

# THE DELTA ACADEMY

## **SAFE AND RESPECTFUL LEARNING ENVIRONMENT: BULLYING AND CYBERBULLYING.**

### I. Introduction

The Delta Academy is committed to providing a safe, secure, and respectful learning environment for all students and employees. The school 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:

- (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 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

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

- (1) 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
- (2) 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 putdowns or demeaning humor regarding the actual or perceived age, race, color, national original, 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 harming 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 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 a 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.

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

No member of the Governing Board, employee of the school district, member of a club or organization which uses Delta facilities (regardless of whether the club or organization has any connection to the Delta), or any student shall tolerate or engage in 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, playgrounds, fields, school buses, parking lots, and other areas on the premises of a school.

### IV. Reporting of Bullying and Cyberbullying

#### A. Students

It is the policy of the Delta 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, counselor, or school administrator.

#### B. Employees

Any teacher, administrator, principal, coach, or other staff member who witnesses or receives information about an incident of bullying and/or cyberbullying at any school 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, coach, or other staff member witnesses or receives information about the incident.

- C. No cause of action may be brought against bullying 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 school 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 and shall begin an investigation into the report.

#### 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 not later than:

a. If the bullying or cyberbullying is reported before the end of school hours on a school day, 6 p.m. on the day 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, 6 p.m. on the school day following the day on which the bullying or cyberbullying is reported.

2. 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.

3. 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).

#### C. Interviews

The investigation must include interviews with all students whose parents or guardians must be notified pursuant to paragraph (B) and with all such parents and guardians.

#### D. Timeline for Investigation

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 the principal or designee is not able to complete the interviews required by paragraph (C) within two (2) school days after making a good faith effort because any of the persons to be interviewed is not available, one (1) additional school day may be used to complete the investigation.

#### 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.
3. Subject to the provisions of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g, and any regulations adopted pursuant thereto, the report must be made available, not later than 24 hours after the completion of the written report, to all parents or guardians who must be notified pursuant to paragraph (B) as part of the investigation.

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 to inquire about the well-being of the reported victim and to ensure that the reported bullying or cyberbullying, as applicable, is not continuing.

- 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. If a list is provided, the principal or designee, or any employee of the school, is not responsible for providing the resources to the student or ensuring the student receives the resources.

VI. Discipline

A. Student Discipline

1. Discipline for a violation of the bullying and cyberbullying policy for students is imposed in accordance with Delta's progressive discipline plan.
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.
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. Allegations of bullying and/or cyberbullying among teachers or between teachers and administrators, principals, or other school employees must be reported and will be investigated.
2. Any school employee who violates this bullying and cyberbullying policy shall be subject to discipline, if appropriate.
3. An administrator, including a principal, or the designee of an administrator or principal of a school:
  - a. Shall be disciplined by written endorsement, demotion, suspension, dismissal, or refusal to reemploy knowingly and willfully failing to comply with the provisions of NRS 388.135.

- b. May be demoted, suspended, dismissed, or not reemployed for knowingly and willfully failing to comply with the provisions of NRS 388.135 if the administrator witnessed the violation.
4. A teacher may be suspended, dismissed, or not reemployed for knowingly and willfully failing to comply with the provisions of NRS 388.135 if the teacher 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 Governing Board 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. Professional Development

The Delta Academy will provide for the appropriate training of all administrators, principals, teachers, and all other personnel employed by the school as 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.
- 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, principals, teachers, and other personnel employed by the Governing Board of Delta 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. Methods to promote a positive learning environment.
  5. Methods to improve the school environment in a manner that will facilitate positive human relations.
  6. 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 anti-bullying education and training materials, if appropriate.

#### IX. Disclosure and Public Reporting

- A. The policy will be distributed annually to all students enrolled in the school, their parents and/or guardians, and employees. It will also be made available to organizations in the community having cooperative agreements with the schools. The school will also provide a copy of the policy to any person who requests it.

- B. As required by NRS 385.3483, the following statistics regarding bullying and cyberbullying will be included in the school's annual report of accountability:
1. The number of reported violations of the bullying and cyberbullying policy occurring at school, or otherwise involving a student enrolled at the school, regardless of the outcome of the investigation conducted.
  2. The number of incidents 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.
- C. An annual summary report shall be prepared and presented to the Governing 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.

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