





Gina C. Session, Esq.
Director,
Civil Rights Compliance
Washoe County School District

LEARNING OBJECTIVES

- Review current topics in responding to bullying complaints.
- Understand how bullying investigations overlap with law enforcement investigations.
- Understand how to apply the bullying law when the offender is a student with a disability.
- Considerations when creating a safety plan.



Bullying Investigations and Law Enforcement



- Battery = unlawful and unpermitted touching of another.
- Sexual Assault
- Report to school police. Law enforcement investigation takes priority over the bullying investigation.
- When a matter is referred to police, school must complete parent notifications and institute a safety plan.
- School must inform the parent of the projected date for completion of the law enforcement investigation.

Next Steps After Law Enforcement Investigation



- Once law enforcement investigation is complete, school must complete a bullying investigation.
- Two day investigation window starts once the school is notified that the police investigation is complete.
- Different standard of proof for criminal and bullying investigations.
- Review law enforcement report if available.
- May rely on information in the report to support bullying findings.
- Final report on bullying investigation sent to parents.

BULLYING LAW AND STUDENTS WITH DISABILITIES

- In 2017 Nevada Law changed to address when an alleged offender has an IEP.
- The administrator conducting the investigation must determine whether the conduct at issue is addressed in the IEP.
- This does not require reconvening the IEP team or conducting a manifestation.
- If the conduct is addressed in the IEP, then apart from creating a safety plan to ensure the victim is safe, the bullying law does not apply.



Students' with Disabilities Cont.

- Conduct that is part of a student's disability should not be labeled as bullying.
- How do you communicate this to the parent of the victim without violating FERPA?



ADVERSIVES

- Any conduct that must be reported as an adverse, must also be investigated for bullying.
- Particularly sensitive because the victim is a student with a disability.
- Must be investigated even if the parent does not make a bullying complaint.



SAFETY PLANS

When do you need a safety plan?

- When you receive a complaint a safety plan should be put in place while you conduct an investigation.
 - When you have a finding of bullying.
- What is the purpose of the safety plan?
- To ensure that the alleged victim feels safe in the school environment.



SAFETY PLAN TIPS

- Unless it is requested by the victim or the victim's parents, the victim should not be asked to change their schedule or classroom.
- Line of sight
- Staggered passing periods
- Alternate recess
- Early out
- Any-time pass
- Work with the parents and the counselor to tailor the plan to the needs of the student.



Contact Gina C. Session at:
GSession@washoecountyschools.net
Or 775-789-4627