

NOTICE OF INTENT
CLARK COUNTY SCHOOL DISTRICT 5137

The Notice of Intent to adopt, repeal, or amend Clark County School District Policies and Regulations is pursuant to Nevada Revised Statutes 386.365. The Clark County Board of School Trustees hereby notices its intent to amend:

Policy 5137, Safe and Respectful Learning Environment: Bullying and Cyberbullying

A copy of the proposal is available for inspection by the public during normal business hours in the Office of the Superintendent of Schools of the Clark County School District which is located at 5100 West Sahara Avenue, Las Vegas, Nevada, and also on the Clark County School District Web site:

<http://ccsd.net/district/policies-regulations/>.

All persons interested in the proposed changes are invited to submit data, views, or arguments, orally or in writing, prior to the date set for final action.

This matter may be considered at a public meeting to be held on Thursday, November 18, 2021, at 5 p.m. The meeting can be viewed live stream at ccsd.net on the day of the meeting.

Discussion and possible action on approval of the Notice of Intent to Adopt, Repeal, or Amend Clark County School District Policy 5137, Safe and Respectful Learning Environment: Bullying and Cyberbullying, prior to submission to the Board of School Trustees for approval on Thursday, November 18, 2021, is recommended.

CLARK COUNTY SCHOOL DISTRICT POLICY

P-5137

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SAFE AND RESPECTFUL LEARNING ENVIRONMENT: DISCRIMINATION BASED ON RACE, BULLYING, AND OR CYBERBULLYING

I. Introduction

Addition

The Clark County School District (District) is committed to providing a safe, secure, and respectful learning environment for all students and employees at all District facilities, school buildings, in school buses, on school grounds, and at school-sponsored activities. The ~~school~~ District strives to address discrimination based on race, bullying, and or cyberbullying so that to ensure there is no disruption to the learning environment ~~and learning process~~.

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II. Definitions

A. Definition of Bullying

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1. Under Nevada Revised Statutes (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, and:

a. Have the effect of:

- (1) Physically harming a person or damaging the property of a person; or
- (2) Placing a person in reasonable fear of physical harm to the person or damage to the property of the person; or

b. Interfere with the rights of a person by:

- (1) Creating an intimidating or hostile educational environment for the person; or
- (2) Substantially interfering with the academic performance of a student or the ability of the person to participate in or benefit from services, activities, or privileges provided by a school; or

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c. Are acts or conduct described in ~~paragraph~~ Section (a-II.A.1.a.) or Section (b-II.A.1.b.) and are based upon the:

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- (1) Actual or perceived age, race, color, national origin, ethnicity, ancestry, religion, gender identity or expression, sexual orientation,

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physical attributes, physical or mental disability of a person, sex, or any other distinguishing characteristic or background of a person; or

- (2) Association of a person with another person having one or more of those actual or perceived characteristics.

2. The term includes, without limitation:

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- a. Repeated or pervasive taunting, name-calling, belittling, mocking, or use of put-downs or demeaning humor regarding the actual or perceived age, race, color, national origin, ethnicity, ancestry, religion, gender identity or expression, sexual orientation, physical attributes, physical or mental disability of a person, sex, or any other distinguishing characteristics or background of a person;

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- b. Behavior that is intended to harm another person by damaging or manipulating his or her relationships with others by conduct that includes, without limitation, spreading false rumors;

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- c. Repeated or pervasive nonverbal threats or intimidation, such as the use of aggressive, menacing, or disrespectful gestures;

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- d. Threats of harm to a person, to his or her possessions, or to other persons individuals, whether such threats are transmitted verbally, electronically, or in writing;

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- e. Blackmail, extortion, or demands for protection money or involuntary loans or donations;

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- f. Blocking access to any property or facility of a school;

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- g. Stalking;

- h. Physically harmful contact with or injury to another person or his or her property.

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B. Definition of Cyberbullying

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- B1.** Under 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. As used in this section, “sexual image” has the meaning ascribed to it in NRS 200.737, which is any visual depiction, including, without limitation, any photograph or video of a minor simulating or engaging in sexual conduct, or

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of a minor as the subject of a sexual portrayal.

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~~€~~2. Under NRS 388.124, “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.

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~~D~~3. A student who is a minor who knowingly and willfully transmits or distributes an image ~~of~~ that is racially motivated or illustrates bullying, electronically or using another means, with the intent to encourage, further, or promote racially motivated behavior or bullying:

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4a. For a first violation is considered a child in need of supervision, as that term is used in Title 5V of the NRS.

