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ASSEMBLY BILL NO. 238—ASSEMBLYMAN CARRILLO

MARCH 5, 2019

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Referred to Committee on Education

**SUMMARY**—Revises provisions governing bullying and cyber-bullying of pupils. (BDR 34-105)

**FISCAL NOTE:** Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 1)  
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

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AN ACT relating to education; requiring regular monitoring to ensure compliance with certain requirements relating to follow-up after a reported incident of bullying or cyber-bullying; providing for a mental health screening of a reported aggressor and reported victim in an incident of bullying or cyber-bullying; requiring the electronic publication of a report concerning reported incidents of bullying and cyber-bullying; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law requires the administrator of a public school or his or her designee  
2 to investigate any report of bullying or cyber-bullying. (NRS 388.1351) If such an  
3 investigation confirms the report of bullying or cyber-bullying, this bill requires the  
4 administrator or his or her designee to: (1) request the consent of the parent or  
5 guardian of the reported aggressor and the reported victim to conduct a mental  
6 health screening for each; and (2) if such consent is granted, ensure that such a  
7 mental health screening is conducted.

8 Not later than 10 days after receiving a report of bullying or cyber-bullying,  
9 existing law requires the administrator or his or her designee to conduct follow-up  
10 meetings with the reported aggressor and the reported victim. (NRS 388.1351) This  
11 bill requires the administrator or his or her designee to document each such  
12 meeting. In addition, the board of trustees of a school district or governing body of  
13 a charter school, as applicable, is required to conduct regular monitoring to ensure  
14 that the administrator or his or her designee is conducting and documenting such  
15 meetings.



16 Existing law requires quarterly reporting by the direct supervisor of the  
17 principal of a school to the Office for a Safe and Respectful Learning Environment  
18 of the Department of Education of the number of: (1) reports of bullying or cyber-  
19 bullying; (2) the number of times bullying or cyber-bullying is found to have  
20 occurred; and (3) the number of times bullying or cyber-bullying is found not to  
21 have occurred. (NRS 388.1351) This bill requires the Office to electronically  
22 publish a quarterly report of such information for each public school and school  
23 district in this State.

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

1 **Section 1.** NRS 388.1351 is hereby amended to read as  
2 follows:

3 388.1351 1. Except as otherwise provided in NRS  
4 388.13535, a teacher, administrator, coach or other staff member  
5 who witnesses a violation of NRS 388.135 or receives information  
6 that a violation of NRS 388.135 has occurred shall report the  
7 violation to the administrator or his or her designee as soon as  
8 practicable, but not later than a time during the same day on which  
9 the teacher, administrator, coach or other staff member witnessed  
10 the violation or received information regarding the occurrence of a  
11 violation.

12 2. Except as otherwise provided in this subsection, upon  
13 receiving a report required by subsection 1, the administrator or  
14 designee shall immediately take any necessary action to stop the  
15 bullying or cyber-bullying and ensure the safety and well-being of  
16 the reported victim or victims of the bullying or cyber-bullying and  
17 shall begin an investigation into the report. If the administrator or  
18 designee does not have access to the reported victim of the alleged  
19 violation of NRS 388.135, the administrator or designee may wait  
20 until the next school day when he or she has such access to take the  
21 action required by this subsection.

22 3. The investigation conducted pursuant to subsection 2 must  
23 include, without limitation:

24 (a) Except as otherwise provided in subsection 4, notification  
25 provided by telephone, electronic mail or other electronic means or  
26 provided in person, of the parents or guardians of all pupils directly  
27 involved in the reported bullying or cyber-bullying, as applicable,  
28 either as a reported aggressor or a reported victim of the bullying or  
29 cyber-bullying. The notification must be provided:

30 (1) If the bullying or cyber-bullying is reported before the  
31 end of school hours on a school day, before the school's  
32 administrative office closes on the day on which the bullying or  
33 cyber-bullying is reported; or



1 (2) If the bullying or cyber-bullying was reported on a day  
2 that is not a school day, or after school hours on a school day, before  
3 the school's administrative office closes on the school day following  
4 the day on which the bullying or cyber-bullying is reported.

5 (b) Interviews with all pupils whose parents or guardians must  
6 be notified pursuant to paragraph (a) and with all such parents and  
7 guardians.

8 4. If the contact information for the parent or guardian of a  
9 pupil in the records of the school is not correct, a good faith effort to  
10 notify the parent or guardian shall be deemed sufficient to meet  
11 the requirement for notification pursuant to paragraph (a) of  
12 subsection 3.

13 5. Except as otherwise provided in this subsection, an  
14 investigation required by this section must be completed not later  
15 than 2 school days after the administrator or designee receives a  
16 report required by subsection 1. If extenuating circumstances  
17 prevent the administrator or designee from completing the  
18 investigation required by this section within 2 school days after  
19 making a good faith effort, 1 additional school day may be used to  
20 complete the investigation.

