

#SafeAllies Program

Title: Know Your Rights Handbook - Knowing and exercising your rights is an important part of bullying prevention.

The #SafeAllies Story:

#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.

Key Words:

The term Bullying means: Unwanted, aggressive behavior that involves a real or perceived power imbalance and has potential to be repeated.

The term Mental Health includes: Our emotional, psychological, and social well-being. It affects how we think, feel, and act.

The term Advocate means: To speak, write or stand up for something or someone.

The acronym NRS stands for: Nevada Revised Statutes, the laws that are passed by the state legislature in Nevada.

The term Protected Groups mean: 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 and Protected Classes:

There are no federal laws that directly 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 such as public schools, public charter schools, public colleges, and public universities, must resolve the harassment. If the situation is not resolved, the U.S. Dept. of Education's Office of Civil Rights and the U.S. Dept. of Justice Civil Rights Division 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:

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

Activity: Do any of these federal laws apply to your bullying situation? If so, which ones and how?

NRS 388.122 (Nevada Revised Statutes):

- 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).

It's also considered bullying if it's based on ASSOCIATION. This means being bullied because of who the student is friends with or who they hang out with.

Steps in the Nevada Bullying Reporting and Investigation Process:

Step 1 – Bullying Reported to 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.

Students, teachers, school employees, parents can also report in person through hand delivered documentation or through the mail. Reports should go to the administration immediately.

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

Step 2 – Immediately Ensure Safety: The administration is responsible for de-escalation of the situation. They are also responsible for developing a safety plan for the student who was the target of bullying.

Step 3 – Parental Notice: The administration will give same-day notice to parents of the students involved, by phone or mail. If the report was made on a day that is not a school day or after school hours, the notice must be given to parents by the end of the following school day.

Step 4 – Immediate Investigation by Administration: The administration will conduct discreet interviews with the student who is the target of bullying, the student with alleged bullying behavior and the witnesses, to determine if bullying did occur. Parents must be in attendance during the interviews. Parents will be able to provide input during the interviews with administration, for example written documentation, evidence, and input on the safety plan.

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

Step 5 – Reports of Findings: Reports include written documentation of times/dates, safety plan, conclusion of investigation and disciplinary action. The administration will give a confidential report of findings to the parents of the child with bullying behavior. Parents of the student who was the target of bullying may request to receive a redacted version of the report findings.

Step 6 – Following a decision if a violation has or has not occurred: Any action taken after the decision, for example 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. If the bullying report finds that bullying has occurred, the parents of the target of bullying may make a request of the Board of Trustees, or designee, to enroll the student at a different school, with parent consultation.

Step 7 – Follow-up with students: The administration must follow-up within 10 days after the report of bullying with the student who was the target of bullying to ensure the safety plan is still working.

The administration shall provide a list of resources in the community to assist the student who was the target of bullying and the student with the bullying behavior and their parents.

Referenced Bullying Laws in Nevada

NRS 388.1215

NRS 388.1351

NRS 388.13535

NRS 388.1354

NRS 388.14553

Activity: Do any of these state laws apply to your bullying situation? If so, which ones and how?

Resources on Bullying:

SAMHSA National Helpline

24/7 information service

Phone: 800-662-4357 Website: samhsa.gov

National Suicide Prevention Lifeline
Free and confidential support for people in distress
Phone: 800-273-8255 Website: suicidepreventionlifeline.org

Safe Voice
Anonymous bullying reporting of Nevada students
Phone: 833-216-7233 Website: safevoicenv.org

Pacer's National Bullying Prevention Center
Bullying resources for educators, parents, and youth
Phone: 800-537-2237 Website: pacer.org/bullying

#SafeAllies
Support and bullying resources for Nevada parents and youth
Phone: 800-216-5188 Website: nvpep.org/safe-allies

Youth MOVE Nevada Podcasts
Podcast on youth topics and mental health
Phone: 800-216-5188 Website: nvpep.org/youth-move