

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON EDUCATION**

**Seventy-Fourth Session
April 25, 2007**

The Committee on Education was called to order by Chair Bonnie Parnell at 3:54 p.m., on Wednesday, April 25, 2007, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/74th/committees/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblywoman Bonnie Parnell, Chair
Assemblywoman Debbie Smith, Vice Chair
Assemblyman Bob Beers
Assemblyman David Bobzien
Assemblyman Mo Denis
Assemblyman Joseph P. (Joe) Hardy
Assemblyman Ruben Kihuen
Assemblyman Garn Mabey
Assemblyman Harvey J. Munford
Assemblyman Lynn D. Stewart

COMMITTEE MEMBERS ABSENT:

Assemblyman Tick Segerblom (Excused)

GUEST LEGISLATORS PRESENT:

Senator Bob Coffin, Senatorial District No. 10
Senator Dennis Nolan, Senatorial District No. 9



STAFF MEMBERS PRESENT:

Kristin Roberts, Committee Counsel
Carol M. Stonefield, Committee Policy Analyst
Denise Dunning, Committee Secretary
Rachel Pilliod, Committee Manager

OTHERS PRESENT:

Paula Berkley, Representative, Food Bank of Northern Nevada
Cherie Jamason, Chief Executive Officer, Food Bank of Northern Nevada
Craig Kadlub, Representative, Clark County School District
Gloria Dopf, Deputy Superintendent for Instructional Research and
Evaluative Services, Department of Education
Jack Mayes, Executive Director, Northern Nevada Advocacy &
Law Center

Chair Parnell:

[Meeting called to order (at 3:54 p.m.) Roll called. Quorum present.]

I will ask Cherie Jamason and Paula Berkley to come forward to give us a brief presentation on the success of Assembly Concurrent Resolution (A.C.R.) No. 5 of the 73rd Legislative Session, which addressed the availability of school breakfast programs.

Paula Berkley, Representative, Food Bank of Northern Nevada:

I passed out an Assembly concurrent resolution that was passed by the Legislature last session ([Exhibit C](#)). I will describe the highlights of it so you know what the goals were. This resolution is in regard to the school breakfast program, which is federally funded and which all states are entitled to participate in. We all pay taxes for this program. When this program initially passed in 1966, there were about 132,000 students eligible for school breakfast, either free or at a reduced price. Of those 132,000, there were fewer than 40,000 who actually received breakfast. So there were 92,000 children potentially sitting in school each day without breakfast. The State received about \$8.8 million to fund the school breakfast program, and if we had 25 percent more students, we would have received \$14 million in federal funding.

We described in the resolution that there are health benefits to eating breakfast, which includes fewer illnesses, fewer sick days, fewer visits to the school nurses, and increased ability to concentrate in the morning hours. It has been shown that eating breakfast has increased test scores, there is less tardiness,

fewer suspensions, increased alertness, and a greater level of classroom participation. Also, feeding the children nutritious meals could help reduce childhood obesity rates.

The children who would qualify for free and reduced meals have parents whose resources are limited. These kids would benefit from breakfast. What we did was encourage and motivate the school districts to increase their participation in the school breakfast program by 15 percent each year. We consulted with the State Board of Education and some of the schools that we work with on a regular basis to get this percentage. We looked at how many kids are eating and how the program has improved over the years. I am sad to announce that nobody passed. No one reached that 15 percent increase over two years. Sometimes they would do it one year, then fail the next year. In their reports, they told us about their successes and failures. Unfortunately, the districts were fairly vague in their statements, so it is hard to tell what the problems were. We needed to know how to continue with this program and go forward. We sat down with the State Board nutrition people and went through the report to try to come up with some recommendations to give to this Committee to consider. There are many alternatives to get breakfast to the kids. We have six recommendations that Cherie Jamason will go over with you.

Cherie Jamason, Chief Executive Officer, Food Bank of Northern Nevada:

I will discuss the recommendations with you ([Exhibit D](#)). Out of the six recommendations, only one has a small price tag on it. One of the observations that we made is that parents are only notified once a year that breakfast is available to the students. One of the recommendations we offer is that in just about any communication a school sends out should have one line saying that school breakfast and lunch are served every day with the times that the meals are served.

