

**MINUTES OF THE
SENATE COMMITTEE ON HUMAN RESOURCES AND EDUCATION**

**Seventy-third Session
May 2, 2005**

The Senate Committee on Human Resources and Education was called to order by Chair Maurice E. Washington at 1:38 p.m. on Monday, May 2, 2005, in Room 2135 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Maurice E. Washington, Chair
Senator Barbara K. Cegavske, Vice Chair
Senator Joe Heck
Senator Bernice Mathews
Senator Valerie Wiener
Senator Steven Horsford

COMMITTEE MEMBERS ABSENT:

Senator Dennis Nolan (Excused)

GUEST LEGISLATORS PRESENT:

Assemblyman Joe Hardy, Assembly District No. 20
Assemblyman David R. Parks, Assembly District No. 41

STAFF MEMBERS PRESENT:

Leslie K. Hamner, Committee Counsel
Marsheilah D. Lyons, Committee Policy Analyst
Patricia Vardakis, Committee Secretary

OTHERS PRESENT:

J. David Frazer, Nevada League of Cities and Municipalities
Kimberly McDonald, City of North Las Vegas
Nancy Hollinger, Washoe County School District
Anne K. Loring, Washoe County School District

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Dr. Barbara L. McLaury, Senior Director of Elementary Education and
Title I Programs, Washoe County School District
Patricia Casarez, Principal, Washoe County School District
Jane Bantz, Washoe County School District
Lynn P. Chapman, Nevada Eagle Forum
Debi Basta, Education Collaborative of Washoe County
Barbara Clark, Nevada Parent Teacher Association
Craig Kadlub, Clark County School District
Louise Bayard-de-Volo, Nevada Women's Lobby
Lucille Lusk, Nevada Concerned Citizens
Dorothy (Dotty) Merrill, Washoe County School District
Dr. Keith Rheault, Superintendent of Public Instruction, Department of Education
Julie Whitacre, Nevada State Education Association
Ricci J. Rodriguez-Elkins, Center for Charter School Development

CHAIR WASHINGTON:

We will open the hearing on Assembly Bill (A.B.) 22.

ASSEMBLY BILL 22 (1st Reprint): Authorizes appointed trustees of city library to make recommendations to governing body of city to sell, exchange, transfer, assign or otherwise dispose of real or personal property of library. (BDR 33-509)

J. DAVID FRAZER (Nevada League of Cities and Municipalities):

Assembly Bill 22 was requested by the City of North Las Vegas. Kimberly McDonald, who is the lead lobbyist for the City of North Las Vegas, will explain the bill.

KIMBERLY McDONALD (City of North Las Vegas):

Assembly Bill 22 proposes enabling or permissive language regarding the authority of library districts to dispose of land and property. Through A.B. 22, we are seeking to have a clarification of our library district board of trustees in order to do this. The bill was amended to stipulate that the library district board of trustees shall make recommendations to the governing body or the city council thereby making the city council the final authority for such an action.

I draw your attention to page 2, lines 22 through 24 of A.B. 22, the language states that the library trustees shall manage, acquire real and personal property for the library. However, it does not state that the library district board of

trustees may sell, transfer or dispose of that property. The language was vague regarding this flexibility so that is the reason the language on page 2, lines 30 through 32 was added to make various recommendations to the governing body we were seeking to resolve.

In the Assembly, there was a concern about whether the city council would fulfill its commitment to construct and operate a library for the residents in the area of the donated land that we have received. I have provided a copy of the meeting minutes of July 2004 to the Committee ([Exhibit C](#)). On page 4 of [Exhibit C](#), paragraphs 4 and 5, Chair Smith went over some of the reasons that the decision was made to build the library on the Aliante site. She stated that there was a commitment to construct a library on the Alexander Road site. Our city council is committed to ensuring that the residents in that area have a library. Assembly Bill 22 clarifies the vagueness that we had experienced.

I would like to give you some background information as to why we sought the bill. In 1995, the Becker family donated 4.5 acres for a library which is located on Alexander Road, west of Martin Luther King Boulevard. To date, we have not had enough funds to complete the necessary architectural plans. In the past our library district board of trustees has explored various options for how to use the land. We would like to construct a multi-use facility such as a library with a senior center, a boys-and-girls club or something of that nature. This bill would enable our governing body to accomplish those types of projects. This is why we amended the bill. Other municipalities and school districts have this ability to sell, transfer or swap land. A library district does not have that ability. The goal is the same which is to find the best public use for donated land. This would enable us to provide the best public service to the community. We continue to explore various opportunities for providing our library services to our mature and newer areas of the city.

SENATOR MATHEWS:

Where is the location of the land donated by the Becker family?

Ms. McDONALD:

The land is located at Alexander Road and Martin Luther King Boulevard.

SENATOR HECK:

Can the library purchase property without the governing body's permission?

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Ms. McDONALD:

Yes. The ability to dispose of donated land is not clear. We would like to have the language more specific for the public good.

