

290 SAFE AND RESPECTFUL LEARNING ENVIRONMENTS: BULLYING AND CYBER BULLYING

A learning environment that is safe and respectful is essential for the pupils enrolled at Oasis Academy and is necessary for those pupils to achieve academic success and meet Oasis Academy's high academic standards. Every classroom, hallway, locker room, cafeteria, restroom, gymnasium, playground, athletic field, school bus, parking lot and other areas of Oasis Academy must be maintained as a safe and respectful learning environment, and no form of bullying or cyber-bullying will be tolerated within the system of Oasis Academy.

DEFINITIONS

A. 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;
 - (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 pupil 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 race, color, national origin, ancestry, religion, gender identity or expression, sexual orientation, physical or mental disability of a person, sex or any other distinguishing characteristic or background of a person; or
 - (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 put-downs or demeaning humor regarding the actual or perceived race, color, national origin, ancestry, religion, gender identity or expression, sexual orientation, physical or mental disability of a person, sex or any other distinguishing characteristic or background of a person;

- (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. Cyber Bullying

1. Under NRS 388.123, “cyber-bullying” 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. Electronic Communication

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.

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 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.

BULLYING AND CYBERBULLYING ARE PROHIBITED IN PUBLIC SCHOOLS

No member of the Board of Directors, employee, member of a club or organization which uses Oasis Academy facilities (regardless of whether the club or organization has any connection to Oasis Academy), or any student shall tolerate or engage in bullying or cyberbullying at any Oasis Academy facilities or school-sponsored activities.

REPORTING OF BULLYING AND CYBERBULLYING

A. Students

It is the policy of Oasis 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 Oasis Academy teacher, administrator, coach or other staff member who witnesses a violation or receives information that a violation has occurred shall report the violation to the administrator or his or her designee as soon as practicable, but no later than a time during the same day on which the teacher, administrator, coach or other staff member witnessed the violation or received information regarding the occurrence of a violation.

C. Immunity for Reporting and Exceptions

No cause of action may be brought against a pupil or an employee or volunteer of Oasis Academy who reports a violation unless the person who made the report acted with malice, intentional misconduct, gross negligence, or intentional or knowing violation of the law.

D. False Reports

If an administrator determines that a report of a violation is 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 administrator may recommend the imposition of disciplinary action or other measures against the person in accordance with school policy.

INVESTIGATION OF VIOLATIONS

A. Upon receiving a report of bullying or cyberbullying, the administrator 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 or 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 pupils directly involved in the reported bullying or cyberbullying, as applicable, either as a reported aggressor or a reported victim of the bullying or cyber-bullying. 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 on which the bullying or cyber-bullying is reported; or
 - b. If the bullying or cyberbullying was reported on a day that is not a school day, or after schools 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 parent/guardian'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 pupil 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 requirement for notification in paragraph (1).

C. Interviews

Interviews must be conducted with all pupils whose parents or guardians must be notified pursuant to paragraph (B) and with all such parents and guardians.

D. Timeline for Investigation

An investigation must be completed no later than two (2) school days after the administrator or designee receives a report of bullying or cyberbullying. If the administrator 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. An administrator or designee who conducts an investigation required by this section 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, in accordance with the policy 250 STUDENT DISCIPLINE.
3. Subject to the provisions of the Family Educational Rights and Privacy Act of 1974, and any regulations adopted pursuant thereto, the report must be made available, no

later than 24 hours after the completion of the written report, to all parents or guardian who must be notified pursuant to paragraph (B) as part of the investigation.

F. Follow-Up

Not later than ten (10) school days after receiving a report required by paragraph (A), the administrator 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. Resources

To the extent that information is available, the administrator or his or her designee shall provide, to a parent or guardian of a pupil to whom notice of a reported bullying violation was provided pursuant to paragraph (B), a list of resources that may be available in the community to assist a pupil as soon as practicable. If a list is provided, the administrator or his or her designee, or any employee of Oasis academy is not responsible for providing such resources to the pupil or ensuring the pupil receives such resources.