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2b. For a second or subsequent violation, commits a delinquent act, for which a court may order the detention of the minor in the same manner as if the minor had committed an act that would have been a misdemeanor if committed by an adult.

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C. Definition of Discrimination Based on Race

Addition

1. Under Assembly Bill 371 of the 81st Session of the Nevada Legislature, “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 person’s demographic identified in subsection a;

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a. 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

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

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D. Definition of Restorative Disciplinary Practices

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1. An alternative to exclusionary disciplinary practices or removal from the academic environment; instead, restorative disciplinary practices help students establish respect for one another, take responsibility for their actions and behaviors, repair the harm that their behavior may have caused, reestablish positive relationships, and reintegrate back into the school community. Each School Performance Plan shall include restorative disciplinary practices, Multi-Tiered System of Supports, and culturally inclusive teaching practices.

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III. Discrimination Based on Race, Bullying, and or Cyberbullying are Prohibited in Public Schools

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A. No member of the Board of School Trustees, employee of the ~~school~~ District, member of a club or organization which uses District facilities (regardless of whether the club or organization has any connection to the District), or any student shall tolerate or engage in discrimination based on race, bullying, or cyberbullying at any District facilities, school buildings, in school buses, on school grounds, or at school-sponsored activities. This includes classrooms, hallways, locker rooms, cafeterias, restrooms, gymnasiums, playgrounds, athletic fields, school buses, parking lots, and other areas on school premises ~~the of a school~~.

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B. The provisions of the discrimination based on race, bullying, and or cyberbullying law do not apply to a violation committed by:

1. An employee of a school or school district against another employee of a school or school district;
2. An adult who is not a student or employee of a school or school district against another such adult;
3. A student who is enrolled in pre-kindergarten if the behavior is addressed through measures intended to modify the behavior of the student; or
4. A student who was determined to have previously violated the discrimination based on race, bullying, or cyberbullying law as a result of their disability, and who subsequently displays the same or similar behavior if the behavior is addressed in the student's individualized education program (IEP) and the school takes measures to protect the safety of the alleged victim and provide parent/guardian notification.

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C. For purposes of the discrimination based on race, bullying, and or cyberbullying law and this policy, school hours and school days are determined by the schedule established by the Board of School Trustees.

IV. Reporting of Discrimination Based on Race, Bullying, and or Cyberbullying

A. Students

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It is the policy of the ~~Clark County School District~~ to encourage students who are subjected to, witness, or overhear incidents of discrimination based on race, bullying, and or cyberbullying to report such incidents. Students should report any incident(s) of discrimination based on race, bullying, and or cyberbullying to

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a teacher, counselor, or school administrator. Students are also encouraged to report knowledge of discrimination based on race, bullying, and/or cyberbullying via the ~~CCSD "Say No to Bullying" Web site~~ SafeVoice website that allows individuals to anonymously report unlawful activities. ~~However, students should be aware that the CCSD "Say No to Bullying" Web site is not monitored after school hours, or during weekends and holidays.~~

B. Employees

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Any ~~Clark County School District teacher, administrator, principal,~~ educator, support professional, coach, or other ~~staff member~~ employee who witnesses or receives information about an incident of discrimination based on race, bullying, and/or cyberbullying at any District facility, on school grounds, in school buildings, on school buses, or at school-sponsored activities shall report it to the principal or the principal's designee as soon as practicable, but not later than a time during the same day on which the ~~teacher, administrator, principal,~~ educator, support professional, coach, or other ~~staff member~~ employee witnesses or receives information about the incident.

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C. The principal or designee must categorize an incident of discrimination based on race as a racially motivated incident in the student information system; document the date, time, subject, and content of each interview conducted; and maintain the documentation in a manner that is consistent with the policy governing maintenance of student disciplinary records.

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~~GD.~~ No cause of action may be brought against a student, an employee, or volunteer of a school who reports a discrimination based on race, bullying, and or cyberbullying incident unless the person who made the report acted with malice, intentional misconduct, gross negligence, or intentional or knowing violation of the law.

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~~DE.~~ If the principal or designee determines that the report was false and that the person who made the report acted with malice, intentional misconduct, gross negligence, or intentional or knowing violation of the law, the principal or designee may recommend the imposition of disciplinary action or other measures against the person in accordance with District policies that govern disciplinary action.

