

Know Your Rights Handbook

Knowing and exercising your rights is an important part of bullying prevention.





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#SafeAllies is a collaboration of **Nevada PEP** and **Youth MOVE** Nevada. **#SafeAllies** reaches children and youth with digital resources and youth-designed activities.

#SafeAllies offers training workshops on the laws and processes for reporting a bullying incident and navigating the education system.

#SafeAllies provides individual assistance and support groups for families focused on the importance of aftercare to develop positive strategies and safe allies.



The purpose of #SafeAllies is to offer bullying information tools that children, youth and parents can use to effectively advocate for change.

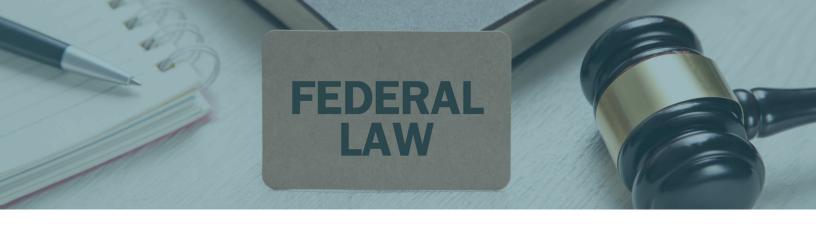
One significant part of that advocacy is understanding your rights - the law.

Throughout this handbook, you will see the laws that apply to bullying both federally and in Nevada along with easy-to-understand explanations and key words.

The Know Your Rights Handbook is a one-stop resource for your advocacy journey, but **not intended as legal advice**. You can find more information on your rights related to bullying at nvpep.org/safe-allies.



- **Bullying** Unwanted, aggressive behavior that involves a real or perceived power imbalance and has potential to be repeated.
- Mental Health This includes our emotional, psychological, and social well-being. It affects how we think, feel, and act.
- **Advocate** To speak, write or stand up for something or someone.
- NRS (<u>Nevada Revised Statutes</u>) The laws that are passed by the state legislature in Nevada.
- Protected groups Groups of people, such as people of color, people in the LGBTQ community, or people with disabilities, that the law protects from discrimination and harassment.

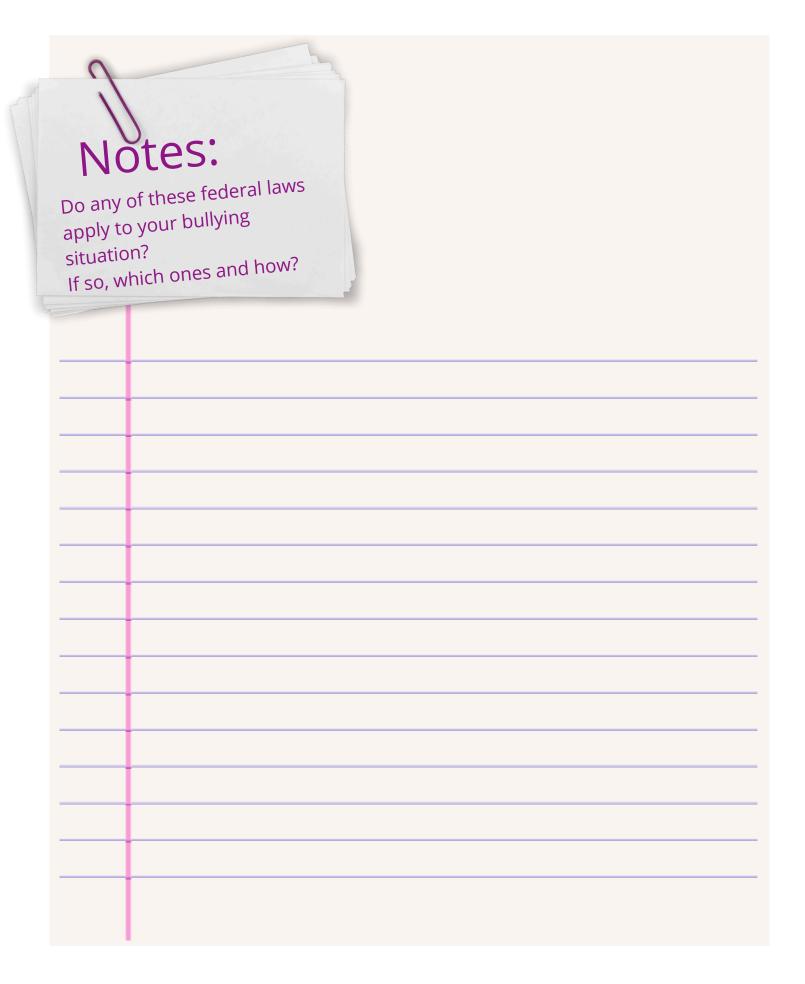


Federal Law + Protected Classes

There are no federal laws that <u>directly</u> address bullying. However, in some cases, bullying overlaps with discriminatory harassment if it is based on race, national origin, color, sex, disability or religion, also referred to as protected classes. When bullying and harassment overlap, federally funded schools (public schools, public charter schools, public colleges and public universities) must resolve the harassment. If the situation is not resolved, the <u>U.S. Dept. Of Education's Office of Civil Rights</u> and the <u>U.S. Dept. Of Justice Civil Rights Division</u> may be able to help.