The second recommendation is that in the payment structure for meals at school, there are free meals, reduced-price meals, and full-price meals. Washoe County, for many years, has discontinued their reduced-price fee for lunch because they found that many needy families do not have the 40 cents that it takes to pay for the meal. In a district that had a fair economy, it is possible to eliminate the reduced-price cost and not have it cost the school district any additional money, but all the kids can eat. This is through federal funding. The rural communities may not be able to do this. We recommend that urban school districts eliminate the reduced-price meal fee.

The third recommendation is to adopt the federal program that is called Provision II, which allows school districts to provide free meals to every child if the school has more than half of the kids that are eligible for free or reduced

meals. If all of the kids eat for free then there is no stigma attached for the kids. There would be no impact on title money.

The next recommendation was a result of our finding that most high schools have eliminated their breakfast program or never had one to start with. In high school the kids start so early that a lot of the kids are not ready to eat breakfast yet. They have what they call a nutrition break later in the morning. This is a great way to have a breakfast program that works. It would not matter what time the school buses get there. None of the kids would miss breakfast. We recommend that once a school breakfast program is implemented at a school, it stays. The school could not eliminate it after starting it.

One of the things that we are doing at the Food Bank is an education program on the importance of breakfast for both teachers and students. One of our recommendations is that there be a small education program at the beginning of each year. We have the curriculum put together and show the schools how eating breakfast can impact the students' overall performance.

The last one is the one that may cost a little money. In the rural communities the federal allowance to provide school breakfasts and lunches is not adequate. There are some communities/counties that have discontinued their programs. At some point we would like you to consider providing a few cents per meal to the rural communities so that the schools can provide a breakfast and a lunch program for their students. When there is no school breakfast or lunch program, even the children who are eligible for free meals cannot eat. We think that it is crucial to nutrition. We may bring back some legislation next session, but wanted to get this report to you now.

Chair Parnell:

The schools in the rural areas have no programs? Is it because of the funding or lack of it?

Cherie Jamason:

Food is a lot more expensive in the rural communities. There is a program in Austin. Milk is \$6 a gallon there and there is just not enough federal funding to make up for the higher cost of food in the rural areas.

Chair Parnell:

Why is that? Is it because of the inaccessibility in some of the towns?

Cherie Jamason:

Yes, food is just not as accessible. Cereal can be \$6 a box and be two years old—past the expiration date.

Chair Parnell:

Do you have school districts with some schools that participate in the programs and some that do not? What is the most likely reason that a school would not have a program if the district has it available to them?

Paula Berkley:

The administrator has the choice to have the program or not. Some choose not to have it. It is easier not to have the program. We are trying to encourage the administrators to make the effort to have the program in their school. I would like to add that No Child Left Behind (NCLB) did not recognize nutrition as an element for scholastic achievement.

Assemblyman Mabey:

I understand that some schools had the food prepared and later shipped to them. This caused the kids to stop participating in the program because they did not like the food. I would not want to eat shipped food even if I were hungry. My question is, are the menu choices appropriate?

Cherie Jamason:

There are many more people involved with this program than just the school district and the cooks. A large impact is made by the health department in each community. The health department regulations prescribe the parameters of how food needs to be handled in preparation and delivery. In addition, the United States Department of Agriculture (USDA) has requirements for the nutrition content of the meals. What has occurred over time is that the requirements that the USDA puts on the nutrient content has to meet a certain calorie requirement. You can provide that in the form of fruits, vegetables, grains, or proteins. The health department has constraints on how food is delivered. What many school districts have found is that having prepackaged meals that can be reheated makes sense to them. What that has taken out of the mix is finding schools actually cooking the meals. The third thing that we need to think about is providing the children with something they will eat. It is a big challenge.

Assemblyman Mabey:

You mentioned a county that, due to the price increases, could not afford the program. Is there a way that people in the private sector could subsidize that? How much money would they need?

Cherie Jamason:

I can find that answer, but do not know at this point. I think that you will find families who are already paying their taxes or seniors who do not want to pay extra for this.

Assemblyman Mabey:

I am not talking about a new tax. I am just suggesting that the school district try to get people to voluntarily donate the money.