V. Investigation of Reported Violation

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A. Upon receiving a report of discrimination based on race, bullying, or cyberbullying, the principal or designee shall immediately take any necessary action to stop the discrimination based on race, bullying, or cyberbullying and ensure the safety and ~~well-being~~ wellbeing of the reported victim ~~or victim(s)~~ of

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the discrimination based on race, bullying, or cyberbullying by taking the following actions: ~~and shall begin an investigation into the report.~~

Addition

1. Categorize the discrimination based on race behavior as a racially motivated incident in the student information system.

Addition

2. Develop an Individual Safety Plan for the reported victim and offender to ensure the behavior that caused harm to the reported victim is not repeated during the time of the investigation.

Addition

a. To the extent practicable, parents/guardians of the victim and offender of the student(s) involved in a racially motivated incident shall be involved in the development of the Individual Safety Plan which outlines identified areas of support to ensure a safe and respectful learning environment.

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3. Begin an investigation of the report.

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If the principal or designee does not have access to the reported victim of the alleged violation, the principal or designee may wait until the next school day when he or she has such access to the reported victim to take the action required ~~by this set forth in paragraph~~ Section V.A.

When ensuring the safety and ~~well-being~~ wellbeing of the reported victim, the principal or designee will not take action to cause harm to the reported victim, such as requiring the reported victim to change classrooms or isolating the reported victim from his ~~or~~ her peers.

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B. Notification of Reported Violation of Discrimination Based on Race, Bullying, or Cyberbullying Prohibition

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1. The investigation must include notification provided by telephone, electronic mail or other electronic means, or provided in person, ~~of~~ to the parents ~~or~~ guardians of all students directly involved in the reported discrimination based on race, bullying, or cyberbullying, as applicable, either as a reported ~~aggressor-offender~~ or a reported victim of the discrimination based on race, bullying, or cyberbullying. The notification must be provided:

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a. If the discrimination based on race, bullying, or cyberbullying is reported before the end of school hours on a school day, before the school's administrative office closes on the day on which the discrimination based on race, bullying, or cyberbullying is reported; or

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- b. If the discrimination based on race, bullying, or cyberbullying was reported on a day that is not a school day, or after school hours on a school day, before the school's administrative office closes on the school day following the day on which the discrimination based on race, bullying, or cyberbullying is reported.

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2. If the incident of discrimination based on race, bullying, or cyberbullying was reported via the ~~CCSD "Say No to Bullying" Web site~~ SafeVoice website, the principal or designee shall be deemed to have received information about the incident on the next school day after which the student or parent/guardian reports the incident using the ~~Internet Web site~~ SafeVoice website. After the principal or designee is deemed to have received the information, the regular timelines set forth in paragraph Section (4V.B.1.) commence.

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3. The notification may not include personally identifiable student information other than the name of the parent's/guardian's child to whom the notice is addressed, and is not required to label the student's alleged role in the incident.

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4. The notification must include a statement that the principal or designee will be conducting an investigation of the reported violation and that the parent/~~or~~ guardian may discuss with the principal or designee any counseling or intervention services that are available to the student.

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5. If the parent/guardian contact information ~~for the parent or guardian of a student in the records of the school is not correct~~ inaccurate, a good faith effort to notify the parent/~~or~~ guardian shall be deemed sufficient to meet the notification requirements of paragraph Section (4V.B.1.). The principal or designee must maintain a record of each notification made pursuant to ~~paragraph Section (4V.B.1.)~~, including all good faith efforts to notify a parent/~~or~~ guardian if the contact information for the parent/~~or~~ guardian is ~~not correct~~ inaccurate.

C. Interviews-Investigation

1. Each investigation of a report of discrimination based on race, bullying, or cyberbullying must be conducted thoroughly and impartially in a manner that does not further traumatize the reported victim and must include, without limitation, an interview with:

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- a. Each person involved in the reported discrimination based on race, bullying, or cyberbullying incident(s), including, without limitation, the reported aggressor-offender, the reported victim, and relevant witnesses; and

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- b. The parent ~~or~~ guardian of the reported ~~aggressor~~ offender and the reported victim.
2. To the extent practicable, the identities of the persons interviewed and the content of the interviews must remain confidential.
3. The principal or designee must document the date, time, subject, and content of each interview conducted and maintain the documentation in a manner that is consistent with the policy governing maintenance of disciplinary records.