A school that does not respond appropriately to harassment of students based on protected class may be violating one or more civil rights laws, including:

- <u>Title 4</u> and <u>Title 6</u> of the <u>Civil Rights Act of 1964</u>
- Title 9 of the Education Amendments of 1972
- Section 504 of the Rehabilitation Act of 1973
- <u>Title 2</u> and <u>Title 3</u> of the <u>Americans with Disabilities Act</u>
- Individuals with Disabilities Education Act or IDEA





(NRS 388.122)

Bullying means written, verbal or electronic expressions or physical acts or gestures, or any combination that are directed at a person or group of persons, or a single severe and willful act or expression and has the effect of:

 Physically harming or damaging the property of a person; or placing a person in reasonable fear of physical harm or damage to their property.

Interfere with the rights of a person by:

• Creating an intimidating or hostile educational environment; or substantially interfering with their academic performance or their ability to participate in or benefit from services, activities or privileges provided by a school.

Are acts or conduct described above and are based upon the:

 Actual or perceived race, color, national origin, ancestry, religion, gender identity or expression, sexual orientation, physical or mental disability of a person, sex or any other distinguishing characteristic or background of a person; or association with another person having those actual or perceived characteristics.

The term includes, without limitation:

- Repeated or pervasive taunting, name-calling, belittling, mocking or use of put-downs
 or demeaning humor regarding the actual or perceived race, color, national origin,
 ancestry, religion, gender identity or expression, sexual orientation, physical or mental
 disability of a person, sex or any other distinguishing characteristic or background of a
 person;
- Behavior that is intended to harm a person by damaging or manipulating their relationships with others by conduct that includes, spreading false rumors;
- Repeated or pervasive nonverbal threats or intimidation such as aggressive, menacing or disrespectful gestures;
- Threats of harm to a person, to their possessions or to other persons, whether such threats are transmitted verbally, electronically or in writing;
- Blackmail, extortion or demands for protection money or involuntary loans or donations;
- Blocking access to any property or facility of a school;
- Stalking; and physically harmful contact with or injury to a person or property.

The term bullying does not include expressions, acts or gestures which are engaged in as part of a mutual disagreement or conflict (added 2023 AB65).

Nevada Bullying Reporting and Investigation Process

#SAFE /:\LLIES

The #SafeAllies program is a collaboration of Nevada PEP and Youth M.O.V.E. Nevada developed to assist youth and families to learn the steps to resolve and heal from bullying incidents.

- Contact Nevada PEP for more information 1-800-216-5188 or nvpep.org/safe-allies
- * Administration is the principal, other person in charge of school or their designee (i.e. the dean of students). ¹
- ** Anti-bullying laws do not apply to Pre-K students nor one adult to another in school settings. 2



Safe Voice: Reports by anyone via app, online or phone. Reports go from the Department of Public Safety to school administration. If the report requires immediate intervention it will be handled by law enforcement. ⁵

Student, teacher, parent, etc.: Reports can also be done in person, through hand delivered documentation or through the mail. Reports should go to administration immediately.²

Additional Requirements:

- School employees are required to report incidents on the same day they are made aware.²
- Failure to report by school staff can result in suspension, revoked license or dismissal.⁴

2 Immediately
Ensure Safety

De-escalation: Administration* will de-escalate the situation. ²

Safety Plan: Administration* will create a safety plan for the student who was the target of bullying. ²

Additional Requirements:

• Action must be taken immediately. ²

3 Parental Notice



Notice: Administration* will give same-day notice to all parents of the students involved, by phone or mail. ² **Delayed Notice:** If the report was made on a day that is not a school day or after school hours, notice must be given to parents by the end of the following school day. ²

Additional Requirements:

 Parental notice should be given by the time school closes, on the same day of the report.² Immediate
Investigation by
Administration

Interviews: Administration* will conduct discreet interviews with the student who is target of bullying, student with alleged bullying behavior and witnesses, to determine if bullying did occur. ²

Input: Parents will be able to provide input during the interviews with administration* (e.g. written documentation, evidence, input on safety plan)

Additional Requirements:

- Investigation completed within 5 school days of receiving the report, 2 additional days may be used to complete the investigation for extenuating circumstances.²
- With a criminal investigation, school investigation may be delayed but a safety plan should still be in place.³