SENATOR HECK:

The way the language is now, if the library district board of trustees purchased a piece of land, which you do not need governing body permission to do, and wanted to sell that land, you would need to get permission from the city council.

Ms. McDONALD:

It was the will of the Assembly Committee on Government Affairs that the city council is the final action. Even though the library district board of trustees makes the recommendation, they want the final accountability to the constituents to be the city council.

CHAIR WASHINGTON:

Is the library district board of trustees an appointed body?

Ms. McDONALD:

The board is partially elected. There are five city council members and two citizens on the board.

CHAIR WASHINGTON:

Are the citizens appointed?

Ms. McDONALD:

Yes.

SENATOR HORSFORD:

I support the provisions of the bill. I was concerned about the recent closing of the facility on Craig Road and groundbreaking at the Aliante site. I have not heard about the progress of the facility at the Alexander Road site or the need for this facility. Would you explain where we are now and how this bill will address these issues?

Ms. McDONALD:

Currently, we are seeking more funds to finish the architectural plans for the Alexander Road site. In 1997, there was an appropriation by the Nevada State

Legislature of \$350,000 to start the plans. We also need funding to operate the library. The Aliante library has occurred through development agreements for that construction. The site of donated land is on hold because of operational funds. It is still a strong commitment by our city council. Various citizens have expressed their concerns. The city council does not want it to appear that it is the newer area versus the mature area. We want them to know that we are still committed to opening the site. With the competition for funding for various projects, the Alexander Road site project is still on the docket and we are looking for funds.

SENATOR HORSFORD:

Was the Aliante library 100-percent funded by the developer of Aliante or were there contributions by the library district board of trustees or the city?

MS. McDONALD:

It is my understanding that it was an agreement through the developer. The cost was \$4.5 million for the Aliante facility. I do not have all of the details.

SENATOR HORSFORD:

Could you provide me with that information? I think the library district board of trustees should have proceeded based upon the commitment of the 69th Legislative Session and the Alexander Road site should have been a priority. I have voiced this concern to several of the library district's board of trustees. A previous Legislature contributed \$350,000 toward the construction of a library at the Alexander Road site and we are no further along in the process today than we were at that time, which is my concern. We are seeing more and more services going to the suburban parts of the city and fewer projects and investments coming to the more established communities. I will support this bill. I would like to receive the information on how much the developer funded the Aliante library. I would like a clearer direction from the library district board of trustees on when they plan to proceed. If the library district board of trustees found funds to construct the Aliante library before the Alexander Road site, it is my opinion that they used poor judgment.

MS. McDONALD:

The city council is sensitive to your views and the citizen's views as well. The Aliante library was part of the development agreement. As the city is growing and we are requiring more standards from our developers, this is part of the new wave of our development with Aliante. There is no intent to forget the

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Alexander Road site. We have a firm commitment from our city council on that project.

CHAIR WASHINGTON:
Will the final approval be the city council?

Ms. McDONALD:
Yes.

SENATOR HECK MOVED TO DO PASS A.B. 22.

SENATOR WIENER SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR NOLAN WAS ABSENT FOR THE VOTE)

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SENATOR HORSFORD:
I will reserve my right to change my vote on the Senate floor.

CHAIR WASHINGTON:
I will open the hearing on A.B. 518.

ASSEMBLY BILL 518 (1st Reprint): Authorizes school districts to prescribe minimum attendance requirements for pupils in kindergarten and first grade and for pupils in certain remedial programs. (BDR 34-606)

NANCY HOLLINGER (Washoe County School District):
There are two parts to A.B. 518 and two different objectives. The first part of our bill will permit the school district to prescribe a minimum number of days of attendance for a student enrolled in kindergarten or first grade. This is described on page 2, lines 27 through 32; page 3, lines 38 through 44 and page 4, lines 1 through 9. This language is permissive. Currently, the minimum age of compulsory school attendance in Nevada is seven years of age. Many parents enroll their five- and six-year-old children in kindergarten and first grade. There is the perception among parents and law enforcement personnel that five- and six-year-old children are not subject to the current statute on minimum days of attendance required for promotion. This part of our bill would allow school

districts to adopt a policy making all enrolled students subject to the mandatory attendance statute. Assembly Bill 518 does not change the age of seven as the compulsory attendance in school. It does not mandate enrollment in kindergarten. It simply says that if a student is enrolled, then the district can mandate that student's attendance.

ANNE K. LORING (Washoe County School District):

The second portion of our bill also has permissive language. It will allow a school district to mandate attendance for non-proficient students if that program is entirely free, including transportation, to the student and the family. Although we are seeking the ability for a district to mandate attendance for students who are not proficient, our intention was to allow flexibility for students, parents and the district to work together on this important issue. There may be extenuating circumstances for some families who would require flexibility. If the board of trustees were to enact such a policy, this bill would require that it would define the criteria for determining whether a student needed remediation, describe a procedure to keep parents informed throughout the school year on the progress of their child and have an appeals process.

