

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

**Seventy-Fourth Session
April 11, 2007**

The Committee on Education was called to order by Chair Bonnie Parnell at 4:00 p.m., on Wednesday, April 11, 2007, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 5100 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 Tick Segerblom
Assemblyman Lynn D. Stewart

STAFF MEMBERS PRESENT:

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



OTHERS PRESENT:

James Jackson, Representative, Nevada State Education Association
Keith Rheault, Superintendent of Public Instruction, Department of Education
Eddie Bonine, Executive Director, Nevada Interscholastic Activities Association
Craig Kadlub, Representative, Clark County School District
Julie Whitacre, Representative, Nevada State Education Association
Joyce Haldeman, Representative, Clark County School District
Rose McKinney-James, Representative, Clark County School District
Randy Robison, Representative, Nevada Association of School Superintendents
Alfredo Alonso, Representative, The Davidson Group

Chair Parnell:

[Meeting called to order at 4:00 p.m. Roll called. Quorum present.] We have ten bills scheduled for our work session. I will open the work session on Assembly Bill 313.

Assembly Bill 313: Revises provisions governing the tracking, monitoring and revocation of teacher licenses for criminal behavior. (BDR 34-731)

Carol Stonefield, Committee Policy Analyst:

[Read from work session document ([Exhibit C](#)).]

Assemblyman Hardy:

Does amendment number 1 include the issuance of a citation for any person detained for an offense that is not a traffic offense?

Chair Parnell:

Since these were proposed by the Nevada State Education Association (NSEA), I would like to have someone from there give us the explanation.

James Jackson, Representative, Nevada State Education Association:

The sponsor of the bill, Assemblyman Ocegüera, had correspondence with concerns about some crimes that are committed that involve moral issues, such as solicitation of prostitution and that sort of thing. Oftentimes these issues are handled with a citation. That is why we added the citation. It is not intended to capture minor traffic offenses, although under the law in the state of Nevada, minor traffic offenses are considered misdemeanors and punishable by up to 6 months.

This was meant to capture those crimes that would fall within the meaning of the statute and could be considered for suspension or revocation. Madam Chairwoman, your original question was what?

Chair Parnell:

We were looking for the definition of arrest to include the issuance of a citation of any person detained.

James Jackson:

We are adding citation onto arrest because, as I understand it, the issuance of a citation is done in lieu of an arrest.

Chair Parnell:

Then my question is, is the sponsor of this bill in agreement with all of the suggested recommendations?

James Jackson:

My understanding is that that is correct. I corresponded with him today and did not get a response. These were drafted at his request and submitted to him. So, it is my understanding that he is in agreement with this.

Assemblyman Hardy:

I fill out many forms that ask about criminal background, but say, "except for traffic violations." So I am concerned about the limited definition of an arrest.

Assemblywoman Smith:

It seems that we need to clarify and connect that definition of arrest and citation to the original intent of the bill.

James Jackson:

I do not see why we cannot do that. As I understand it, the arrest and citation are to relate back to those offenses, which are enumerated and can lead to suspension or revocation.

Chair Parnell:

Dr. Rheault, would you mind coming to the table for a minute? Since this is directing the State Board of Education and the Department to do an awful lot of things, I want to know if you are okay with it this way.

Keith Rheault, Superintendent of Public Instruction, Department of Education:

I do not have any problem with the bill with the exception to amendment number 6 ([Exhibit C](#)). That ties back to the fact that they want the file destroyed. The way we do it now and will do it in the future is that there are

two separate files, a licensing file that we keep in our licensing office and then there is a file kept in my office that documents any notifications of an arrest or citation. These files remain separate. The concern I have is, for example, if the Legislative Counsel Bureau's (LCB) auditors come in and looked at the files, they want to see what we did for a particular case and if I give them an empty file because we are to destroy it, there is no documentation showing that we followed the correct procedures and it could end up not being completed. It never touches the teachers file unless there is a suspension or revocation by the licensing office. I think everything else in the bill is fine. There probably should be clarification to the offense, but I would go back to *Nevada Revised Statutes* (NRS) Chapter 391 that is cited in this bill. It spells out the specific offenses I can use for suspension or revocation. There are a few arrests that would not fit into that category, but the districts may not know that. That is why I like the wording that says that the act is not excluded by the Superintendent.