D. Timeline for Investigation

Addition

1. The investigation must be completed not later than two (2) school days after the principal or designee receives a report of discrimination based on race, bullying, or cyberbullying. If extenuating circumstances prevent the principal or designee from completing the investigation within two (2) school days after making a good faith effort, one (1) additional school day may be used to complete the investigation.

Addition

2. If a law enforcement agency is investigating a potential delinquent act or crime involving an alleged violation of the discrimination based on race, bullying, or cyberbullying law, the principal or designee may, after providing the notification required by ~~paragraph~~ Section (V.B.1.), defer the discrimination based on race, bullying, or cyberbullying investigation until the completion of the criminal investigation by the law enforcement agency. If the discrimination based on race, bullying, or cyberbullying investigation is deferred, the principal or designee shall immediately develop an Individual Safety Plan to protect ~~the safety of~~ each student directly involved in the alleged violation. If law enforcement has provided a projected date for completion of the criminal investigation, the principal or designee shall provide that time estimate to the parents ~~or~~ guardians of the students directly involved.

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E. Written Report

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1. A principal or designee who conducts an investigation shall complete a ~~w~~Written r~~Report~~ of the findings and conclusions of the investigation.
2. If a violation is found to have occurred, the report must include recommendations concerning the imposition of disciplinary action or other measures to be imposed as a result of the violation, in accordance with Clark County School District (CCSD) Regulation 5141.1. ~~The report must also include recommendations for the imposition of restorative disciplinary actions or other measures to be imposed that the principal or designee~~

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~~determines will assist the reported aggressor to see the harm that his or her actions may have caused, to repair that harm, and to not engage in bullying or cyberbullying in the future.~~

Addition

3. A violation of discrimination based on race shall be categorized as a racially motivated incident in the student information system.

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34. If a violation is found not to have occurred, information concerning the incident must not be included in the permanent record of the reported ~~aggressor-offender~~. Due to data reporting requirements, the unsubstantiated reports will be expunged from the reported ~~aggressor's-offender's~~ discipline record following data reporting requirements.

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45. Subject to the provisions of the Family Educational Rights and Privacy Act (FERPA) of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, a principal or designee ~~who completes a written report~~ must fulfill the following requirements, within 24 hours after ~~the~~ completion of the written report:

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- a. Provide to the parent/~~or~~ guardian of the reported ~~aggressor-offender~~ a copy of the written report that does not contain the personally identifiable information of any other student;;
- b. Notify the parent/~~or~~ guardian of any other student directly involved in the incident of the outcome of the investigation and make available upon request to any such parent/~~or~~ guardian a copy of the report that does not contain the personally identifiable information of any student other than the student to whose parent-~~or~~ guardian the report is provided;and
- c. Notify the parent/guardian of each student directly involved in the incident that the parent-~~or~~ guardian may:

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(1) Submit to the principal or designee a complaint or concern regarding the conduct or outcome of the investigation;

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(2) Request a meeting with the principal or designee to discuss the outcome of the investigation;and

(3) Appeal the outcome of the investigation or disciplinary decision made against the student in the manner prescribed in Section VII below.

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Addition

6. Restorative Disciplinary Practices

Addition

In accordance with the provisions of NRS 388.133 and Assembly Bill 371 of the 81st Session of the Nevada Legislature, any action taken after the completion of the investigation to address the discrimination based on race, bullying, or cyberbullying must be based on restorative disciplinary practices and carried out in a manner that causes the least possible disruption for the victim(s). When necessary, the principal or designee shall give priority to ensuring the safety and wellbeing of the victim(s) over any interest of the offender(s) when determining the actions to take.

Addition

a. The principal or designee must utilize restorative disciplinary practices to focus on correcting harm and repairing damage that has occurred. The goal is to place value on relationships and focus on repairing and restoring relationships that have been damaged by using protocols to engage students in reflection to develop respect for other students and take responsibility for their behavior and actions and develop an agreement to ensure the inappropriate behaviors are not repeated. The victim and the offender are provided with opportunities to share how they were impacted and how they will resolve or repair the harm caused.

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b. The principal or designee must develop a Restorative Conference Agreement to ensure the inappropriate behaviors are not repeated.

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F. Healing and Recovery Culture

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1. The District will develop and implement restorative practices for both victims and offenders of discrimination based on race, bullying, or cyberbullying.

