in every 1,000 students is bullied to the degree that disciplinary action is warranted and the Elko School District reports no serious bullying incidents. In contrast, the Nye County School District reports 22 bullying incidents per 1,000 students, and the Humboldt County School District 12 incidents per 1,000 students.¹⁰⁰

The wide variance in reporting suggests local school districts have very different standards regarding these incidents. This lack of report standardization across districts makes reliable estimates of bullying and assaults in the public schools difficult to ascertain.

⁹⁹ Reported per-1,000 child assault incidents for the other districts are: Churchill—12.8; Douglas—1.7; Elko—17.7; Humboldt—26.4; and Lyon—21.7.

¹⁰⁰ Reported per-1,000 child bullying incidents for the other districts are: Churchill—4.8; Douglas—6.5; and Lyon—3.3.

⁹⁷ Figure 13.

⁹⁸ Figure 14.

Findings and Recommendations—

Findings:

1. Reports of violence in Nevada public schools have trended downward since 2006; similar to the downtrend in national numbers.
2. Publicly available state data only reports incidents that rise to the level of suspension or expulsion. Peer-to-peer violence reports are available from 2003 to present. Bullying data is only available from 2011.
3. Data elements collected are not sufficient to determine whether civil rights laws are triggered.
4. Data elements collected are not sufficient to determine any pattern of heightened incidents against students on basis of race, color, national origin, sex or disability.
5. Districts continue to work out reporting requirements and methods and there is substantial variance in reporting. There is a need for standardized rules for reporting.
6. Districts have written policies in place to prohibit and address incidents of violence and bullying.
7. Implementation can be problematic because efficacy depends on resources and active participation of all stake holders; parents, students, faculty.
8. Some data is available from public charter schools but is incomplete.

Recommendations:

1. The Nevada Advisory Committee recommends to the U.S. Commission on Civil Rights that it advocate to the Nevada Department of Education and other state departments of education that standardized rules for reporting student assaults and bullying incidents be established.
 - Such standardization rules should include public reporting of all incidents, not just those resulting in suspension or expulsion.
 - Standardized rules should include data elements sufficient to determine compliance with civil rights laws; such as demographic data on those involved.
 - Standardized rules should include reporting from regular public schools, charter schools and private schools.
2. The Nevada Advisory Committee should re-examine the issue in five years when sufficient bullying data has been collected.¹⁰¹

¹⁰¹ The views expressed in this report and the findings and recommendations contained herein are those of the Nevada Advisory Committee members and do not necessarily represent the views of the Commission or its individual members, nor do they represent the policies of the U.S. Government.

**APPENDIX--NEVADA REVISED STATUTES
CHAPTER 388 - SYSTEM OF PUBLIC INSTRUCTION
PROVISION OF SAFE AND RESPECTFUL LEARNING ENVIRONMENT
GENERAL PROVISIONS**

NRS 388.121 Definitions. As used in NRS 388.121 to 388.139, inclusive, unless the context otherwise requires, the words and terms defined in NRS 388.122 to 388.129, inclusive, have the meanings ascribed to them in those sections.

NRS 388.122 “Bullying” defined. “Bullying” means a willful act which is written, verbal or physical, or a course of conduct on the part of one or more persons which is not authorized by law and which exposes a person one time or repeatedly and over time to one or more negative actions which is highly offensive to a reasonable person and:

1. Is intended to cause or actually causes the person to suffer harm or serious emotional distress;
2. Places the person in reasonable fear of harm or serious emotional distress; or
3. Creates an environment which is hostile to a pupil by interfering with the education of the pupil.

NRS 388.123 “Cyber-bullying” defined. “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. As used in this section, “sexual image” has the meaning ascribed to it in NRS 200.737.

NRS 388.124 “Electronic communication” defined. “Electronic communication” means the communication of any written, verbal or pictorial information through the use of an electronic device, including, without limitation, a telephone, a cellular phone, a computer or any similar means of communication.