After some discussion, we realized that the mandatory wording of the consequence of not being promoted or receiving credit did not reflect the flexibility that we intended. Therefore, we are requesting an amendment that would move the part of students needing remediation into a different section of the *Nevada Revised Statutes* (NRS). I have provided a copy of our amendment ([Exhibit D](#)). We are proposing to remove the language on lines 42 through 44, on page 3 and starting with, "If a board of trustees" on lines 2 through 9 on page 4 of A.B. 518. We propose to move the language about remedial students to NRS 388.090 which is the statute that addresses 180 days of a school year of free public education. Our proposal is that a district wishing to do this could apply to the superintendent of public instruction to authorize remediation through additional days or additional minutes. This must be free to the student, including transportation. If approved, the district could require attendance by a non-proficient student. This amendment does not have prescriptive and draconian consequences as first written. There would be flexibility to meet the needs of students and families while still sending the message that if a student is non-proficient he or she must take the opportunity of additional time for instruction.

The district would have to spell out in its policy the determination of how a student would be identified as needing remediation as well as a procedure for keeping parents informed of the student's progress and an appeals process.

DR. BARBARA L. MCLAURY (Senior Director of Elementary Education and Title I Programs, Washoe County School District):

The common theme of A.B. 518 is attendance. There are two parts to our request. The bill proposes that once a child is enrolled in kindergarten or first grade, the child must attend school. Even at these young grades, our academic standards are rigorous. Poor attendance creates gaps in student learning that make future learning more difficult. Compulsory attendance in school does not begin until age seven. Students who enroll at ages five and six need to attend school daily, not sporadically. We have a system in place for addressing parents who are not supportive of student attendance. For students under the age of seven, our hands are tied without this new language.

The second issue of this bill relates to our desire to create more instructional time for identified students. Supporting A.B. 518 allows the district to make additional instructional time available to identified students so that they can finish with the other students. It is about providing formal and structured opportunities for identified students. While I was the principal of the Bernice Mathews Elementary School, we had an intensive summer school program where approximately 60 percent of our children attended. Parents look on this as an opportunity of learning for their children. We urge your support of this bill.

CHAIR WASHINGTON:

This is permissible language. If a child is going to attend kindergarten, they will need to attend the recommended number of school days.

DR. MCLAURY:

Correct. We currently have an issue in one of our Title I schools with a first grade student who has a total of 65 occasions of being absent or tardy. In speaking to the parent about this issue, the parent indicated that she realizes that attendance is not mandatory until a child is seven years old. We are not able to take her to the student attendance-review board, whereby we could get many social agencies involved with the family to help the child attend school.

PATRICIA CASAREZ (Principal, Washoe County School District):

As the principal of a Title I school, it is imperative that our kindergarten students are there every day. Parents for a variety of reasons keep their children out of school. When they get into the 45 to 50 or more days of absence, the child with that amount of time missed is not ready for first grade.

I am the state representative to the National Association of Elementary School Principals. The No Child Left Behind (NCLB) Act of 2001 is not going to relieve anything for the school districts. I am finding that the students who are below grade level need the assistance. For a school district to offer this assistance would be a help to meet the goals of NCLB.

SENATOR CEGAVSKE:

How will the schools make these children accountable if the parents are not accountable? There are parents who are using kindergarten as a day care. If the parents do not care about their children being in school and they are not committed, then I do not see how this bill will help with that situation.

DR. McLAURY:

On an individual basis, it gives us the teeth at least to say to the parents that it is their responsibility to bring their child to school every day. In many instances, principals have gone to the homes and brought the children to school. It is a matter of having the law behind us so that we can tell the parents that they are in violation of the law.

SENATOR CEGAVSKE:

What will be the repercussions to the parents if a parent does not bring their child to school on a regular basis?

DR. McLAURY:

In Washoe County, we take them to the School Attendance Advisory Board (SAAB) which brings together the office of the district attorney, sheriff's office, social services and many of the agencies in our community that brainstorm to make sure this parent does have the resources that are necessary for the parent to bring the child to school. This has been an effective vehicle for us. This procedure cannot occur until the child is seven years of age.

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SENATOR CEGAVSKE:

Is it possible to say to a parent, if you do not bring your child to school for a certain amount of days that space will be given to another child?

DR. McLAURY:

We cannot do what you are suggesting. We want to keep the children in school under the law.

MS. CASAREZ:

I have been to SAAB on a number of occasions for students who were not at kindergarten grade level. The parents do not want to go before the Board. They sit in front of a number of community organizations who tell the parents that their children are enrolled in school and they need to attend. What we are saying is to let us have the law behind us because we are not a babysitting service. We are there to teach their children and their children are there to learn to enable them to be ready for first grade.

SENATOR CEGAVSKE:

Do the parents show up for the meeting?

MS. CASAREZ:

Yes. We have an attendance officer who will pick them up at their home. I have picked up parents.

SENATOR CEGAVSKE:

If you are doing this, why do we need to put it into law?

MS. CASAREZ:

Once the parents go to the review board, the children attend school. The law is for children seven years of age or older. The law does not mandate five- and six-year-old children to attend school. If a parent decides to put their children in school, they should follow the mandatory attendance policy.