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a. When it is determined that an incident of discrimination based on race, bullying, or cyberbullying has occurred, the offender shall be provided the opportunity to learn about the impact of their actions on others through the implementation of restorative disciplinary practices.

Addition

b. When it is determined that a student(s) is the target of discrimination based on race, bullying, or cyberbullying the student will be provided an Individual Safety Plan; Restorative Conference Agreement; and access to mental health services, counseling, and other resources to assist in recovering and healing from the incident.

Addition

2. The District shall implement alternative discipline processes, including restorative disciplinary practices, to reduce racial disparities in exclusionary discipline outcomes.

Addition

a. When school administrators determine a student has committed a racist act, the student will be provided the opportunity to learn about the impact of their actions on others through such practices as restorative discipline, educational mediation, or educational opportunities.

Addition

3. Victims and offenders involved in or associated with discrimination based on race shall have sufficient opportunities to work in consultation with a school counselor. Supports shall be provided to the student(s), as well as the parent(s)/guardian(s) of the student(s) to promote healing and a safe and respectful learning environment.

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FG. Follow-Up

Not later than ten (10) school days after receiving a report required by Section paragraph (V.E.5.), the principal or designee shall meet with each reported victim of the discrimination based on race, bullying, or cyberbullying and each reported aggressor-offender, regardless of the outcome of the investigation, to inquire about the well-being wellbeing of the reported victim and to ensure that the reported discrimination based on race, bullying, or cyberbullying, as applicable, is not continuing.

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~~The principal or designee must also develop and carry out a plan to support the physical and emotional well-being of the reported victim and the reported aggressor which is designed to ensure that the reported victim and the reported aggressor are not further harmed, such as allowing the reported victim to make-up any test or homework assignment that he or she missed or failed to submit as a result of the bullying or cyberbullying.~~

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GH. To the extent information is available, the principal or designee must provide, to a parent/~~or~~ guardian of a student to whom notice of a reported discrimination based on race, bullying, or cyberbullying violation was provided under ~~Section V(B)(1)~~, a list of resources that may be available in the community to assist a student, as soon as practicable, and which may be provided in person or by electronic or regular mail. If a list is provided, the principal or designee, or any employee of the school or the District, is not responsible for providing the resources to the student or ensuring the student receives the resources.

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HI. If a violation of the discrimination based on race, bullying, or cyberbullying law is found to have occurred, the parent/~~or~~ guardian of the student who is a victim may request to be assigned to a different school. Upon receiving such a request, and after consultation with the parent/~~or~~ guardian, the District will assign the student to a different school.

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Addition VI. Discipline

A. Student Discipline

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1. Discipline for a violation of the discrimination based on race, bullying, and or cyberbullying policy for students is imposed in accordance with CCSD Regulation 5141 and must include restorative disciplinary practices to address the behavior.

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2. The parent/~~or legal~~ guardian of a student involved in the reported discrimination based on race, bullying, or cyberbullying violation may appeal a disciplinary decision of the principal or designee made against the student as a result of the violation in accordance with District policies as set forth in Section VII below.

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3. Not later than thirty (30) days after receiving the disciplinary decision, the parent/~~or~~ guardian may submit a complaint to the Office for a Safe and Respectful Learning Environment within the Nevada Department of Education.

B. Employee Discipline

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1. The provisions of the discrimination based on race, bullying, and or cyberbullying law do not apply to a violation committed by an employee of a school or ~~school~~ District against another employee of a school or ~~school~~ District. However, if applicable, the District will comply with Regulation 4110, Employment Discrimination, Harassment, and Sexual Harassment: All Employees; administrative procedures; any applicable collective bargaining agreement; and other applicable laws. Also refer to District Policy 5139, Anti-Racism, Equity, and Inclusion.

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2. Any District employee who violates this discrimination based on race, bullying, or ~~and~~ cyberbullying policy shall be subject to discipline, if appropriate.

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3. An administrator, including ~~a principal, or the designee of an administrator or the principal or designee~~ of a school, or assigned to a central services, department, or division:

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a. Shall be disciplined by written admonishment, demotion, suspension, dismissal, or refusal to re-employ for knowingly and willfully failing to comply with the provisions of NRS 388.1351.