Assemblyman Hardy:

So are you suggesting that the wording stay as it is with amendment 6?

Chair Parnell:

I think that Dr. Rheault is saying that we just delete amendment number 6.

Keith Rheault:

That is correct. The wording that was in the original bill is part of Section 2, subsection 4, and up through "the licensee," and where it says it should not be made part of the file. If a case were dismissed, I would maintain the file for audit purposes only and it is kept in a separate locked cabinet.

Chair Parnell:

So what is being suggested by Dr. Rheault is that he is fine with amendments 1 through 5, but prefers the original language regarding the number 6 amendment.

ASSEMBLYMAN BEERS MOVED TO AMEND AND DO PASS
A.B. 313.

ASSEMBLYWOMAN SMITH SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I will open the work session on Assembly Bill 354.

Assembly Bill 354: Revises provisions governing the health of pupils.
(BDR 34-850)

Carol Stonefield, Committee Policy Analyst:
[Read from work session document ([Exhibit D](#)).]

Chair Parnell:

I have a clarification for the members on the third bullet down. We felt that we were being a little too restrictive to just reference the Nevada System of Higher Education (NSHE) because we were thinking outside of the box. We thought about who could come in and help get this done. So we toned the language down to make it a little more general except where it references students. There was discussion about the \$75,000, but we decided to leave that in for now and track it through Ways and Means.

Assemblyman Stewart:

Since there is a fiscal note on this, would it be more advantageous to notify the local Health Department? Then it would not move from the local to the State and then back to the local again.

Chair Parnell:

I am not sure if I understand the question.

Assemblyman Stewart:

It is the local people who are going to take care of this, we will go to the State Health Department and then the State Health Department will go back to the local people who will actually do the work. This is what is going to cause the fiscal part of this bill.

Assemblyman Hardy:

I think there is an overlap here. Either way, there is probably going to be a fiscal impact. Page 1 of the mock-up, line 14, reads "before the completion of the first year of initial enrollment in school." This bill should say something similar to "if the child was enrolled in a Nevada school" or something similar to that. There should be options if the child was not enrolled in a Nevada school for some of his school years.

Chair Parnell:

So you might want to say the "first year in a Nevada public school." If you look on page 2, subsection 2, "if any child is attending school in a grade above one of the specified grades and has not previously received such an observation ... he must be included in the current schedule for observation and examination. Any child who is newly enrolled in the district must be examined for any

medical condition for which children in a lower grade are examined." That language captures anyone in any one of those situations.

Assemblyman Hardy:

Do we have a preschool program? When we say school, some kids start school early if they have special needs. Is that their first year of school or is it kindergarten or first grade?

Chair Parnell:

It is my understanding when we use the term "public school" it is kindergarten through 12th grade. I could be wrong, but I will ask Ms. Roberts.

Kristin Roberts, Committee Counsel:

You are correct about the K-12. If you have concerns though, we can say, "before the initial enrollment in elementary school."

Chair Parnell:

Part of this bill is Dr. Mabey's, so we should print his name on here as one of the sponsors. That would also be considered an amendment. That would be amendment number 4.

ASSEMBLYWOMAN SMITH MOVED TO AMEND AND DO PASS
A.B. 354.

ASSEMBLYMAN DENIS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

We will open the work session on Assembly Bill 386.

Assembly Bill 386: Requires the State Board of Education to adopt regulations governing spirit squads. (BDR 34-1108)

Carol Stonefield, Committee Policy Analyst:

[Read from work session document ([Exhibit E](#)).]

Assemblyman Hardy:

Are we deleting the homeschoolers as being able to participate in athletic events?

Kristin Roberts, Committee Counsel:

We are not deleting the homeshoolers. Those sections were brought into the initial version of the bill to add the State Board of Education. Since we are now taking it back to the Nevada Interscholastic Activities Association (NIAA), we simply deleted those sections because we no longer needed reference to the State Board.

Assemblyman Hardy:

So the bottom line is that a high school aged person in homeschool can participate as a cheerleader just as a football player, basketball player, and the person in track can?