NRS 388.125 “Harassment” defined. “Harassment” means a willful act which is written, verbal or physical, or a course of conduct that is not otherwise authorized by law, is highly offensive to a reasonable person and:

1. Is intended to cause or actually causes another person to suffer serious emotional distress;
2. Places a person in reasonable fear of harm or serious emotional distress; or
3. Creates an environment which is hostile to a pupil by interfering with the education of the pupil.

NRS 388.129 “Intimidation” defined. “Intimidation” means a willful act which is written, verbal or physical, or a course of conduct that is not otherwise authorized by law, is highly offensive to a reasonable person and:

1. Poses a threat of immediate harm or actually inflicts harm to another person or to the property of another person;
2. Places a person in reasonable fear of harm or serious emotional distress; or
3. Creates an environment which is hostile to a pupil by interfering with the education of the pupil.

NRS 388.132 Legislative declaration concerning safe and respectful learning environment. The Legislature declares that:

1. A learning environment that is safe and respectful is essential for the pupils enrolled in the public schools in this State to achieve academic success and meet this State’s high academic standards;
2. Any form of bullying, cyber-bullying, harassment or intimidation in public schools seriously interferes with the ability of teachers to teach in the classroom and the ability of pupils to learn;
3. The use of the Internet by pupils in a manner that is ethical, safe and secure is essential to a safe and respectful learning environment and is essential for the successful use of technology;
4. The intended goal of the Legislature is to ensure that:
 - (a) The public schools in this State provide a safe and respectful learning environment in which persons of differing beliefs, characteristics and backgrounds can realize their full academic and personal potential;
 - (b) All administrators, principals, teachers and other personnel of the school districts and public schools in this State demonstrate appropriate behavior on the premises of any public school by treating other persons, including, without limitation, pupils, with civility and respect and by refusing to tolerate bullying, cyber-bullying, harassment or intimidation; and
 - (c) All persons in public schools are entitled to maintain their own beliefs and to respectfully disagree without resorting to bullying, cyber-bullying, violence, harassment or intimidation; and
5. By declaring its goal that the public schools in this State provide a safe and respectful learning environment, the Legislature is not advocating or requiring the acceptance of differing beliefs in a manner that would inhibit the freedom of expression, but is requiring that pupils with differing beliefs be free from abuse and harassment.

NRS 388.1325 Bullying Prevention Fund: Creation; acceptance of gifts and grants; credit of interest and income; authorized uses by school district that receives grant.

1. The Bullying Prevention Fund is hereby created in the State General Fund, to be administered by the Superintendent of Public Instruction. The Superintendent of Public Instruction may accept gifts and grants from any source for deposit into the Fund. The interest and income earned on the money in the Fund must be credited to the Fund.
2. In accordance with the regulations adopted by the State Board pursuant NRS 388.1327, a school district that applies for and receives a grant of money from the Bullying Prevention Fund shall use the money for one or more of the following purposes:
 - (a) The establishment of programs to create a school environment that is free from bullying, cyber-bullying, harassment and intimidation;
 - (b) The provision of training on the policies adopted by the school district pursuant to NRS 388.134 and the provisions of NRS 388.121 to 388.139, inclusive; or
 - (c) The development and implementation of procedures by which the public schools of the school district and the pupils enrolled in those schools can discuss the policies adopted pursuant to NRS 388.134 and the provisions of NRS 388.121 to 388.139, inclusive.

Prohibition of Bullying, Cyber-Bullying, Harassment and Intimidation; Reports of Violations

NRS 388.1345 **Compilation of reports by Superintendent of Public Instruction; submission of written compilation to Attorney General.** [Replaced in revision by NRS 388.1355.]

NRS 388.135 **Bullying, cyber-bullying, harassment and intimidation prohibited.** A member of the board of trustees of a school district, any employee of the board of trustees, including, without limitation, an administrator, principal, teacher or other staff member, or any pupil shall not engage in bullying, cyber-bullying, harassment or intimidation on the premises of any public school, at an activity sponsored by a public school or on any school bus.