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- b. May be demoted, suspended, dismissed, or not re-employed for knowingly and willfully failing to comply with the provisions of NRS 388.1351 or an intentional failure to report a violation of NRS 388.135 if the administrator witnessed the violation.
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4. An educator ~~teacher~~ may be suspended, dismissed, or not re-employed if knowingly and willfully failing to comply with the provisions of NRS 388.1351 or an intentional failure to report a violation of NRS 388.135 if the educator ~~teacher~~ witnessed the violation.
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5. If an employee is the holder of a license issued pursuant to ~~Chapter 391 of~~ NRS 391.320, the ~~s~~Superintendent of Schools may recommend to the Board of School Trustees that the Board of School Trustees submit a recommendation to the State Board of Education for the suspension or revocation of the license for knowingly and willfully failing to comply with the provisions of NRS 388.1351.
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VII. Appeal Process

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- A. Appeal Process for the Alleged ~~Aggressor/Bully~~ Offender
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1. The parent/guardian of the alleged ~~aggressor/bully~~ offender has ten (10) school days to appeal the outcome of the bullying investigation and/or appeal the disciplinary decision the principal or designee made against the student as a result of the violation.
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2. If the assistant principal or ~~dean~~ student success coordinator issued the initial student discipline, ~~then~~ the parent/guardian may appeal to the principal. In these cases, there is no right to another appeal with the region superintendent/school associate superintendent.
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3. If the principal issued the initial student discipline, then the parent/guardian may appeal to the region superintendent/school associate superintendent assigned to that school.
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4. Upon receiving an appeal request, the principal/school associate superintendent/region superintendent (as applicable) must contact or meet with the parent/guardian to hear their concern(s) within five (5) school days from the date of the request. Within ten (10) school days following the contact/meeting, the principal/school associate superintendent/region superintendent must inform the parent/guardian of his/her decision: uphold, modify, or rescind ~~the decision~~. Extensions of this timeline may be made by the District if needed, and parents/guardians will be notified of any extension via telephone, email, or in person.
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5. For discipline that does not result in a recommendation for behavior school or expulsion, the decision of the principal/school associate superintendent/region superintendent (as applicable) is the final level of appeal at the District.

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6. If a student is referred to a behavior school or for expulsion, the same process outlined above should occur; however, the process will continue through the appeal process administered by the Education Services Division (ESD). After the ESD appeal is complete, the District's decision is final.

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7. Not later than thirty (30) days after receiving notification of the final decision of the District, the parent/guardian may submit a complaint/appeal to the Office for a Safe and Respectful Learning Environment within the Nevada Department of Education concerning the outcome of the appeal or an alleged violation of the discrimination based on race, bullying, or cyberbullying laws. The procedures for submitting a complaint/appeal are set forth in ~~the state administrative regulations~~ (Chapter 388 of the) Nevada Administrative Code (NAC), a copy of which ~~will be~~ is distributed annually to all parents/guardians of students enrolled in the District.

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8. This appeal process applies to school issued discrimination based on race, bullying, ~~cyberbullying~~ or cyberbullying disciplinary action only. It does not apply to any citation or action imposed by ~~Clark County School District CCSD~~ Police Services or local law enforcement when the conduct also involves a criminal offense.

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B. Appeal Process for the Alleged Victim/~~Target~~

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1. The parent/guardian of the alleged victim/~~target~~ may appeal a determination that the discrimination based on race, bullying, or cyberbullying was "unsubstantiated" within ten (10) school days of the issuance of the initial determination contained in the discrimination based on race, bullying, or cyberbullying Written Report.

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2. The level of discipline imposed/not imposed is not subject to appeal by the victim/~~target~~ at the local level given that the District cannot disclose those details to the parent/guardian of the alleged victim/~~target~~ under FERPA.

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3. If the assistant principal or ~~dean~~ student success coordinator issued the initial finding/decision contained in the discrimination based on race, bullying, or cyberbullying Written Report, the parent/guardian of the alleged victim/~~target~~ may appeal to the ~~P~~principal. In these cases, there is no right to another appeal with the school associate superintendent/region superintendent.

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4. If the principal issued the initial finding/decision contained in the discrimination based on race, Bullying, or cyberbullying Written Report, the parent/guardian of the alleged victim/~~target~~ may appeal to the school associate superintendent/region superintendent.

Addition

5. Upon receiving an appeal request, the principal/school associate superintendent/region superintendent (as applicable) must contact or meet with the parent/guardian to hear their concern(s) within five (5) school days from the date of the request. Within ten (10) school days following the contact/meeting, the principal/school associate superintendent/region superintendent must inform the parent/guardian of his/her decision: uphold, modify, or rescind ~~the decision~~. Extensions of this timeline may be made by the District, if needed, and parents/guardians will be notified of any extension via telephone, ~~e-mail~~ email, or in person.

