



## Safe and Respectful Learning Environment: Bullying and Cyberbullying

### I Introduction

Explore Knowledge Academy (EKA) is committed to providing a safe, secure and respectful learning environment for all students and employees at all school facilities, grounds and school sponsored activities. EKA strives to address bullying and cyberbullying so that there is no disruption to the learning environment and learning process.

### II Definitions

#### A. Definition of Bullying

1. Under 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:
    - i. Physically harming a person or damaging the property of a person; or
    - ii. 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:
    - i. Creating an intimidating or hostile educational environment for the person; or
    - ii. 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
  - c. Are acts or conduct described in paragraph (a) or (b) and are based upon the:
    - i. 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 characteristic or background of a person; or
    - ii. Association of a person with another person having one or more of those actual or perceived characteristics.
2. The term includes, without limitation:
  - 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 characteristic or background of a person;



- 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;
  - c. Repeated or pervasive nonverbal threats or intimidation such as the use of aggressive, menacing, or disrespectful gestures;
  - d. Threats of harm to a person, to his or her possessions, or to other persons, whether such threats are transmitted verbally, electronically, or in writing;
  - e. Blackmail, extortion, or demands for protection money or involuntary loans or donations;
  - f. Blocking access to any property or facility of a school;
  - g. Stalking; and
  - h. Physically harmful contact with or injury to another person or his or her property.
- B. 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 of a minor as the subject of a sexual portrayal.
- C. 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.
- D. A student who is a minor who knowingly and willfully transmits or distributes an image of bullying, electronically or using another means, with the intent to encourage, further, or promote bullying:
- 1. For the first violation is considered a child in need of supervision, as that term is used in Title 5 of the NRS.
  - 2. 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.
- E. The provisions of the bullying and cyberbullying law do not apply to a violation committed by:
- 1. An employee of EKA against another employee of EKA
  - 2. An adult who is not a student or employee of EKA against another such adult
  - 3. A student who was determined to have previously violated the 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 EKA takes measures to protect the safety of the alleged victim and provide parent notification.
- F. For the purpose of the bullying and cyberbullying law and this policy, school hours and school days are determined by the schedule established by the EKA Board of Trustees.



### III. Bullying and Cyberbullying are Prohibited in Public Schools

No member of the EKA Board of Trustees, employee of EKA, or any student shall tolerate or engage in bullying or cyberbullying at any EKA facilities, grounds or school-sponsored activities. This includes advisories, athletic fields, parking lots, and other areas on the premises of the school.

### IV. Reporting of Bullying and Cyberbullying

#### A. Students

It is the policy of Explore Knowledge Academy to encourage students who are subjected to, witness, or overhear incidents of bullying and cyberbullying to report such incidents. Students should report any incident(s) of bullying and cyberbullying to a teacher/advisor, counselor, staff member or school administration. Students are also encouraged to report knowledge of bullying and/or cyberbullying via Sprigeo website or Nevada Safe to Tell /SafeVoice website that allows individuals to anonymously report unlawful activities.

#### B. Employees

Any EKA teacher/advisor, administrator, principal or other staff member who witnesses or receives information about an incident of bullying and/or cyberbullying at any EKA facility, on school grounds, in school buildings or at school-sponsored activities shall report it to the principal or principal's designees as soon as practicable, but not later than a time during the same day on which the teacher/advisor, administrator, principal, or other staff member witnesses or receives information about the incident.

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

#### D. If the principal 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 may recommend the imposition of disciplinary action or other measures against the person in accordance with EKA policies that govern disciplinary action.

### V. Investigation of Reported Violation



- A. Upon receiving a report of bullying or cyberbullying, the principal or designee shall immediately take any necessary action to stop the bullying or cyberbullying and ensure the safety and well-being of the reported victim or victims of the bullying or cyberbullying shall begin an investigation into the report. If the principal or designee does not have access to the reported victim of the alleged violation, the principal 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 paragraph.

When ensuring the safety and well-being 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/advisories or isolating the reported victim from his or her peers.

B. Notification of Reported Violation of Bullying Prohibition

1. The investigation must include notification provided by telephone, electronic mail or other electronic means, or provided in person, of the parents or guardians of all students directly involved in the reported bullying or cyberbullying, as applicable, either as a reported aggressor or a reported victim of the bullying or cyberbullying. The notification must be provided:
  - a. If the 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 bullying or cyberbullying is reported; or
  - b. If the 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 bullying or cyberbullying is reported.
2. If the incident or bullying or cyberbullying was reported via Sprigeo or Nevada Safe to Tell /SafeVoice, 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 reports the incident using the Internet Web site. After the principal or designee is deemed to have received the information, the regular timelines set forth in paragraph (1) commence.
3. The notification may not include personally identifiable student information other than the name of the parent's child to whom the notice is addressed, and is not required to label the student's alleged role in the incident.
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.
5. If the contact information for the parent or guardian of a student in the records of the school is not correct, a good faith effort to notify the parent or guardian shall be deemed sufficient to meet the notification requirements of paragraph



(1). The principal or designee must maintain a record of each notification made pursuant to paragraph (1), including all good faith efforts to notify a parent or guardian if the contact information for the parent or guardian is not correct.