Cherie Jamason:

That is a good idea.

Paula Berkley:

I would just like to add that at the last interim the money that the Interim Finance Committee (IFC) gave us for a school in Yerington has run out. It was one-time funding.

Assemblywoman Smith:

These are the recommendations that you have come up with, but are not asking for anything from us at this moment? You just want us to know the results of the study?

Paula Berkley:

We did not want to just leave this. We did not succeed in this and that is not acceptable. Since the Department of Education did not make any recommendations, we felt that we should do that. We want to see some progress. We wanted to run this by you and see if you want us to move forward with any of the recommendations. We are looking for some guidance from you. I would like to mandate breakfast, but that is a pretty big step.

Assemblywoman Smith:

This morning in Ways and Means we heard a report from a group from Clark County, the Three Square Group, and it was very impactful. In listening to the survey that they had access to and how much hunger is out there, I find this so disturbing that we have food available for these kids who are hungry—we have the tools to respond to this problems, and we choose not to. I was so distraught after hearing that information this morning, then I come here and hear this. I think we need to take this seriously. We have the opportunity to expend a little effort and feed some kids. There is a connection between nutrition and student achievement that takes a lot of pressure off the NCLB issues. I hope that as we look at these issues, we can talk about this and figure out some way to react. I think this is just plain wrong. Things like hunger and basic nutrition may be something we want to look at and we need to talk about mandating this program. I do not understand letting kids go hungry when we have food available.

Assemblyman Beers:

I agree completely with Assemblywoman Smith. With the prepackaged meals, can we mandate that the food tastes good?

Cherie Jamason:

It does not taste bad. I have eaten school food recently, and it is not bad.

Assemblyman Stewart:

I do not understand the charts that you have given me with your recommendations.

Cherie Jamason:

We did not understand them either. This is how the information was gathered and given to us. It is a challenge to draw any assumptions from these charts.

Assemblyman Stewart:

When I look at the second column, I see 537 people enrolled and 65 breakfasts. That does not come anywhere near the 42 percent that it says there.

Cherie Jamason:

I know.

Chair Parnell:

I would suggest that the Food Bank of Northern Nevada attend one of the monthly Superintendent's meetings.

Cherie Jamason:

We have tried to attend one of these meetings, and we have been denied. They do not have time for this issue.

Chair Parnell:

This Committee may consider writing a letter to the State Superintendent to let him know we think this is important. As Assemblywoman Smith said, anyone who understands academic success understands that you need to have some basics to be able to achieve that success—sleep, proper diet, and enough calorie intake before you can be academically successful would improve this program. To look at one without the other is really short-sided. I think as a committee we would be happy to share our thoughts about that. Are there any additional questions or comments? Seeing none, I will open the hearing on Senate Bill 115 and ask Senator Coffin to come to the table.

Senate Bill 115 (1st Reprint): Revises provisions governing the rights of parents of pupils with disabilities. (BDR 34-737)

Senator Bob Coffin, Senate District No. 10:

We bring you this bill out of personal experience. I will explain this bill in terms of a constituent who has a child who has been through the Individualized Education Program (IEP) process for 10 years—from age 9 to age 19—having graduated from high school last May. Those school years were both in private and public schools. The constituent who I am referring to was startled to find that when his child reached the age of 18 at midpoint in his senior year—when he needed the guidance that he had relied on for a good many years—he suddenly gained control of his rights to the extent that the notification of meetings became entirely optional. The participation of the parents became entirely up to the child, even though the child had cognitive problems and other personality disorders. This was a shock to the parents of that youngster who had participated in every IEP and had kept good relations with the schools and teachers. They are caring parents. To suddenly have the child make all of the major decisions leading up to post high school was an extraordinary burden.

Counselors I have spoken with have indicated that this is a common situation. I did not realize how common it was until I went through this. No one thought to suggest that in that period of time when youngsters are still in school, even though they may turn 18 early in their senior year, they are on their own. Those are the times when planning for college or a trade will occur. Due to state law, not federal law, this abrupt interruption in the connection between the parent, school, and child occurs. This occurrence is the inspiration for this bill and that is why it passed through the Senate. I was surprised when I talked to school counselors and heard that this happens all the time. With some good amendments suggested by the Clark County School District (CCSD) and the State Board of Education, the Senate passed this bill unanimously. Since this bill passed through the Senate, CCSD has made a couple more suggestions, which I approve of and feel that the originating committee in the Senate will approve of. I hope you will also.