JANE BANTZ (Washoe County School District):

Separating the mandatory attendance for kindergarten and first-grade students from mandatory attendance for students enrolled in a program for remedial education not only clarifies the intent of A.B. 518 but puts greater emphasis on both provisions. I need my students in attendance in order to teach not only concepts but also the English language. Many of the kindergarteners entering

school speak Spanish. Reading recovery is a powerful intervention program for students in first grade for those who are struggling with learning to read. It is available to them but part of the program is an attendance piece. If students are not consistent in their attendance, they will not accelerate in reading. If a child does not come every day for the given amount of time, we must discontinue them in the program. They do not get the benefit of an intense reading program that would put them at grade level at the end of first grade.

Perhaps with mandatory attendance in kindergarten and first grade for those who are enrolled in our schools, the need for attendance in remedial programs will not be as great.

CHAIR WASHINGTON:

I would like to amend A.B. 518. For children of the age of five and six, the district will provide the parents a written agreement that they will follow the mandatory amount of days for children seven years of age. The district will design a written-policy agreement for the parents to sign that they understand their children need to follow the mandatory-attendance policy. If the parent removes their child from kindergarten or first grade, they will sign a statement to that effect.

MS. LORING:

Currently, if a student withdraws at any age, they sign a withdrawal form which is how we keep student accounting records. Your amendment is to give parents of kindergarten and first-grade children the policy so they understand clearly what the school's expectations are, have them sign the acknowledgement and should they withdraw their child, they would go through the normal withdrawal procedures.

CHAIR WASHINGTON:

This will take the stigma of being mandatory policy so that it is actually voluntary for the parent to enter their child into kindergarten, but if they place their child in kindergarten, then they must follow all the rules and regulations.

LYNN P. CHAPMAN (Nevada Eagle Forum):

I am pleased with your amendment. There are children who are not ready to attend kindergarten. This amendment would allow parents to let their child try kindergarten and then if it did not work out a parent could reverse the situation.

Assembly Bill 518 is a better piece of legislation with the amended remedial section of the bill. With the addition of the two amendments, we support A.B. 518.

DEBI BASTA (Education Collaborative of Washoe County):

The Education Collaborative of Washoe County, Incorporated is a partnership of educators, parents, business and community working to provide leadership and advocacy for educational excellence. The board of the partnership supports A.B. 518. We particularly support requiring attendance in remedial programs of students who are not proficient. Our board is supportive of Nevada's standards and helps to participate in reviewing and enhancing them for Washoe County students. The board appreciates the funding that is provided by the Legislature and others for tutoring and other remedial programs, but in order for that to be an effective use of funds, the students must attend school.

As a parent, I support the requirement and understand that remediation can be difficult for a student or family. For that reason, I appreciate the flexibility that this bill will allow for those special cases when a child may need alternative remediation.

BARBARA CLARK (Nevada Parent Teacher Association):

The Nevada Parent Teachers Association (NPTA) supports the two proposed amendments, if it is legal for the school district to ask the parent to withdraw their child if the child had not attended the required number of days. My concern is that the Legislature has already determined that kindergarten and first grade are important because they fund it, mandate curriculum, mandate that teachers are qualified and hold the students accountable. It would be strange that we would want to negate this by not requiring a minimum-attendance policy. Research shows that kindergarten and first grade are significant in the development of a child's educational career. We think it is important these children attend classes.

The amendment concerning remediation is important because it gives voice to parents in the development of the process and policy that will impact their children and the family. Remediation, whether it occurs during summer school, after school or weekends, has an impact on family life. All parents want their children to be successful, but they will be more successful if the parents believe they are part of the decision-making process. In 2001, the Legislature mandated that the Department of Education, school districts and individual schools

establish a parent-involvement policy based on the six standards for parent involvement. Communication is one of these standards. This bill, with the development of a policy, will address how parents will be informed of their child's progress throughout the school year. The parents will know the issues that may lead to their child's attendance at a remediation course, and it will provide opportunities for input for shared responsibility and an ongoing partnership towards success.

The appeals process will allow parents the opportunity to be active participants.

CHAIR WASHINGTON:

How effective is your group in reaching parents of new students?

MS. CHAPMAN:

We have an ongoing training system of all of our officers and our NPTAs across the State. They talk about how to engage parents in parent involvement at their school and provide programs to get parents involved. We are verbal at school districts at the state level as well as trying to make sure that parent-involvement-policy opportunities are made available for all parents.

CHAIR WASHINGTON:

How does the NPTA define parental involvement?

MS. CHAPMAN:

We base parental involvement on the six standards that are in NCLB. They are in the NRS. We believe all six standards should be present in every aspect for there to be effective parental involvement.

SENATOR MATHEWS MOVED TO AMEND WITH BOTH AMENDMENTS
AND DO PASS A.B. 518.

SENATOR WIENER SECONDED THE MOTION.

SENATOR CEGAVSKE:

I will withhold my vote until I can review both amendments.

SENATOR HECK:

I will vote for the bill, but I would like to see the amendments before the bill goes to the Senate floor.