Kristin Roberts:

Give me a minute to look at the relevant section of the NRS. I will find that answer, but believe the answer is yes.

Chair Parnell:

I will ask Mr. Bonine to come to the table and clarify that for us.

Eddie Bonine, Executive Director, Nevada Interscholastic Activities Association:

I cannot quote the statute, but we do have it in Chapter 386 that homeschoolers can participate in any activities or athletics at any of our member schools.

Assemblywoman Smith:

Is the regulation setting for the NIAA a public process like our normal regulation setting? Is there an opportunity for public input?

Eddie Bonine:

Yes, we operate under the open meeting law.

Kristin Roberts:

Just to verify, in NRS 386.430, it does say that the regulations must include provisions governing the eligibility and participation of homeschooled children in interscholastic activities and events.

ASSEMBLYMAN HARDY MOVED TO AMEND AND DO PASS
A.B. 386.

ASSEMBLYMAN BEERS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Parnell:

I will open the work session on Assembly Bill 391.

Assembly Bill 391: Makes decisions of the Nevada Interscholastic Activities Association and certain of its designees final and binding. (BDR 34-79)

Carol Stonefield, Committee Policy Analyst:

[Read from work session document ([Exhibit F](#)).]

Assemblyman Munford:

I agree with the new language and the amendment. This bill takes away any question of due process by clarifying that even though a ruling is made by the NIAA, there is still an option for judicial review.

Assemblyman Denis:

I want to make sure I am clear on this. If a decision is made by NIAA, there is still an opportunity to take it to court? How does that work?

Assemblyman Munford:

They could rule in a player's favor and that decision would stand until a grievance is filed and the courts change that decision. The NIAA decision would be binding and that could be appealed.

ASSEMBLYMAN STEWART MOVED TO AMEND AND DO PASS
A.B. 391.

ASSEMBLYMAN BEERS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

[Short recess at 4:31 p.m.]

Chair Parnell:

Meeting called back to order [at 4:44 p.m.]. I will start the work session on Assembly Bill 392.

Assembly Bill 392: Revises provisions governing the use of school buildings and grounds. (BDR 34-890)

Carol Stonefield, Committee Policy Analyst:

[Read from work session document ([Exhibit G](#)).]

Chair Parnell:

New provisions were put into this bill relating to historical or other significant characteristics of a building. I will have Mr. Munford explain how this bill came to be.

Assemblyman Munford:

This was an agreement between Mr. Segerblom and me. I will let him explain the bill.

Assemblyman Segerblom:

In talking to Legal, they indicated that because Mr. Munford's bill dealt with the same section of the law, this amendment would be appropriate. So with his agreement, we are going to strike the language he had proposed and change it to this, which would require a school district in Washoe County or Clark County to analyze their facilities before authorization would be given to demolish them. This is so it could be determined if there is any historical or architectural significance to the building. The amendment itself was prompted by my concern that Gorman High School is being closed and may be sold to the school district. It is in an old neighborhood that has been active in trying to restore the building. The building itself has an architectural style that is significant. I would like to try to preserve it if possible. This bill does not require the school district to preserve it or any other structure. It just requires that they analyze the building and talk to the Historic Preservation Commission before they demolish the building. It is strictly voluntary on their part.

Chair Parnell:

It says that there is no fiscal impact, and this references the original bill, correct? When I look at the amendment it looks like the district would have to consult with the Historical Preservation agency of the local government within the area that the structure is located in or, if there is no such agency, with the

Planning Department of the local government. I do not know if there would be a fiscal note with that. Can someone clarify that for me?

Assemblyman Segerblom:

It was not my intent to hire an outside historical preservation person. This would use existing staff within the school district and existing staff within the city or the county where the school is located. I do not see that this bill would have any fiscal impact.

Chair Parnell:

So the intent is to consider the historical importance of the building?

Assemblyman Segerblom:

That is right.

Assemblywoman Smith:

I am a little uncomfortable with the fact that this is a completely different provision than what was originally heard. We have not had an opportunity to give any input. Can we ask for that or do we have to make a decision?