21 6. An administrator or designee who conducts an investigation  
22 required by this section shall complete a written report of the  
23 findings and conclusions of the investigation. If a violation is found  
24 to have occurred, the report must include recommendations  
25 concerning the imposition of disciplinary action or other measures  
26 to be imposed as a result of the violation, in accordance with the  
27 policy governing disciplinary action adopted by the governing body.  
28 Subject to the provisions of the Family Educational Rights and  
29 Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations  
30 adopted pursuant thereto, the report must be made available, not  
31 later than 24 hours after the completion of the written report, to all  
32 parents or guardians who must be notified pursuant to paragraph (a)  
33 of subsection 3 as part of the investigation.

34 7. If a violation is found not to have occurred, information  
35 concerning the incident must not be included in the record of the  
36 reported aggressor.

37 8. Not later than 10 school days after receiving a report  
38 required by subsection 1, the administrator or designee shall meet  
39 with each reported victim of the bullying or cyber-bullying to  
40 inquire about the well-being of the reported victim and to ensure  
41 that the reported bullying or cyber-bullying, as applicable, is not  
42 continuing. *The administrator or designee shall maintain*  
43 *documentation of each such meeting.*



1 9. *A governing body shall conduct regular monitoring to*  
2 *ensure that the administrator or designee of each school is*  
3 *complying with the requirements of subsection 8.*

4 **10.** To the extent that information is available, the  
5 administrator or his or her designee shall provide a list of any  
6 resources that may be available in the community to assist a pupil to  
7 each parent or guardian of a pupil to whom notice was provided  
8 pursuant to this section as soon as practicable. Such a list may  
9 include, without limitation, resources available at no charge or at a  
10 reduced cost and may be provided in person or by electronic or  
11 regular mail. If such a list is provided, the administrator, his or her  
12 designee, or any employee of the school or the school district is not  
13 responsible for providing such resources to the pupil or ensuring the  
14 pupil receives such resources.

15 ~~H0.1~~ **11.** The parent or guardian of a pupil involved in the  
16 reported violation of NRS 388.135 may appeal a disciplinary  
17 decision of the administrator or his or her designee, made against  
18 the pupil as a result of the violation, in accordance with the policy  
19 governing disciplinary action adopted by the governing body. Not  
20 later than 30 days after receiving a response provided in accordance  
21 with such a policy, the parent or guardian may submit a complaint to  
22 the Department. The Department shall consider and respond to the  
23 complaint pursuant to procedures and standards prescribed in  
24 regulations adopted by the Department.

25 ~~H1.1~~ **12.** If a violation of NRS 388.135 is found to have  
26 occurred ~~[, the]~~ :

27 (a) *The* parent or guardian of a pupil who is a victim of bullying  
28 or cyber-bullying may request that the board of trustees of the  
29 school district in which the pupil is enrolled to assign the pupil to a  
30 different school in the school district. Upon receiving such a  
31 request, the board of trustees shall, in consultation with the parent or  
32 guardian of the pupil, assign the pupil to a different school.

33 (b) *The administrator or designee shall request consent of a*  
34 *parent or guardian of the reported aggressor and the reported*  
35 *victim to allow a mental health screening to be conducted for each*  
36 *of them. Upon receipt of such consent, the administrator or*  
37 *designee shall ensure that a mental health screening of the*  
38 *reported aggressor or victim, as applicable, is conducted.*

39 ~~H2.1~~ **13.** A principal or his or her designee shall submit a  
40 monthly report to the direct supervisor of the principal that includes  
41 for the school the number of:

42 (a) Reports received pursuant to subsection 1;

43 (b) Times in which a violation of NRS 388.135 , *including,*  
44 *without limitation, a violation involving cyber-bullying,* is found to  
45 have occurred; and



1 (c) Times in which no violation of NRS 388.135 is found to  
2 have occurred.

3 ~~H3.} 14.~~ A direct supervisor who receives a monthly report  
4 pursuant to subsection ~~H2.} 13~~ shall, each calendar quarter, submit a  
5 report to the Office for a Safe and Respectful Learning Environment  
6 that includes, for the schools for which the direct supervisor has  
7 received a monthly report in the calendar quarter, the:

8 (a) Total number of reports received pursuant to subsection 1;

9 (b) Number of times in which a violation of NRS 388.135 ,  
10 *including, without limitation, a violation involving cyber-bullying,*  
11 is found to have occurred; and

12 (c) Number of times in which no violation of NRS 388.135 is  
13 found to have occurred.

14 ~~H4.} 15.~~ *The Office for a Safe and Respectful Learning*  
15 *Environment shall publish on an Internet website maintained by*  
16 *the Office a report for each calendar quarter that includes, for*  
17 *each public school and school district in this State the information*  
18 *received pursuant to subsection 14.*

19 **16.** School hours and school days are determined for the  
20 purposes of this section by the schedule established by the  
21 governing body for the school.

22 **Sec. 2.** The provisions of NRS 354.599 do not apply to any  
23 additional expenses of a local government that are related to the  
24 provisions of this act.

25 **Sec. 3.** This act becomes effective on July 1, 2019.