THE MOTION CARRIED. (SENATOR CEGAVSKE ABSTAINED FROM THE VOTE. SENATOR NOLAN WAS ABSENT FOR THE VOTE.)

CHAIR WASHINGTON:

Staff will bring the amendments back to the Committee before the bill will be sent to the Senate floor.

We will hear testimony on A.B. 202.

ASSEMBLY BILL 202 (1st Reprint): Revises provisions governing safe and respectful learning environment in public schools. (BDR 34-561)

ASSEMBLYMAN DAVID R. PARKS (Assembly District No. 41):

Definitions were created with A.B. No. 459 of the 71st Legislative Session for harassment and intimidation. There was also the approval of a declaration of legislative intent and a prohibition of harassment and intimidation. Assembly Bill 202 takes the existing statute to the next step.

Section 2 of the bill requires the Department of Education to adopt a policy statement in consultation with the various school districts and its boards of trustees, educational personnel and local associations and organizations. The policy requires the development of a program for use by school districts to train administrators, principals, teachers and other personnel. The Department must review the policy annually.

In section 3, it states that the board of each school district shall adopt a policy that complies with the State's policy, provide training and submit a report annually.

In section 4, the Superintendent of Public Education is required to compile the annual report from all counties and submit the report on or before October 1 to the Attorney General.

In section 5, a school official shall not directly or indirectly use his or her authority to intimidate, threaten or coerce another official in an effort to interfere or prevent the disclosure of information.

In section 6, no cause of action may be brought against a person who reports a violation.

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SENATOR HECK:

What does the Attorney General do with the information that is reported? What is the reason for the report?

ASSEMBLYMAN PARKS:

Attorney General Brian Sandoval took over the bully-free program that had served several sessions in the Department of Education. There was a strong interest to review efforts in this area.

SENATOR CEGAVSKE:

Could you explain the language in section 2, subsection 2?

ASSEMBLYMAN JOE HARDY (Assembly District No. 20):

I will direct the Committee's attention to page 4, lines 12 through 14. The provision stated on lines 12 through 14 applies to all previous provisions. We do not define for a pupil what their full potential is; they define their own potential and have their own belief system.

SENATOR CEGAVSKE:

The language on page 2, lines 20 and 21 states, "Training in the appropriate methods to facilitate positive human relations among pupils without the use of" I need clarification of that statement. What is the training? Who provides the training? What are the appropriate methods?

ASSEMBLYMAN HARDY:

The principal at Reed High School in the Truckee Meadows has been involved in this type of training. Every school district has a responsibility to train their personnel. The Clark County School District (CCSD) and the Washoe County School District (WCSD) were already providing training on how to facilitate positive human relations among pupils without the use of harassment or intimidation. We developed a commitment based on the program that the CCSD and WCSD had established. They have training for the teachers and the administrators periodically. This would clarify the concept of policy. Throughout the bill the focus is on the policy rather than the individual program.

VICE CHAIR CEGAVSKE:

All the school districts have a policy concerning harassment and intimidation. What are you seeking to change?

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ASSEMBLYMAN HARDY:

The language on lines 32 through 34 on page 4 of A.B. 202 explains that the Department shall consider policies currently in use. We already have policies and programs. The suggestion was to allow the local school districts to have input, control and the ability to adapt and adopt their current policies. This would not require a statewide policy or program.

VICE CHAIR CEGAVSKE:

Did the committee review all the school districts' policies?

ASSEMBLYMAN HARDY:

I have not personally looked at every program or policy in each county. The school district can adapt or adopt one of the other policies. They can keep the policy that is working, use a policy from another school district or create their own. The only requirement is that the policy must be compatible with the protection of children.

VICE CHAIR CEGAVSKE:

What do you wish to accomplish that is not already in practice?

ASSEMBLYMAN HARDY:

Assembly Bill 202 protects the right of students to maintain their own beliefs and allows students to respectfully disagree. It allows the local school district to use existing policies. The bill allows the model programs to be reviewed as policies. The bill removes a mandated annual review of the programs. The bill allows a review to occur upon the request of a board member but removes annual mandatory reviews of the original programs.

VICE CHAIR CEGAVSKE:

Are you saying that you have added something to the original bill and removed something?

ASSEMBLYMAN HARDY:

Yes. We have made a proposal and made a deletion. The bill allows for the reporting of egregious incidents.

SENATOR WIENER:

Is this the next version of the bill concerning harassment and intimidation policies that would be included in the student manual?

ASSEMBLYMAN PARKS:

Yes. We know that throughout the various school districts the programs that are in place vary in content. We are trying to make this an ongoing program and training for support personnel and teaching staff.

SENATOR WIENER:

The focus of the original bill was to get the message from the school to the family. This bill takes the next step in the reporting. State officials will review the reports to obtain information to see if there is uniformity throughout the school districts. Am I correct?

ASSEMBLYMAN PARKS:

Yes. Since the original bill was enacted, we have seen a certain level of inconsistency. What we are trying to accomplish in A.B. 202 is a greater degree of consistency between school districts and within school districts. There are issues in certain schools that are not acknowledged.