Craig Kadlub, Representative, Clark County School District:

We currently are pursuing the purchase of Gorman High School, but the concern for us is that there may be a substantial change in how we can use the property. What if during the public hearing process they determine that we cannot use the property in the manner that we originally intended? If the bill passes we probably will suspend negotiations on that property because we cannot afford to have property with restrictions imposed on it that do not allow us to use it as we had intended.

Assemblyman Denis:

What are you planning on doing with Gorman High School?

Craig Kadlub:

If we get the school, the immediate plan is to relieve some overflow at Eldorado High School by it serving as a freshmen academy. After that, we would investigate other uses for it.

Chair Parnell:

When I look at the amendment, it does not talk about using that building. It talks about whether or not the decision would be made to demolish the structure. These are two very different things. The district is now talking about using Gorman as it is, as a freshmen academy. Could you clarify what the plan is for the building?

Craig Kadlub:

To use it as is, is the immediate intent, but I do not think that there is any question that before we can use that property in some meaningful way, we will have to demolish the existing structures. We do not intend on continuing to use the current building, as it is in pretty bad shape.

Assemblyman Hardy:

I think that there may be a problem if the property ends up being sold. It would make us responsible for what the buyer does with this property.

Chair Parnell:

When I read this, I think that it only applies if the school district owns the building. If they sell it, they would sever that relationship and could not have to comply with this.

Kristin Roberts, Committee Counsel:

I think that could be clarified if the Committee moves forward with the proposed amendment.

Assemblyman Denis:

Do we have any information available regarding historical preservation?

Assemblyman Segerblom:

The neighborhoods around this area are designated historic neighborhoods. This bill, even without the law, would have been reviewed by the city's Planning Department because the building is over 50 years old.

Assemblywoman Smith:

I applaud the intent of this as, particularly in Las Vegas, we need to preserve some of the history and keep some of the buildings. I still have concerns about not fully understanding this issue and the unintended consequences which may follow. We do not know exactly what the outcome could be.

Assemblyman Segerblom:

If there are concerns, I will withdraw the amendment.

Chair Parnell:

Assemblyman Segerblom will withdraw his amendment and the bill will go back to its original status. I will close the work session on A.B. 392 and open the work session on Assembly Bill 432. This is Assemblyman Kihuen's bill.

Assembly Bill 432: Revises provisions governing the suspension and termination of certain educational personnel for failure to maintain a valid license. (BDR 34-1192)

Carol Stonefield, Committee Policy Analyst:
[Read from work session document ([Exhibit H](#)).]

Assemblyman Hardy:

If a teacher fails to reinstate his license and the bill says his district shall terminate his employment, does that preclude, in our conceptual amendment, that he be hired back as a substitute immediately thereafter? This will give him motivation to get his license back.

Chair Parnell:
Just to clarify, are you referencing amendment 2?

Assemblyman Hardy:

Yes. So, if a person loses his job because his license expires, the practice in some cases has been that the teacher is hired back the next day as a substitute teacher in the same classroom. The last sentence in amendment 2, reads "if the employee fails to reinstate the license within the time allowed, the district shall terminate the employment." I would say "the employment related to the license" and leave the door open for that person to immediately be rehired as a substitute and say that they could be hired back as a teacher when they reinstate their license.

Chair Parnell:
So would it work if we say that the district shall terminate the licensed employee? No, I do not think that will work.

Assemblyman Hardy:
They would be a substitute then.

Kristin Roberts, Committee Counsel:

I think the bill is addressing your concern in subsection 1 of the amendment, Section 3. The school district does not suspend the employment for 90 days and gives the teacher a chance to reinstate his license. If those 90 days lapse, in subsection 2, then they terminate the employment. The teacher has been given a chance in subsection 1. He is retained, not as a substitute teacher, but as a licensed teacher for the school district.

Assemblyman Kihuen:

The teacher's pay should be retained if they are rehired as a substitute. We want to maintain the same salary for the teacher.

Assemblyman Hardy:

I understand that, and if within 90 days that teacher has not had the opportunity to get his 6 hours in and at the 90-day grace period is terminated with no questions asked, I am not real anxious to try to force someone to get those 6 credits in.

