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Nevada State Education Association

Testimony on AB 218

Assembly Education Committee, March 7, 2003

Thank you, Mr. Chairman. My name is Mary Ella Holloway. I am a middle school teacher who is currently the president of the Clark County Education Association.

I want to preface my remarks by stating that I believe that the vast majority of administrators in Clark County are dedicated professionals who care about their students and staff. They take their responsibilities seriously and comply with district regulations and Nevada statutes. Having said that, I also believe that compliance with AB 521 does not occur in all of our schools.

During the 1999 session, NSEA worked very hard and succeeded in getting support for AB 521. AB 521 was a student discipline bill that gave teachers the authority they needed to refer disruptive pupils from the classroom—and ensure that they wouldn't be coming right back into the classroom through the never-ending revolving door in the principal's office.

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ASSEMBLY EDUCATION

DATE: 3/7/03 ROOM: 3143 EXHIBIT C
SUBMITTED BY: MARY ELLA HOLLOWAY

Under AB 521, each school must put in place a plan of progressive discipline that must be adhered to before the teacher's authority under AB 521 kicks in. Once all the progressive discipline requirements have been met, if there still is no relief—if the student's disruptive behavior is creating a situation where learning is not occurring in the classroom, the teacher may invoke AB 521.

Invoking AB 521 is a clear signal from the teacher that the situation has become untenable, and that the teacher must look for help from administrators. The first thing that must happen under the law is that the student must be given a temporary assignment that isolates him from other students until a conference can be held with the parents. Once the conference is held, the teacher is granted the authority under AB 521 to say, "I don't believe this problem has been resolved, and I do not want this student to be returned to my class."

If the principal disagrees with this, a committee of school employees reviews the matter and makes a final determination about what to do with the student. This committee can overrule the teacher and return the student to that classroom, or they can put the student into another classroom. But under AB 521, they could also suspend or expel the student.

AB 521 was intended to give teachers authority to actually deal with severe discipline problems and get help from the system.

We worked to inform our membership about AB 521 in the fall of 1999 to ensure that the law was implemented properly in all of Nevada's schools. We immediately ran into roadblocks—mostly from administrators who said, “I’m not going to do it.”

We have trained our staff to assist teachers in dealing with AB 521 implementation problems, and even now, in 2003, we hear from teachers constantly that their principal is refusing to allow AB 521 referrals, or other violations of the law.

In the spring of 2002, CCEA conducted a survey that contained four questions related to the development and implementation of AB 521. The following are the results of four questions from that survey.

1. The administration with teacher involvement has developed a school-wide discipline plan for our worksite. Yes 70% No 30%
2. The administration has developed, with staff, procedures for removal of students with habitual discipline problems according the law (AB 521).
Yes 66% No 34%
3. The administration has developed a process to handle habitually truant students according to the law (AB 521). Yes 71% No 29%
4. The administration has established an AB 521 Appeal Committee and it is operational. Yes 56% No 44%

AB 218 puts administrators on notice that they cannot disregard the law because they do not believe the law is important. Because there are administrators who fail to develop and implement the provisions outlined under AB 521, we support AB 218.