CRAIG KADLUB (Clark County School District):

The Clark County School District takes a neutral position on A.B. 202. Our initial concern is with the possible cost incurred in providing formalized training to our 30,000 employees. We do have 20 titles in the film and DVD library at television's KLVX, Las Vegas. We do have many resources.

Section 2 addresses the Department of Education in consultation with the districts to develop a policy that requires training of administrators, principals, teachers and other personnel. We would like the Committee to be aware of our resources and recognize that a formal training program is going to cost more than the informal manner we now utilize.

VICE CHAIR CEGAVSKE:

Would you provide the Committee with a copy of this information?

MR. KADLUB:

Yes.

VICE CHAIR CEGAVSKE:

How are you facilitating the training?

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MR. KADLUB:

It is informal at each school level. There is information in the teacher and student handbooks. I cannot tell you that everyone watches a one-hour video or attends a one-hour seminar.

VICE CHAIR CEGAVSKE:

Can you provide the Committee with a fiscal note?

MR. KADLUB:

A fiscal note would depend on what needs to be done.

If there is some easily-replicated resource that CCSD could share with other districts, we would accommodate them.

VICE CHAIR CEGAVSKE:

In any of the school's handbooks or policies, is there language similar to that which is on page 4, lines 12 through 14 of A.B. 202?

MR. KADLUB:

I will get that information to you.

MS. CHAPMAN:

Originally, we were against the bill until changes were made to A.B. 202. The most important part of A.B. 202 is on page 4, lines 12 through 14. We questioned why the bill was needed if there are policies in place reflecting this philosophy. We are in favor of the bill.

LOUISE BAYARD-DE-VOLO (Nevada Women's Lobby):

We are in support of A.B. 202. We are pleased to see that the language is more specific and has consistency in these policies. Recently, there was a news segment on television that addressed the issue of bullying and was pertinent to this bill. A woman in Tennessee was interviewed who had been instrumental in getting a similar bill passed. This woman had been bullied when she attended middle school. I have distributed the testimony that she gave on that program ([Exhibit E](#)). She told how the school officials were supportive of her. She was able to report the incidents and there was a system in place to deal with the problem, but there were no guidelines for what a person could do if they were bullied. There are gaps in some of the systems that are in place. This bill will fill the gaps for Nevada.

There are several items in the bill that we think are important. The bill requires methods of reporting instances of harassment or intimidation all the way to the Attorney General, so that there is statewide awareness. The bill requires training for school personnel in a consistent manner. The whistle-blower protection is an important part of the legislation. We urge your passage of A.B. 202.

VICE CHAIR CEGAVSKE:

Have you reviewed any of the school district policies?

MS. BAYARD-DE-BOLO:

We are aware that there are policies, but we do not know the specifics or how they differ.

VICE CHAIR CEGAVSKE:

Would you review the policies and determine what else is needed?

MS. BAYARD-DE-BOLO:

There are people here from the CCSD who could do it for their district. We will look at other policies in other school districts.

LUCILLE LUSK (Nevada Concerned Citizens):

We are in support of A.B. 202. It is a delicate compromise bill. The portion that is most important is on page 4 of the bill which is the protection for individuals in the school system to maintain their own beliefs with appropriate behavior.

There was some discussion as to whether there would be a statewide policy. This bill requires the Department to prescribe a policy that all school districts must adopt. A board of trustees would have the ability to expand on the policy but not to change the policy. There would be a statewide policy that all school districts must utilize. The policy would include training expectations. A concern has been raised about the cost of instituting this training. This should not be a great expense because every school district should already be training their personnel in general. If the Department of Education decides to include guidelines that included additional training, it could be costly. The Committee would be prudent to put on the record what your expectations are for dealing with this issue.

Bullying is a serious problem. There are times when bullying comes from the school programs. In a program about bullying, there was a role play and the

teacher paired a young girl with a boy who had a history of bullying this particular girl. The teacher gave him permission to call her the names and throw things at her as he had been doing in the hall. This young girl was seriously hurt by the fact that her teacher gave the boy permission to bully her. This is the type of incident that emphasizes the need for training of school personnel. This is a sensitive area and caution needs to be utilized in the training that is provided. The bill stipulates training in the appropriate methods. It does not identify those methods. We will be relying on the Department of Education to identify these appropriate methods. It will be important for us and those who have worked on this compromise to remain involved so that when they are completed the methods are appropriate.

SENATOR WIENER:

The most common factor among school incidents of shootings was bullying. Most often the individuals involved in school shootings have been the victims of bullying and they lashed out. This is such a significant issue it needs to be addressed in a uniform way. I would hope that the children from Battle Mountain would have the same kind of understanding about this issue as the children from Clark County. If we do go forward with this bill, I would hope that we have strong, timely and well thought-out training for the program.

Ms. LUSK:

This is a serious issue but how it is handled will make the difference.