Chair Parnell:

It is interesting because 90 days does not cover a college semester. So if you are involved in a class, I guess you could take a correspondence class.

Assemblyman Denis:

That is assuming that he needs the 6 credits. He may only need 3 credits.

Keith Rheault, Superintendent of Public Instruction, Department of Education:

I think the general problem with the bill, if you look at Section 3, is dealing with employment and not licensing. Regardless of whether or not the school district can hire them, I can only give them an extension for six months. They could have an invalid license. On page 2 of the bill, under subsection 3, Section 3 is not being changed where it says that it is unlawful for the Board of Trustees to employ a teacher that is not legally qualified. We are not addressing the licensing issue. In Section 2, to get what you want, you would have to insert something to say that the license should be extended. All that this section refers to is employment, and that is the problem. They may have an invalid license and Section 3 states that a district cannot hire someone without a license, so there is a conflict. As far as the CEU credits, districts offer them for in-service on weekends, et cetera.

Kristin Roberts:

Dr. Rheault, when you mentioned what the corresponding provision should be, that the license should be extended, would that be deemed extended or would that be something that the Department of Education would officially do?

Keith Rheault:

I would think that it would make it clear if it fell under this provision. A teacher would not have to separately ask for an extension through the Department unless we specify that here. I look at it as two issues. Even if they are rehired by the district, they still have to come to the licensing office to keep their license valid. After I read it carefully, I saw that this is just an employment issue and not a licensing issue and we tried to address both.

Chair Parnell:

If you look at the three amendments offered, are they in conflict, do they confuse this situation, or are they okay with the clarification that was just made?

Keith Rheault:

I think the first amendment addresses the notice per the NRS so that is not a problem. It is the second one about employment issues as opposed to licensing issues that is the problem. By this statute, the teacher could be rehired, but the district would be illegally employing them because subsection 3, which is not changing, says they cannot hire them. I cannot extend beyond the six months to give them time to get their license renewed. This one says 90 days or the end of the school year, so the time could go beyond six months because then the teacher would have an invalid license. You almost have to say that the license would remain valid during this point. I have one other concern in Section 3 ([Exhibit H](#)) which says "there is no qualified and licensed person, other than a substitute." If it were tied to the licensing, I would have to have proof that there was no licensed teacher to teach before I hired a substitute.

Chair Parnell:

Can I have Terry or Julie Whitacre come to the table? We like this bill. We just need to make sure everyone agrees with this and that the bill is understandable.

Julie Whitacre, Representative, Nevada State Education Association:

I will defer to Assemblyman Kihuen as we put this bill together on behalf of him.

Assemblyman Kihuen:

I concur with Mr. Rheault with the fact of having no qualified licensed person.

Assemblyman Stewart:

Mr. Rheault, would this 90-day extension supersede your six month administrative decision?

Keith Rheault:

I do not think it would because the 90 days that is referred to in the bill refers to employment. A district cannot terminate the teacher, but it does not address the licensing issue.

Assemblyman Stewart:

If it addresses the licensing it would be okay?

Keith Rheault:

Then it would be okay and would supersede the statute that says I cannot grant relief for more than six months.

Assemblyman Stewart:

Madam Chair, I would hope that we would keep the 90 days and not save the language that says "to the end of the school year." Teachers should have no problem getting their license renewed within this time frame.

Assemblyman Munford:

Teachers are responsible people and teach that responsibility to their students. They should have no problem doing what they need to do to make sure their license is current.

Assemblyman Segerblom:

It is my understanding that this bill really addresses whether or not the teacher passes the test they need to pass and not whether they get the credits they need. There are very few teachers who would not get the credits they need to renew their teaching licenses. There are many teachers that are not passing the test. We want to prevent the students from having a new teacher in the middle of the school year because their teacher could not pass a particular part of the test.

Assemblyman Beers:

If a suspension occurs and a teacher needs to be reinstated, do they have to reapply for their insurance?

Keith Rheault:

I do not get involved in the employment piece of this. You may want to ask a school district employee. I do know that if they do not have the license and the extension, the school cannot legally employ them as a full-time teacher. If they were hired as a substitute, they would likely lose their benefits.

Assemblyman Beers:

Does this bill address that?