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6. The decision of the ~~P~~principal/~~S~~school ~~A~~associate ~~S~~superintendent/region superintendent (as applicable) constitutes the final decision at the district level.

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7. Not later than thirty (30) days after receiving notification of the final decision of the District, the parent/guardian may submit a complaint/appeal to the Office for a Safe and Respectful Learning Environment within the Nevada Department of Education concerning the outcome of the appeal or an alleged violation of the discrimination based on race, bullying, or cyberbullying laws. The procedures for submitting a complaint/appeal are set forth in ~~the state administrative regulations~~ NAC (Chapter 388 ~~of the NAC~~), a copy of which ~~will be~~ is distributed annually to all parents/guardians of students enrolled in the District.

Addition

C. When a staff member is involved in the alleged discrimination based on race, bullying, or cyberbullying of a student, the District will follow the bullying process. However, there are other labor and employment law implications. These procedures are addressed ~~more fully~~ in separate administrative guidelines.

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VIII. School Safety Team

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A. To the extent practicable, ~~T~~the principal of each school shall develop a school safety team to help develop, foster, and maintain a school environment, which is free from discrimination based on race, bullying, and or cyberbullying. The school safety team shall:

1. ~~Consist of~~ Include a diverse group of employees representative of the school's demographics, including the school principal or designee, and the following persons appointed by the principal: a school counselor; at least one

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teacher who teaches at educator from the school; at least one parent/~~or legal~~ guardian of a student enrolled in the school; and any other person appointed by the principal. The principal has discretion to limit the number of additional persons appointed to the safety team so that it does not become too large or unmanageable.

2. Meet at least two (2) times each year.

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3. Identify and address patterns of discrimination based on race, bullying, and or cyberbullying.

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4. Assist the principal in reviewing and strengthening school policies to prevent and address discrimination based on race, bullying, or cyberbullying.

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5. To the extent practicable, work with members of the community with expertise in cultural competency.

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66. Assist the principal in providing information to school ~~personnel~~ employees, students enrolled in the school, and parents/guardians of ~~students enrolled in the school~~ about methods to address discrimination based on race, bullying, and or cyberbullying.

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67. Not have access to personally identifiable student information related to discrimination based on race, bullying, and or cyberbullying, unless a member of the school safety team is a school official with a legitimate educational interest, and then only that particular member may have access.

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78. Participate in the District's training professional learning sessions regarding discrimination based on race, bullying, and or cyberbullying, to the extent that funds are available.

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B. The work of the school safety team must be outlined in each school's annual School Performance Plan which is conveyed to the Nevada Department of Education.

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X. Professional Development Learning

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The Clark County School District will provide for the appropriate training professional learning of all administrators, principals, ~~teachers-educators~~, and all other ~~personnel employed by~~ employees of the District as prescribed by this policy, ~~under the heading "Professional Development."~~

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Addition
A. The superintendent/District shall develop methods of discussing the ~~meaning and substance of~~ this policy with staff in order to help prevent discrimination based on race, bullying, and or cyberbullying. This will also include methods for addressing

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the rights and needs of persons with diverse gender identities or expressions as it pertains to the prevention of discrimination based on race, bullying, or ~~and~~ cyberbullying.

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B. In addition to informing ~~staff~~ employees and students about the policy, the ~~superintendent~~ District shall develop a plan, including requirements and procedures, to assure that the following professional ~~development~~ learning be provided to all administrators, principals, ~~teachers~~ educators, support professionals, and other personnel employed by the Board of School Trustees of the ~~Clark County School District~~:

1. Awareness concerning the various types of discrimination based on race, bullying, and or cyberbullying; how the discrimination based on race, bullying, and or cyberbullying manifests itself; and the devastating emotional and educational consequences of discrimination based on race, bullying, or and cyberbullying.

2. ~~Training in the a~~ Appropriate methods to facilitate restorative disciplinary practices and positive human relations without the use of discrimination based on race, bullying, and or cyberbullying so that students and employees may realize their full academic and personal potential.

3. ~~Training in m~~ Methods to prevent, identify, and report incidents of discrimination based on race, bullying, and or cyberbullying.

4. ~~Training concerning the n~~ Needs of persons with diverse gender identities or expressions as it pertains to the prevention of discrimination based on race, bullying, and or cyberbullying.

