

THE APPEAL PROCESS

SCHOOL LEVEL

The principal will conduct further investigation to determine if the decision from the original investigation is warranted.

DISTRICT LEVEL

If the parent or guardian do not agree with the outcome of the investigation at the school level, they may appeal at the school district/charter level

STATE LEVEL

If the parent or guardian does not agree with the outcome of the investigation at the district level, they may appeal at the state level through the Office of Safe and Respectful Learning Environment within 30 days.

YOUR RIGHTS:

- If your child is found to have been involved in a bullying incident, whether as the victim or the offender, and you do not agree with the decision, you may appeal the decision through proper channels. (refer to the appeal process.)
- If the school finds that bullying did not occur, information concerning the incident must not be included in the record of the reported alleged aggressor.
- If a child is investigated for bullying, but the school team finds that the actions were a result of the child's disability, and those actions are addressed under the child's IEP (individualized educational program), the school cannot apply the bullying laws. The school must still notify the parents of all reported victims and ensure that the incident has been addressed.
- If your child is found to be a victim of bullying, you may request that he or she be placed at another school within your district. Contact your school district's main office for more information.

For more information:

Visit SafeVoiceNV.org or contact the Office for a Safe and Respectful Learning Environment (OSRLE) at 775-687-9134



SAY



TO BULLYING



THE LAW

NEVADA REVISED STATUTES (NRS) 388.122-135 STATES THAT SCHOOLS HAVE A DUTY TO CREATE AND PROVIDE A SAFE AND RESPECTFUL LEARNING ENVIRONMENT FOR ALL STUDENTS THAT IS FREE OF BULLYING AND CYBER-BULLYING.

WHAT IS BULLYING?

(NRS 388.122)

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.

WHAT IS CYBER-BULLYING?

(NRS 388.123)

“Cyberbullying” 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. **Sexual image” (NRS 200.737)** means any visual depiction, including, without limitation, any photograph or video, of a minor simulating or engaging in sexual conduct or of a minor as the subject of a sexual portrayal.

WHAT IS DISCRIMINATION BASED ON RACE

(NRS 388.1235)

“Discrimination based on race” means any single, or repeated or pervasive act or acts, whether targeted to a specific person or targeted in general to any demographic identified in subsection 1:

1. Regarding the race, color, culture, religion, language, ethnicity, or national origin of a person that causes harm or creates a hostile work or learning environment, which may include, without limitation, jokes, threats, physical altercations or intimidation; and

2. That occurs in person, online, or in any other setting, including, without limitation, in the course of distance education.

Nevada’s bullying laws do NOT apply to children in pre-kindergarten or to incidents that occur from one adult to another adult in a school setting or any manifestation of a disability.

EFFECTS:

- Physically harming a person or damaging the property of a person
- Placing a person in reasonable fear of physical harm to the person or damage to the property of the person
- Creating an intimidating or hostile educational environment for the person
- 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.

BULLYING BEHAVIOR

- Target someone based on their 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.
- Target someone based on their association with another person having one or more of those actual or perceived characteristics.

It includes:

- Repeated or pervasive taunting, name-calling, belittling, mocking, or use of put-downs or demeaning humor
- Behavior that is intended to harm another person by damaging or manipulating his or her relationships with others, such as 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
- blackmail, extortion or demands for protection money, or involuntary loans or donations
- blocking access to any property or facility of a school
- stalking
- physically harmful contact with or injury to another person or his or her property..

It does not include expressions, acts, or gestures that are engaged in as part of a mutual disagreement or conflict.

HOW TO REPORT BULLYING, CYBERBULLYING, AND DISCRIMINATION BASED ON RACE?

STUDENTS

- Tell a trusted adult in your school: a counselor, teacher, coach, principal, etc.
- Tell your parents/ family members and seek help to report it to the school administrators/school office.

PARENTS

- Reach out to the school office personnel, your child’s classroom teacher, administrator, or school staff.

Parents and students may also report bullying, cyberbullying, or discrimination based on race via is SafeVoice platform.

What happens next?

- The school must immediately make sure that all students involved are safe.
 - The principal or designee will determine if law enforcement needs to be involved.
 - Parents of students directly involved in the reported bullying incident must be notified that an investigation will be conducted. This notification must happen before the time the school office closes on the school day that the report was made. If the bullying incident was reported after school office hours, the principal or designee will immediately notify the parents on the following day that it was reported.
 - A Safety Plan will be initially developed for the offender and the victim to ensure that both parties are safe.
 - The principal or designee will conduct an investigation by gathering statements from the victim, offender, and witnesses.
 - The investigation must be completed within five days from the day it was reported or within seven days if extenuating circumstances prevent the investigation from being completed in a timely manner.
 - After completing the investigation, the principal or designee will notify the parents about the result of the investigation and will send them a copy of the result.
 - The Safety Plan will be finalized and will be sent home to the parents for their signature to acknowledge the receipt of the safety plan along with the written result of the bullying investigation.
 - If the result of the investigation is unsubstantiated, the principal or designee will still ensure that the incident leading to the allegation is resolved.
 - If the result of the investigation is substantiated, the principal or designee will impose a resolution depending on the level of the offense.
 - If any of the parties do not agree with the result of the investigation, an appeal can be filed through the school district’s appeal process.
- Bullying, Cyberbullying, and Discrimination Based on Race are all treated and processed in the same manner.**