Chair Parnell:

This bill just gives more time than the current law does to renew a teacher's license.

Keith Rheault:

The intent is to keep the teachers in the classroom and to give them more time to renew their licenses. There is a regulation that requires the Department of

Education to extend a teacher's position to the end of the semester or the end of the school year.

Assemblyman Munford:

It appears that this is somewhat focused on the test that the teachers have to take. If a teacher takes the test and the results are not known for a while, would he lose his license while he waits for the results of that test?

Assemblyman Kihuen:

It has partly to do with the test, but also has to do with the credits. The purpose of this bill is to retain the teacher until at least the end of the school year if he needs to renew his license.

Assemblyman Stewart:

If this is related to the test, then I am opposed to it. I think they should have to pass the test.

Chair Parnell:

The way the bill reads now, even with the amendments, there is no reference to the Praxis test. The test is not in this bill and the bill does not address that issue at all. We may be able to consider the test at another time, but certainly not within this bill.

Assemblywoman Smith:

I feel like we have gone in a circle with this bill. I want to ask Mr. Rheault if he has a suggestion regarding this bill since he knows where we are trying to get to.

Keith Rheault:

My suggestion is that, under Section 3 ([Exhibit H](#)), start with "except as otherwise provided in subsection 3, if the lapse of an employee's license occurs during a time that school is in session," then delete everything else because I think that the intent is to keep that employee in the same class regardless of whether they are a substitute. We have to tie the license to this employment piece. You have to either give them 90 days or until the end of the year. It has to be one or the other.

Chair Parnell:

I think we have a couple of options. We could move it out with conceptual amendments. If the committee is uncomfortable with that we could get a mock-up for floor session and meet behind the bar. Everyone would have an opportunity to look at the mock-up language. The other choice is to move it now.

Assemblyman Hardy:

I think we should follow the recommendations of the State Superintendent. I feel comfortable with the concept and the bottom line is that this is for the kids. We want to keep the same teacher in their classroom all year long.

Chair Parnell:

Assemblyman Kihuen, are you okay with this?

Assemblyman Kihuen:

Yes, I am completely okay with all of this and move to pass this bill with Mr. Rheault's amendments.

ASSEMBLYMAN KIHUEN MOVED TO AMEND AND DO PASS
A.B. 432.

ASSEMBLYWOMAN SMITH SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Parnell:

I will open the work session on A.B. 459.

Assembly Bill 459: Makes various changes relating to teachers. (BDR 34-787)

Carol Stonefield, Committee Policy Analyst:

[Read from work session document ([Exhibit I](#)).]

Chair Parnell:

Just to remind everyone about this bill, this was the bill regarding teacher morale issues. I have some amendments ([Exhibit J](#)) and would like to explain them. I met with some individuals and after the first hearing, I was bothered by this bill for a number of reasons. Sometimes people just need someone that they feel comfortable talking to. They do not know if someone is on their side or not. They get to the point where they are afraid to say anything because they fear that their job may be in jeopardy. We came up with the idea in the first bullet to create an Office of Teacher Advocacy and School Morale, someone who is independent of the schools and can deal with its problems. There was also some confusion about the involuntary transfer. The way it read in the original bill made me a little uncomfortable. I found an existing statute which references another population so that is where that came from. Assemblywoman Smith felt that in order to improve the communications between teachers and principals and schools, everyone should be up front. That is why the policy which prohibits intimidation must be reviewed at least

annually at a staff meeting at the school where teachers and the principal will be present. We are talking about the expected behavior from both parties at the school site. We want to amend to reflect the bill's provisions that entitle a reinstated employee to compensation for missed days of work. There has been discussion referencing the remainder of the bill. If you look at the original bill in your bill book, you will notice that much of the language is what you would see in a negotiated contract.

There are individuals who are uncomfortable with having language in the bill that may conflict with language in a negotiated agreement with a school district. Amendment number 2 would delete most of the language in the bill as presented, but leave the amendments offered in the first amendment.

Assemblyman Hardy:

On page 3 of the final mockup ([Exhibit J](#)), lines 18 and 19, how do we discipline the teacher?