Chair Parnell:

It is pretty shocking to a parent that you cannot find out any information about your child after they turn 18. Kids can still be in high school when they turn 18. This is a subject that is very worthy of this discussion.

Senator Coffin:

When this bill was first drafted, it talked about all students who had an IEP. Since then, one major amendment suggested by the school district would be to define that to be students with cognitive problems or personality disorders. Craig Kadlub with CCSD has some wording to present to you and one other amendment of a technical nature.

Craig Kadlub, Representative, Clark County School District:

I have handed out Amendment 1 ([Exhibit E](#)) to you. Rather than having all charters and districts create their own forms, it allows for the Department to create a common form. The second amendment gives students appeal rights as well as parents since there will be students who feel capable of determining their own educational future. It also suggests that the appeal process not require the creation of a new process, but use the existing administrative complaint process. The third amendment supports the idea of creating a criteria for determining which students are capable of making adult decisions once they reach the age of majority. We support the idea of creating some sort of criteria.

Assemblyman Bobzien:

I want to give a quick kudos to Mr. Kadlub for presenting this bill in an easily understood manner.

Gloria Dopf, Deputy Superintendent for Instructional Research and Evaluative Services, Department of Education:

The first point that I want to make is regarding the amendments. We are very receptive of those amendments and support them. We would also suggest that given the time frame for an application to the school district and the potential for an appeal or review through an administrative procedure, that the 30-day time frame and the 45-day time frame currently existing, would not be sufficient to carry out the original application review by the school district. We would offer that in Section 3, subsection 1, rather than at least 30 days, we would change that to 90 days. We would like a conforming amendment to the first section which you do not have in the Clark County amendment. This is in the proposed S.B. 115, which talks about it being not less than 45 days. We would also suggest that the notice requirement be 90 days. That would give time for the parent to receive the notice and time for receipt of the application by the district.

Chair Parnell:

To clarify, the Department's recommended amendment would be in the proposed Clark County School District amendment, Section 3, line 1, "30" would be deleted and replaced by "90" and then in the original bill, Section 2, subsection 2, line 9, that 45 days would be deleted and replaced by "90"?

Gloria Dopf:

That is correct.

Assemblyman Hardy:

What if somebody moves to the CCSD or some other school district after that 90 days? Do we have options?

Gloria Dopf:

The record of the child and the IEP would follow the child. They would come in at a particular status. Ninety days is not the last day they can apply. It is the beginning of the time frame for that to occur. If the child comes in and is in that 90-day window, the district would still have to notify the parent of that requirement.

Assemblyman Hardy:

We never close the door to the option for the person who has the disability? By doing this we are helping the district to keep the door open for that person with the disability?

Gloria Dopf:

That is correct.

Chair Parnell:

For clarification, on the Clark County amendment, Section 3, the new language that says that the Department shall establish criteria, is that your intention for those to be established as regulations by the Department?

Craig Kadlub:

Someone with a legal background could rewrite these.

Chair Parnell:

We will let Ms. Roberts take liberty with that.

Senator Coffin:

I forgot to add the importance of competency adjudication. There is relief for parents. They have to go to court to have their child declared incompetent. That expense could avoid this embarrassing problem.

Jack Mayes, Executive Director, Northern Nevada Advocacy & Law Center:

I am passing out a letter of support from the Developmental Disabilities Counsel ([Exhibit F](#)). They believe that this bill will be advantageous to the disabled community. On behalf of my agency, we support this bill. We really need to fight guardianship issues. This is one of those areas where parents are put into a position to get guardianship just to stay involved with their children's education. There are very few cases that we could argue in which a parent should not be involved with his child's education. We are comfortable with the amendments because there will be an appeal process if the student does have a conflict with parents' involvement.

Chair Parnell:

Is there anyone else wishing to testify on S.B. 115? Seeing no one, I will close the hearing on S.B. 115. We will take a short recess [at 4:51 p.m.]. Meeting is called back to order [at 5:00 p.m.]. I will open the hearing on Senate Bill 284 (2nd Reprint).