#### C. Interviews

1. Each investigation of a report of 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:
  - a. Each person involved in the reported bullying or cyberbullying, including, without limitation, the reported aggressor, the reported victim, and relevant witnesses; and
  - b. The parent or guardian of the reported aggressor 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

1. The investigation must be completed not later than two (2) school days after the principal or designee receives a report of 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.
2. If a law enforcement agency is investigating a potential delinquent act of crime involving an alleged violation of the bullying or cyberbullying law, the principal or designee may, after providing the notification required by paragraph (B), defer the bullying investigation until the completion of the criminal investigation by the law enforcement agency. If the bullying investigation is deferred, the principal or designee shall immediately develop a 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.

#### E. Written Report

1. A principal or designee who conducts an investigation shall complete a written 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. The report must also include recommendations for the imposition of restorative disciplinary actions or other measures to be imposed that the principal or designee 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.

3. If the violation is found not to have occurred, information concerning the incident must not be included in the permanent record of the reported aggressor. Due to data reporting requirements, the unsubstantiated reports will be expunged from the reported aggressor's discipline record following data reporting.
4. Subject to the provisions of the Family Education Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, a principal or designee who completes a written report must, within 24 hours after the completion of the written report:
  - a. Provide to the parent or guardian of the reported aggressor 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 or guardian of each student directly involved in the incident that the parent or guardian may:
    - i. Submit to the principal or designee a complaint or concern regarding the conduct or outcome of the investigation
    - ii. Request a meeting with the principal or designee to discuss the outcome of the investigation; and
    - iii. Appeal the outcome of the investigation or disciplinary decision made against the student in the manner prescribed in Section VII below.

F. Follow-Up

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

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.



- G. 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 bullying 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 EKA, is not responsible for providing the resources to the student or ensuring the student receives the resources.
  - H. If a violation of the bullying or cyberbullying law is found to have occurred, the parent or guardian of the student who is a victim may request to withdraw from the school. EKA will provide reasonable supports assisting the family to find placement at an alternate school.
- VI. Discipline
- A. Student Discipline
    - 1. Discipline for a violation of the bullying and cyberbullying policy for students is imposed in accordance with the EKA Discipline Policy.
    - 2. The parent or legal guardian of a student involved in the reported 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 EKA policies as set for the in Section VII below.
    - 3. Not later than 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
    - 1. The provisions of the bullying and cyberbullying law do not apply to a violation committed by an employee of EKA against another employee of EKA. However, if applicable, EKA will comply with its employee handbooks.
    - 2. Any EKA employee who violates this bullying and cyberbullying policy shall be subject to discipline, if appropriate.
    - 3. An administrator, including a principal, or the designee or an administrator or principal:
      - a. Shall be disciplined by written admonishment, demotion, suspension, dismissal or refusal to reemploy for knowingly and willfully failing to comply with the provisions of NRS 388.1351.
      - b. May be demoted, suspended, dismissed, or not reemployed 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.
    - 4. A teacher/advisor 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 teacher/advisor witnessed the violation.



5. If an employee is the holder of a license issued pursuant to Chapter 391 of NRS, the superintendent may recommend to the EKA Board of Trustees that the Board 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.

## VII. Appeal Process

### A. Appeal Process for the Alleged Aggressor/Bully

1. The parent/guardian of the alleged aggressor/bully 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.
2. If the principal issued the initial discipline, then the parent/guardian may appeal to the school superintendent.
3. Upon receiving the appeal request, the superintendent 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 superintendent must inform the parent of his/her decision: uphold, modify, or rescind the decision. Extensions of this timeline may be made if needed, and parents will be notified of any extension via telephone, email, or in person.
4. For discipline that does not result in a recommendation for expulsion, the decision of the superintendent is the final level of appeal at EKA.
5. If a student is referred for expulsion, the same process outlined above should occur; however, the process will continue through the appeal process administered by the EKA Board of Trustees. The EKA Board of Trustees' decision is final.
6. Not later than 30 days after receiving notification of the final decision, 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 bullying laws. The procedures for submitting a complaint/appeal are set forth in the state administrative regulations (Chapter 388 of the NAC), a copy of which will be distributed annually to all parents/guardians of students enrolled at EKA.
7. This appeal process applies to EKA issued bullying/cyberbullying disciplinary action. It does not apply to any citation or action imposed by local law enforcement when the conduct also involves a criminal offense.