Chair Parnell:

I think that the important line is 17, where the text refers to "involuntary" transfer or reassignment. So if a teacher is not getting along with the principal of his school, he could request a voluntary transfer. So it would only be one transfer that was involuntary.

Assemblyman Hardy:

That would not be in the form of a disciplinary action?

Chair Parnell:

No.

Assemblyman Stewart:

At the first bullet, on creating an Officer of Teacher Advocacy, I have a concern. We already have something for this purpose. We have a Senator in each school who fulfills the role as a teacher advocate. A teacher can go to a Senator if he has a grievance and be represented to the administration. The Clark County School District has a public relations problem and I think that the public would say that this is another layer of bureaucracy. I think it would be difficult for the school district to explain this. Also, we are advocating that only the Clark County School District do this, not any other school district. That seems unfair. Regarding the transfer policy and the schools that now have empowerment, would this be a restriction on the empowerment of the principal?

Assemblyman Munford:

Every teacher does not join the teachers union, so they do not all have representation.

Assemblyman Beers:

I have a concern about the Office of Teacher Advocacy for a different reason. This appears to be the reason for the fiscal note, correct?

Chair Parnell:

No. The fiscal note is connected to the original bill.

Assemblyman Beers:

This does not create an additional fiscal impact then?

Chair Parnell:

It only has fiscal impact on the district. I need to say that we have a crisis as far as recruiting teachers into the field. We cannot, in any one of our 17 school districts, not take the best care of our teachers. We need for them to want to stay. We have districts where there are far too many teachers filling out their Exit Interview questionnaire saying that their reason for leaving is because they did not feel that they were treated as professionals. The Office of Teacher Advocacy is an idea that is not union, not management, but someone who is an independent voice. I want to do whatever I can to keep as many teachers in the profession and feeling good about going to schools and doing what they were hired to do.

Assemblywoman Smith:

I am wondering if someone from the district is here to address this issue.

Joyce Haldeman, Representative, Clark County School District:

This topic was discussed at a meeting yesterday and we support having an Office of Teacher Advocacy. We need to resolve issues for them so we can keep them here. We have a person who is the affirmative action person who people can talk to if they have a concern and are able to work through their issues. This advocacy office is similar and is devoted to helping teachers work through issues and resolve concerns with the hope that we can keep them in the district. The Clark County superintendent was agreeable to having this new position and thought that it would be a good idea to have a similar office to assist the parents with any issues.

Rose McKinney-James, Representative, Clark County School District:

I was not at the meeting to comment on that.

Chair Parnell:

We should look at the original bill and call that "number 1." The first amendment will be "number 2" and the most recent amendment, which deletes all of the original language and has bullets number 1, 2 and 3, will be "number 3."

Assemblywoman Smith:

I would like to have the sponsor of the bill comment.

Assemblyman Segerblom:

I want to have Section 2, 3, and 4 in the bill. My intent was to make sure that the teachers are treated fairly. This is similar to the police officer's Bill of Rights which is already in statute.

Chair Parnell:

I would like to have Julie Whitacre come up to the table and comment on the potential conflict this may have with the agreement negotiations the teachers have. I would like you to respond to the contract type of language that is in the original bill and in the first amendment.

Julie Whitacre, Representative, Nevada State Education Association:

Excluding the first bullet regarding the teacher advocacy position, I think that both the new bullets and the original language, in different ways, strengthen what we are already doing via negotiations. It supports issues that are so important that they are worth putting into statute to preserve.

Chair Parnell:

So you are comfortable with all of the language as originally presented?

Julie Whitacre:

We are comfortable with the bill in its original form. We had presented an amendment, but we are comfortable with the original form and also with the new language.

Chair Parnell:

So we can delete the language from the original bill and address the other issues alone. The NSEA would be okay with that?

Julie Whitacre:

Yes. I do have a concern with the Office of Teacher Advocacy and school morale. I have 100 percent appreciation for the intent and think it is necessary, but am afraid that the way it is written, it may become another administrative position.

Chair Parnell:

He would not be an association or district person, but maybe someone who has a background in human relations or management skills. It would be a neutral person.