DISCIPLINE

A. Student Discipline

1. Discipline for a violation of the bullying and cyberbullying policy for students is imposed in accordance with policy 250 STUDENT DISCIPLINE.
2. The parent or guardian of a pupil involved in the reported bullying or cyberbullying violation may appeal a disciplinary decision of the administrator or his or her designee, made against the pupil as a result of the violation, in accordance with Oasis Academy policies.
3. Not later than 30 days after receiving a response provided in accordance with such a policy, 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 or other school employees must be reported and will be investigated in accordance with personnel policy 106 HARASSMENT, SEXUAL HARASSMENT, AND INTIMIDATION and other applicable laws.
2. Any Oasis Academy employee who violates this bullying and cyberbullying policy shall be subject to discipline, if appropriate.

3. An administrator or the designee of an administrator: (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 may be 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 teacher witnessed the violation.
5. If the employee is the holder of a license issued pursuant to Chapter 391 of NRS it may be recommended to the Board of Directors that the Board submit a recommendation to the State Board for the suspension or revocation of the license.

SCHOOL SAFETY TEAM

- A. The administrator of Oasis Academy or his or her designee shall establish a school safety team to develop, foster, and maintain a school environment which is free from bullying and cyberbullying. The school safety team shall:
 1. Consist of an administrator or his or her designee and the following persons appointed by the principal: A school counselor; at least one teacher who teaches at the school; at least one parent or legal guardian of a pupil enrolled in the school; and any other persons appointed by the principal. The administrator or his or her designee 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.
 3. Identify and address patterns of bullying or cyberbullying.
 4. Review and strengthen school policies to prevent and address bullying or cyberbullying annually and submit policies to the Board of Directs for annual review.
 5. Determine the most effective manner for the delivery of information to the pupils of Oasis Academy during the “Week of Respect” proclaimed by the Governor each year. The information delivered during the “Week of Respect” must focus on:
 - a. Methods to prevent identify and report incidents of bullying and cyberbullying.
 - b. Methods to improve the school environment in a manner that will facilitate positive human relations among pupils.

- c. Methods to facilitate positive human relations among pupils by eliminating the use of bullying and cyberbullying.

Present actions planned during the “Week of Respect” to the Board of Directors.

6. Assist administration in providing information to school personnel, pupils enrolled in the school and parents and legal guardians of pupils enrolled in the school on methods to address bullying and cyberbullying.
7. 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 legitimate educational interest, and then only that particular member may have access.
8. To the extent money is available; participate in training regarding bullying and cyberbullying.

PROFESSIONAL DEVELOPMENT

The Board of Directors will provide for the appropriate training of all board members, administrators, teachers, and all other personnel employed by Oasis Academy in accordance with this policy as prescribed by this policy under the heading “Professional Development.”

- A. The administrator 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 student about the policy, the administrator shall develop a plan, including requirements and procedures, to assure that the following professional development be provided to all board members, administrators, principals, teacher, and other personnel employed by the Board of Directors within 180 days after the member begins his or her term of office or after the employee begins his or her employment.:
 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 among pupils by eliminating the use of bullying and cyberbullying so that pupils 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 among pupils.
 6. Methods to teach skills to pupils so that the pupils are able to replace inappropriate behavior with positive behavior.
- C. The administrator shall work with the Office for Safe and Respectful Learning Environment within the Nevada Department of Education to access available outreach and antibullying education and training materials, if appropriate.

DISCLOSURE AND PUBLIC REPORTING

- A. The policy will be distributed annually to all students enrolled at Oasis Academy, their parents and/or guardians and employees. It will also be made available to organizations in the community having cooperative agreements with the school. Oasis Academy will also provide a copy of the policy to any person who requests it.
- B. The policy will be posted on the Internet website maintained by Oasis Academy.
- C. As required by NRS 385.3483, the following statistics regarding bullying and cyberbullying will be included in Oasis Academy's annual report of accountability:
1. The number of reported violations of the bullying and cyberbullying policy occurring at Oasis Academy or otherwise involving a pupil enrolled at a school regardless of the outcome of the investigation conducted.
 2. The number of incidents determined to be bullying or cyberbullying after and investigation is conducted.
 3. The number of incidents resulting in suspension or expulsion for bullying or cyberbullying.
 4. Any actions taken to reduce the number of incidents of bullying or cyberbullying including without limitations, 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.
- D. An annual summary report shall be prepared and presented to the Board of Directors, which includes trends in the 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.