(Added to NRS by 2001, 1929; A 2009, 688)

NRS 388.1351 **Staff member required to report violation to principal; time period for initiation and completion of investigation; authorization for parent to appeal disciplinary decision.**

1. A teacher or other staff member who witnesses a violation of NRS 388.135 or receives information that a violation of NRS 388.135 has occurred shall verbally report the violation to the principal or his or her designee on the day on which the teacher or other staff member witnessed the violation or received information regarding the occurrence of a violation.

2. The principal or his or her designee shall initiate an investigation not later than 1 day after receiving notice of the violation pursuant to subsection 1. The investigation must be completed within 10 days after the date on which the investigation is initiated and, if a violation is found to have occurred, 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.

3. The parent or legal guardian of a pupil involved in the reported violation of NRS 388.135 may appeal a disciplinary decision of the principal or his or her designee, made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by the board of trustees of the school district.

(Added to NRS by 2011, 2244)

NRS 388.1352 **Establishment of policy by school districts for employees to report violations to law enforcement.** The board of trustees of each school district, in conjunction with the school police officers of the school district, if any, and the local law enforcement agencies that have jurisdiction over the school district, shall establish a policy for the procedures which must be followed by an employee of the school district when reporting a violation of NRS 388.135 to a school police officer or local law enforcement agency.

(Added to NRS by 2011, 2244)

NRS 388.1353 **Principal required to submit report of violations for each semester to school district; review and compilation of reports by school district; submission of compilation to Department.**

1. On or before January 1 and June 30 of each year, the principal of each public school shall submit to the board of trustees of the school district a report on the violations of NRS 388.135 which are reported during the previous school semester. The report must include, without limitation:

(a) The number of violations of NRS 388.135 occurring at the school or otherwise involving a pupil enrolled at the school which are reported during that period; and

(b) Any actions taken at the school to reduce the number of incidences of bullying, cyber-bullying, harassment and intimidation, including, without limitation, training that was offered or other policies, practices and programs that were implemented.

2. The board of trustees of each school district shall review and compile the reports submitted pursuant to subsection 1 and, on or before August 1, submit a compilation of the reports to the Department.

(Added to NRS by 2011, 2244)

NRS 388.1355 **Compilation of reports by Superintendent of Public Instruction; submission of written compilation to Attorney General.** The Superintendent of Public Instruction shall:

1. Compile the reports submitted pursuant to NRS 388.1353 and prepare a written report of the compilation.

2. On or before October 1 of each year, submit the written compilation to the Attorney General.

(Added to NRS by 2005, 705; A 2011, 2246)—(Substituted in revision for NRS 388.1345)

NRS 388.136 **School officials prohibited from interfering with disclosure of violations.**

1. A school official shall not directly or indirectly interfere with or prevent the disclosure of information concerning a violation of NRS 388.135.

2. As used in this section, "school official" means:

(a) A member of the board of trustees of a school district; or

(b) A licensed or unlicensed employee of a school district.

(Added to NRS by 2005, 705)

NRS 388.137 **Immunity for reporting of violations; exceptions.** No cause of action may be brought against a pupil or an employee or volunteer of a school who reports a violation of NRS 388.135 unless the person who made the report acted with malice, intentional misconduct, gross negligence, or intentional or knowing violation of the law.

(Added to NRS by 2005, 705)

NRS 388.139 **Text of certain provisions required to be included in rules of behavior.** Each school district shall include the text of the provisions of NRS 388.121 to 388.139, inclusive, and the policies adopted by the board of trustees of the school district pursuant to NRS 388.134 under the heading "Bullying, Cyber-Bullying, Harassment and Intimidation Is Prohibited in Public Schools," within each copy of the rules of behavior for pupils that the school district provides to pupils pursuant to NRS 392.463.

(Added to NRS by 2001, 1929; A 2005, 706; 2009, 688; 2011, 2246)

**Nevada Advisory Committee to the
United States Commission on Civil Rights**



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