DOROTHY (DOTTY) MERRILL (Washoe County School District):

The Washoe County School District does have a policy in place and provides annual training for all staff and students. For student training, we use a video that was generated by the students in McQueen High School. It is important to have consistency and uniformity. Our policy and training may have room to be improved. We are willing to provide the report required by this bill and appreciate the clarification about this report. We concur with previous testimony concerning the language on page 4, lines 12 through 14. Progress has been made on this issue and we are doing what we can at this time, but acknowledge that we can improve our policies and training. We will work with the Department to improve on what we are doing and provide input based upon what we have learned with the policy and training that we have in place.

VICE CHAIR CEGAVSKE:

Would there be a cost to Washoe County?

MS. MERRILL:

We already are providing training and have a policy so substituting one for the other will not increase the cost after we do the initial clarification of what the change would involve.

VICE CHAIR CEGAVSKE:

Did you help with the language in this bill?

DR. KEITH RHEAULT (Superintendent of Public Instruction, Department of Education):

We did not help with the language. We were provided the language and were required to provide a fiscal note. I submitted the fiscal note with no additional cost because we developed the policy previously. The main part that would affect the Department would be the policy development and organizing a board of trustees and parents to form a new policy. The only thing different is that there are some specifics that were not required in the previous policy that we may not be doing consistently across the state. The main change is that "the policy will include ..." and the district shall provide the training. The main difference is that not all school districts are providing the training.

SENATOR CEGAVSKE:

Is this for teachers to train students or is this for administration to train teachers?

DR. RHEAULT:

As I understand the bill, we would train all staff.

VICE CHAIR CEGAVSKE:

Is the reporting clear as to your responsibilities? Would that be an additional cost?

DR. RHEAULT:

I have committed my staff, and if it required an annual report, then that would be part of my duties.

VICE CHAIR CEGAVSKE:

Reporting should be done on a uniform basis. We have had problems in the past with variations in reporting. Some schools report every incident and others do not.

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DR. RHEAULT:

To get consistency on a statewide basis will be difficult. There are policies in place to report the instances and correct them. The training should include a definition of bullying and try to get a consistency, but it would depend on the administration of each school.

VICE CHAIR CEGAVSKE:

Do you support this legislation?

DR. RHEAULT:

Yes.

JULIE WHITACRE (Nevada State Education Association):

We support the bill and are comfortable with all the requirements.

VICE CHAIR CEGAVSKE:

Assembly Bill 202 applies to teachers as well as students.

MS. WHITAKER:

We understand that this bill applies to teachers and students. We seek safe environments in the schools.

MS. CLARK:

We support A.B. 202. A few years ago, Assemblyman Parks and I served on a committee whose mission was to provide a uniform policy throughout the state. Bullying is a serious problem. It exists everywhere. Bullying is a great concern for parents. We funded a brochure on bullying that was sent to every second through eighth grader. There were tips for parents on how to recognize bullying. Unfortunately, there has not been a follow-through on that statewide task force. This problem will not be solved unless we are all consistent. Parents are an important part of the process.

ASSEMBLYMAN PARKS:

I want to emphasize one factor, on page 2, lines 4 through 7, it is inclusive of all the various groups. This policy would be developed with input from all sources.

ASSEMBLYMAN HARDY:

I am pleased and humbled to be a part of this important bill.

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CHAIR WASHINGTON:

We will close the hearing on A.B. 202 and wait for the information that will be provided to the Committee before we process the bill. We will open the hearing and hear testimony on A.B. 180.

ASSEMBLY BILL 180 (1st Reprint): Revises provisions governing charter schools. (BDR 34-1034)

DR. RHEAULT:

The original bill had three items that we were trying to clean up; some were technical in nature and in others we were trying to improve the charter school segments that we oversee. There were amendments added and we agreed with them when they were presented to the Assembly.

On Page 11, line 5 of the bill, we changed the word "shall" to "may" concerning the State Board of Education accepting applications for charter-school sponsorship.

The next change is on page 13, lines 26 through 30. We have developed the role and responsibilities of a governing board member. This change would require the governing board members to read and understand the material concerning the roles and responsibilities of members governing bodies of charter schools.

CHAIR WASHINGTON:

Is this the section where they have to sign the affidavit indicating they understand their roles?

DR. RHEAULT:

You are referring to the felony portion which is included in their roles and responsibilities.

CHAIR WASHINGTON:

If a governing board member would decide not to sign, what happens?

DR. RHEAULT:

I do not know why they would oppose signing the document; it just indicates that they are aware of their roles and responsibilities as a governing board member.

CHAIR WASHINGTON:

What would be the Department's position if a board member would not sign the affidavit but is willing to serve?

DR. RHEAULT:

If they do not sign the felony portion described on lines 23 through 25, then they cannot serve.

CHAIR WASHINGTON:

We should change the word "affidavit" to acknowledgement.

DR. RHEAULT:

We are flexible on that point. We are just trying to make sure they know what to do.