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

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



2. The level of discipline imposed/not imposed is not subject to appeal by the victim/target given that EKA cannot disclose those details to the parent/guardian of alleged victim/target under FERPA.
  3. If the principal issued the initial finding/decision contained in the Bullying Written Report, the parent/guardian of the alleged victim/target may appeal to the school superintendent.
  4. Upon receiving an appeal request, the superintendent 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 superintendent must inform the parent of his/her decision: uphold, modify, or rescind the decision. Extensions of this timeline may be made by EKA, if needed, and parents will be notified of any extension via telephone, e-mail, or in person.
  5. The decision of the superintendent constitutes the final decision at the school level.
  6. Not later than 30 days after receiving notification of the final decision, 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 bullying laws. The procedures for submitting a complaint/appeal are set forth in the state administrative regulations (Chapter 388 of the NAC), a copy of which will be distributed annually to all parents/guardians of students enrolled at EKA.
- C. When a staff member is involved in alleged bullying of a student, EKA will follow the bullying process. However, there are other labor and employment law implications. These procedures are addressed more fully in separate administrative guidelines.

#### VIII. School Safety Team

- A. EKA shall develop a school safety team, also known as the Community Council, to help develop, foster, and maintain a school environment, which is free from bullying and cyberbullying. The school safety team shall:
1. Consist of the school principal or designee, and the following persons appointed by the superintendent: a school counselor; at least one teacher who teaches at the school; at least one parent or legal guardian of a student enrolled in the school; and any other person appointed by the superintendent. The superintendent 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 last two (2) times each year.
  3. Identify and address patterns of bullying and cyberbullying.
  4. Assist in reviewing and strengthening school policies to prevent and address bullying or cyberbullying.



5. Assist the superintendent in providing information to school personnel, students enrolled in the school, and parents of students enrolled in the school about methods to address bullying and cyberbullying.
6. Not have access to personally identifiable student information related to bullying and cyberbullying, unless a member of the safety team is a school official with a legitimate educational interest, and then only that particular member may have access.
7. Participate in training regarding bullying and cyberbullying, to the extent that funds are available.

IX. Professional Development

Explore Knowledge Academy will provide for the appropriate training of all administrators, teachers/advisors and all other personnel employed by EKA s prescribed by this policy under the heading “Professional Development.”

- A. The Superintendent shall develop methods of discussing the meaning and substance of this policy with staff in order to help prevent bullying and cyberbullying. This will also include methods for addressing the rights and needs of persons with diverse gender identities or expressions as it pertains to the prevention of bullying and cyberbullying.
- B. In addition to informing staff and students about the policy, the superintendent shall develop a plan, including requirements and procedures to assure that the following professional development be provided to all administrators, teachers/advisors, and other personnel employed by Explore Knowledge Academy:
  1. Awareness concerning the various types of bullying and cyberbullying; how the bullying and cyberbullying manifests itself; and the devastating emotional and educational consequences of bullying and cyberbullying.
  2. Training in the appropriate methods to facilitate positive human relations without the use of bullying and cyberbullying so that students and employees may realize their full academic and personal potential.
  3. Training in methods to prevent, identify, and report incidents of bullying and cyberbullying.
  4. Training concerning the needs of persons with diverse gender identities of expressions as it pertains to the prevention of bullying and cyberbullying.
  5. Training concerning the needs of students with disabilities and students with autism spectrum disorder.
  6. Methods to promote a positive learning environment.
  7. Methods to improve the school environment in a manner that will facilitate positive human relations.
  8. Methods to teach skills so that students and employees are able to replace inappropriate behaviors with positive behaviors.



- C. The superintendent shall work with the Office for a Safe and Respectful Learning Environment within the Nevada Department of Education to access available outreach and antibullying education and training materials, if appropriate.
- X. Disclosure and Public Reporting
- A. This policy and the portion of Chapter 388 of the NAC related to bullying will be distributed annually to all students enrolled at EKA, 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 school.
  - B. As required by NRS 385.3483, the following statistics regarding bullying and cyberbullying will be included in the annual report of accountability:
    - 1. The number of reported violations of the bullying and cyberbullying policy occurring at the school or otherwise involving a student enrolled at the school, regardless of the outcome of the investigation conducted.
    - 2. The number of incident determined to be bullying or cyberbullying after an investigation is conducted.
    - 3. The number of incidents resulting in suspension or expulsion for bullying and/or cyberbullying.
    - 4. Any actions taken to reduce the number of incidences of bullying or cyberbullying, including without limitation, training that was offered or other policies, practices, and programs that were implemented, including actions taken for the “Week of Respect.”
    - 5. Personally identifiable student information related to bullying and cyberbullying must not be included in the annual report of accountability.
    - 6. No member of the EKA Board of Trustees, teacher/advisor, administrator, principal, or other staff member may interfere with the reporting of statistics concerning violations of the bullying law.
  - C. As required NRS 388.1351, EKA will submit a quarterly report with these statistics to the Office for a Safe and Respectful Learning Environment.
  - D. An annual summary report shall be prepared and presented to the school board which includes trends in bullying behavior and recommendations on how to further reduce bullying behavior. The annual report will be available to the public. The annual report will include statistical information, and will not include personally identifiable student information.