Senate Bill 284 (2nd Reprint): Revises provisions governing sports in certain public schools located in certain larger school districts. (BDR 34-50)

Senator Dennis Nolan, Senate District No. 9:

The bill kind of got stamped as the "pay for play bill." In Clark County, middle school sports were eliminated about six or eight years ago due to some budget changes and contract negotiations. As a result, the kids go home immediately after school and many times will not see their parents until after 5:00 p.m. The trouble with no middle school sports at all, with the exception of some basketball, is that kids go home and have no supervision. There are many benefits to offering athletics to the students. The intent of the bill is to say that if the school district will organize middle school sports, those parents who want their children to participate in sports can pay a reasonable fee for the school to administer those sports. This is much like with Pop-Warner football or little league or any other nonprofit type sport.

This bill is limited to Clark County and gives the Board of Trustees the ability to accept fees, grants, or donations to organize these sports. There is a provision on the second page, number 2(a) that says, if a donor made a designation to a certain school that is \$1,000 or less, all of that donation is granted to the school that is holding the activity. If the donor made a designation of \$2,000 or more, then 2/3 of that would go to the school designated by the donor and the rest would be divided in a fair and equitable manner amongst other schools. Originally we did have a \$1,000 cap on it. That was a friendly amendment that came from the Senate. The intent behind that is recognizing that there are middle schools in very low-economic neighborhoods and middle schools in very affluent neighborhoods. Generally speaking, those in the more affluent neighborhoods are going to have parents who donate more money than the parents in low-economic neighborhoods. You cannot have fair competition amongst different schools if they are funded differently, so the intent is for some of that money to go to the entire sport community-wide.

Chair Parnell:

This is the second reprint. What were the other amendments?

Senator Nolan:

One was to put the population cap in. Originally we were going to let any school district do this.

Chair Parnell:

I am wondering if there is any discussion of putting language in here that says that if a program is in danger of being eliminated, then they may charge the fee.

Senator Nolan:

There was discussion about that, and a provision was put in here under Section 1, subsection 1(c). It states that money collected from these fees was not intended to supplant the money otherwise used to support athletic activities.

Craig Kadlub:

We support this bill. We think that increasing student involvement in after-school activities is needed.

Assemblyman Denis:

When donations are received, who oversees that money?

Craig Kadlub:

I can only verify that there is an oversight process of all donations. The donations are recorded and logged at the board meetings.

Assemblyman Denis:

Does that mean these donations go to the district or directly to the school?

Craig Kadlub:

As I read the bill, I believe it goes to the school if it is named by the donor.

Assemblyman Denis:

If 2/3 goes to the school, then where does the other 1/3 go?

Craig Kadlub:

In subsection 2, it says that the remaining 1/3 goes to the schools that the district determines are in need of the donation.

Assemblyman Denis:

So they have some kind of process to distribute this to the other schools?

Craig Kadlub:

The provision states that it would go to the schools where the parents cannot afford to pay a fee. They would look at the schools with greatest need first.

Chair Parnell:

I will close the hearing on S.B. 284. Meeting is adjourned [at 5:14 p.m.].

RESPECTFULLY SUBMITTED:

Denise Dunning
Committee Secretary

Rachelle Myrick
Transcribing Secretary

APPROVED BY:

Assemblywoman Bonnie Parnell, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Education

Date: April 25, 2007

Time of Meeting: 3:45 p.m.

Bill	Exhibit	Witness / Agency	Description
	A	Assembly Committee on Education	Committee agenda
	B	Assembly Committee on Education	Committee sign-in sheets
A.C.R. 5	C	Paula Berkley, Representative, Food Bank of Northern Nevada	Assembly Concurrent Resolution No. 5 report
A.C.R. 5	D	Cherie Jamason, Chief Executive Officer, Food Bank of Northern Nevada	Breakfast program recommendations
S.B. 115	E	Craig Kadlub, Representative, Clark County School District	S.B. 115 amendment
S.B. 115	F	Jack Mayes, Executive Director, Northern Nevada Advocacy & Law Center	Letter to Assemblywoman Parnell