The third change is on pages 15 and 16. The change resulted because our auditors found out that some charter schools had teachers in kindergarten through fifth grade who could have any license which was not tied to any specific courses of study. The original language on page 16, lines 4 through 12 stated that charter schools offered instruction in Grades 6 through 12 and teachers had to have a license in specific areas. The auditors found there were teachers with elementary licenses teaching in the middle schools. The new language will clarify that teachers in kindergarten through Grade 8 be licensed with an elementary or secondary license. They still must meet the highly qualified requirements of NCLB. It clarifies that if the teacher is in high school, then they must meet the subject endorsements in that area. This was a technical change.

The next change is on page 17 and concerns expanding on who can be an administrator at a school. The new language requires a valid teacher's license with endorsements. Technically, a person who had a teacher's license and took the individual courses but never got a master's degree for an administrator in this State could not be hired because it did not meet one of these two requirements. The new language says that if a teacher has an administrator endorsement, the teacher is eligible to be hired if a charter school chooses to do so.

We support the remainder of the items in the bill that were submitted by Washoe County or Clark County.

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CHAIR WASHINGTON:

Are you willing to accept the amendment to page 11, line 5?

DR. RHEAULT:

Yes.

Ms. LUSK:

Nevada Concerned Citizens are in support of A.B. 180 with the provisions submitted by the Department of Education and the two school districts. I have provided an amendment to A.B. 180 which amends page 11, lines 9 through 15 ([Exhibit F](#)). The amendment lays out the procedures that the Department of Education would follow in the event the charter would be denied.

RICCI J. RODRIGUEZ-ELKINS (Center for Charter School Development):

The Center for Charter School Development is in support of A.B. 180. We missed the deadline to submit our amendments in the Assembly. We have discussed the amendments with Dr. Rheault and he supports the amendments. On page 9, lines 38 through 40, we would like to have language permitting a secondary sponsor. We did not get our federal charter-school grant. We need to have another option. On line 38, delete the words "if applicable" and replace with "or." On line 40, place a period after "Charter Schools" and delete the words "pursuant to subsection 4." The other change is to delete "board of trustees" and replace with "sponsor."

Our next area of concern is on page 14, lines 14 through 19. The language in theory is good, but whenever we look at the actual application of enrollment processes in charter schools, we run into areas of concern. Currently, there are schools in a couple of rural counties that are centrally located and do serve students from adjoining counties. Each year students need to enroll in charter schools, and some preference should be shown to those students who have already been enrolled. There should be language addressing that issue. The schools will need to hold multiple lotteries to fill each grade for students who come from outside counties. This language is a concern for charter schools to logistically deal with this issue for current students and to those counties that are adjacent.

DR. RHEAULT:

The language which Ms. Rodriguez-Elkins is referring to was proposed by Washoe County. We did not have a problem with the language. The only time

the language would apply is if the maximum capacity is met, and then they would need to go to a lottery to determine which students would get the available seats. In most cases, the rural schools have not met their capacity. It would be county students first, and then if there are available seats, they would be open for a lottery.

CHAIR WASHINGTON:

I can see it being problematic for the rural counties.

MS. MERRILL:

We provided this language for your consideration with S.B. 56.

SENATE BILL 56 (1st reprint): Makes various changes concerning charter schools and distance education programs. (BDR 34-18)

The reason we submitted the language is because we sponsored a charter school, but our board of trustees was accepting students from other school districts prior to students in our district. It was a question of higher student-per-pupil apportionment from another district. If the board of trustees is the sponsor of the charter school, then the language is saying that the students in the district should be served first. If it is the case of a school that does not have a waiting list, then it is a different situation.

CHAIR WASHINGTON:

The section should be amended to make it exclusive for counties over 100,000 population; if a waiting list exists, then those schools sponsored by the district may accept students after the waiting list has been filled.

MS. MERRILL:

We would like to review the language.

CHAIR WASHINGTON:

Clark County and Washoe County should be able to fulfill their enrollment within their districts. If the enrollment is not fulfilled and there is a waiting list and the waiting list has not been completed, then the school district can have the option to solicit outside the district.

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MS. MERRILL:

Are you suggesting that on page 14, line 15 the language, "in a county that exceeds 100,000 population" be added?

CHAIR WASHINGTON:

Yes. We will hold A.B. 202. We have two other charter-school bills that we will take under consideration.

MARSHEILAH D. LYONS (Committee Policy Analyst):

I have a question concerning the amendment that was passed on A.B. 518 relating to providing parents with a form that they could sign. If the parents chose not to sign the form, could the child still be enrolled in kindergarten?

CHAIR WASHINGTON:

It was to notify the parents that if their child is going to attend kindergarten, they must participate in the attendance requirements. If the parents did not sign the form, then the child could not attend the school.

LESLIE K. HAMNER (Committee Counsel):

I will research the issue before we draft the language.

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CHAIR WASHINGTON:

There being no other issues before us today, the Senate Committee on Human Resources and Education will adjourn at 3:41 p.m.

RESPECTFULLY SUBMITTED:

Patricia Vardakis,
Committee Secretary

APPROVED BY:

Senator Maurice E. Washington, Chair

DATE: _____