5. ~~Training concerning the n~~ Needs of students with disabilities and students with autism spectrum disorder.

6. Methods to promote a culturally inclusive, positive learning environment.

7. ~~Methods to improve the school environment in a manner that will facilitate positive human relations.~~

~~87. Methods to teach~~ Culturally inclusive teaching and restorative disciplinary practices skills so that students and employees are able to replace inappropriate behaviors with positive ~~behaviors~~ actions.

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C. The ~~s~~ Superintendent of Schools shall work with the Office for a Safe and Respectful Learning Environment within the Nevada Department of Education to access available outreach and ~~antibullying~~ restorative disciplinary practices education and ~~training~~ professional learning materials, if appropriate.

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Addition X. Disclosure, and Public Reporting, and District Accountability

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Addition A. This policy and the portion of NAC Chapter 388 of the ~~NAC~~ related to discrimination based on race, bullying, or cyberbullying will be distributed annually to all students enrolled in the District, their parents ~~and/or~~ guardians, and employees. It will also be made available upon request to any person, including organizations in the community having cooperative agreements with the schools District.

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Addition B. As required by NRS 385.3483, the following statistics regarding discrimination based on race, bullying, and or cyberbullying will be included in the District's annual report of accountability:

Addition
Deletion 1. The number of reported violations of the discrimination based on race, bullying, or and cyberbullying policy occurring at each school, or otherwise involving a student enrolled at the school, regardless of the outcome of the investigation conducted.

Addition 2. The number of incidents determined to be discrimination based on race, bullying, or cyberbullying after an investigation is conducted.

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Deletion 4. Any actions taken to reduce the number of incidences of discrimination based on race, bullying, or cyberbullying, including without limitation, ~~training~~ professional learning that was offered or other policies, practices, and programs that were implemented, including actions taken for the "Week of Respect."

Deletion ~~C. As required by NRS 388.1351, the principal or designee will submit a monthly statistical report to the school associate superintendent over their school that includes the number of reported violations of the bullying and cyberbullying policy at their school; the number of incidents determined to be bullying or cyberbullying after the investigation is conducted; and the number of incidents determined not to be bullying or cyberbullying after an investigation is conducted; and the number of incidents determined not to be bullying or cyberbullying after the investigation is conducted. The School Associate Superintendents will submit a quarterly report with these statistics to the Office for a Safe and Respectful Learning Environment.~~

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Addition 5C. Personally identifiable student information related to discrimination based on race, bullying, and or cyberbullying must not be included in the annual report of accountability.

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~~6D.~~ No member of the Board of School Trustees, ~~teacher,~~ administrator, principal, ~~coach,~~ educator, support professional, or other staff member may interfere with the reporting of statistics concerning violations of the discrimination based on race, bullying, or cyberbullying law.

Addition

E. As required by NRS 388.1351, central services will act as the school principal or designee to generate and submit monthly statistical reports to region superintendents and the Equity and Diversity Education Department to make recommendations for intervention or professional learning to address discrimination based on race, bullying, or cyberbullying in schools based on the data. For each school, the report shall include the number of reported discrimination based on race, bullying, or cyberbullying incidents; the number of incidents determined to be discrimination based on race, bullying, or cyberbullying after an investigation is conducted; and the number of incidents determined not to be discrimination based on race, bullying, or cyberbullying after an investigation is conducted. The Education Services Division will submit a quarterly report with these statistics to the Nevada Department of Education, Office for a Safe and Respectful Learning Environment.

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~~DE.~~ The annual Anti-Racism, Equity, and Inclusion Report, in alignment with Policy 5139, An annual summary report shall be prepared and presented provided to the Board of School Trustees~~Board,~~ which includes trends in discrimination based on race, bullying, or cyberbullying behavior incidents and recommendations on how to further reduce discrimination based on race, bullying, or cyberbullying behavior incidents. The annual report will be available to the public. The annual report will include statistical information, and will not include personally identifiable student information.

Legal References: NRS Chapter 200, Crimes Against the Person
NRS Chapter 385, State Administrative Organization
NRS Chapter 388, System of Public Instruction
NRS Chapter 613, Employment Practices

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Review Responsibility: ~~Office of the Superintendent,~~ Equity and Diversity Education Department, Education Services Division

Adopted: [5137: 7/13/06]
Revised: (3/11/10; 7/12/12; 2/4/15; 9/14/17)