5 Reports of Findings

Content: Report includes written documentation of times/dates, safety plan, conclusion of investigation and disciplinary action. ²

Distribution: Administration* will give a confidential report of findings to the parents of the child with bullying behavior. ²

Additional Requirements:

 Parents of the student who was the target may request to receive a redacted version of the report of findings. ²

Following a Decision if a Violation Has or Has Not Occurred



Action: Any action taken after the decision (e.g. discipline or switching classes) must be carried out in a manner that causes the least possible disruption for the student who was the target of bullying. ²

School Changes: If the bullying report finds that bullying has occurred, the parents of the target may make a request of the Board of Trustees, or designee, to enroll student at a different school, with parent consultation. ²

Additional Requirements:

 Parents of the student who was the target may request to receive a redacted version of the report of findings.²

7 Follow-Up With Students

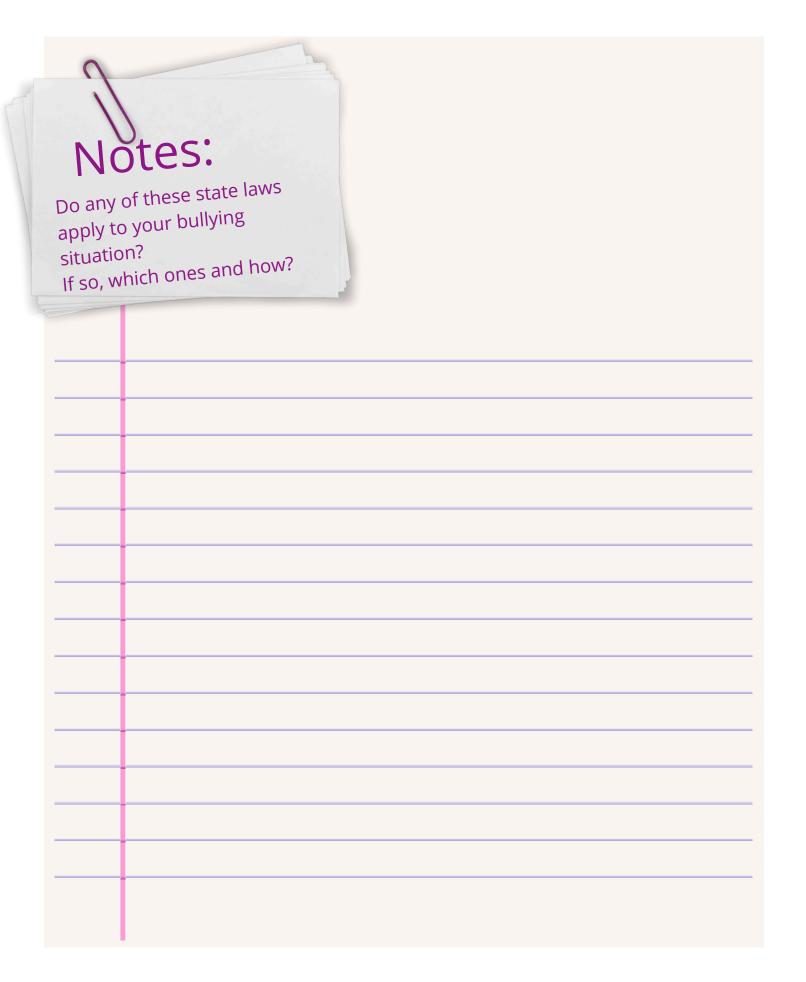
Safety Plan: Administration* must follow-up with the student who was the target of bullying to ensure the safety plan is still working. ²

Resources: Administration* shall provide a list of resources in the community to assist the student who was the target and the student with bullying behavior and their parents. ²

- ¹NRS 388.1215
- ²NRS 388.1351
- 3NRS 388.13535
- ⁴NRS 388.1354
- 5NRS 388.14553

Additional Requirements:

 Follow-up must be done within 10 days after receiving the report.²



Resources



SAMHSA National Helpline 24/7 information service

800-662-4357 | samhsa.gov



National Suicide Prevention Lifeline

Free and confidential support for people in distress 800-273-8255 | suicidepreventionlifeline.org



Safe Voice

Anonymous bullying reporting app for Nevada students 833-216-7233 | safevoicenv.org



Pacer's National Bullying Prevention Center

Bullying resources for educators, parents, and youth 800-537-2237 | www.pacer.org/bullying



#SafeAllies

Support and resources for Nevada parents and youth 800-216-5188 | nvpep.org/safe-allies



Youth MOVE Nevada podcast
A podcast on youth topics and mental health 800-216-5188 | nvpep.org/youth-move



#SAFEALLIES

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