Rose McKinney-James:

With respect to the changes that you are suggesting with your amendment, it is very important to note that most of these items are already set forth in the contract. Some of them are already outlined in the statute. We need to make sure that we avoid any conflict with the contract or with NRS Chapter 288. The district is pleased with the amendments which eliminate those sections that create conflict with what is already negotiated in the contract. That would include Section 2, 3, 4, and 5.

Chair Parnell:

I have to point out that we have a serious situation because, it appears, even though we have negotiated contracts, we have people who are not abiding by that contract. There are serious situations in our schools and we have to find the best way to deal with it.

Assemblyman Hardy:

I appreciate the last amendment.

Chair Parnell:

Teacher advocacy and school climate were the topic of discussion with this bill.

Assemblyman Hardy:

Right now we are talking about school districts with a population of 400,000 or more. It would be reasonable to give permission for other counties to do the same kind of thing. I think that the third mock-up makes the most sense.

Assemblywoman Smith:

I still need help with this bill. I need someone to explain this. Will this impede the work through collective bargaining or anything else?

Rose McKinney-James:

We had our legal counsel look at the bill and found that some provisions duplicate or modify existing items in the contract. Counsel looked at the original bill side-by-side with the negotiated contract. Based on the discussions yesterday and based on the fact that we do not know what is occurring in every single school, we cannot know how every single principal deals with the teachers within his responsibility. The new teacher advocate position is a step that will allow us to mitigate some of the concerns that have been brought to

your attention. With respect to transfers, it is already in the agreement that transfers are a matter of a principal's discretion. They are not to deal with discipline. That is set forth in the agreement. The sections that I would have addressed are the sections that deal with investigations. Under Option 3, that is eliminated. There is no impact on collective bargaining with this option. If we go through with the third option, then I think that the school district will be satisfied.

Julie Whitacre:

We had legal counsel look at the bill and found no problems in terms of a conflict with the contracts.

Assemblyman Beers:

I would like this bill to pass with the amendments from the third option.

Chair Parnell:

I think we could state our intent at this point in time and then follow it through. So to clarify, we are looking at the most recent mock-up ([Exhibit J](#)), which deletes page 1 and 2, and on page 3 we have new language. There is a friendly amendment to school climate and not morale. We have all made the intent clear that the teacher advocate should have some type of a mediation background, or something similar. The language about involuntary transfer must be based on assignment and seniority and may not be made as a form of discipline. In Section 7, the change will be made that Assemblywoman Smith recommended. I would like a friendly amendment that states we will hear back from Clark County School District to see what the results are of having the teacher advocate. We want to see if there are positive results.

Assemblyman Segerblom:

I appreciate what you have done, but I am going to oppose this amendment and urge my colleagues to do the same. There is no conflict in Sections 2, 3, 4 or in NRS Chapter 288. Like I said earlier, this is similar to the police officer's Bill of Rights. The purpose of this bill was to give teachers more rights. I would like the original language kept in so the teacher's have some basic rights. I think that the sections should stay in the bill.

Chair Parnell:

I would note that it was my recommendation to create the Teacher Advocacy Office. It did not come from the school district. Our Legal staff has asked me to clarify the word "climate" as used in the term "school climate."

Kristin Roberts:

I am looking for clarification on deleting the word "morale" and adding the word "climate."

Chair Parnell:

I think that was the appetite of the Committee, or at least of Assemblyman Hardy.

Assemblywoman Smith:

I still have an issue with collective bargaining. That is supposed to take care of all of these issues, but is not. I still support the idea of having the new teacher advocate position.

Assemblyman Bobzien:

If much of this bill is in collective bargaining, but is not being followed, this may not fix the problem.

Chair Parnell:

Julie, is there anything in the original bill that is not covered in the current negotiated contract?

Julie Whitacre:

I do not know that answer, but could find that out. We have somewhere around 17 contracts throughout the State. I would have to analyze them.

Chair Parnell:

Is there anything in this bill that could not be in a negotiated agreement?

Julie Whitacre:

Not that I am aware of.

Assemblyman Segerblom:

I would agree with that. This could be negotiated, but is not in the current contract.

Chair Parnell:

Assemblyman Beers is withdrawing his motion. The motion is off the Floor.

Assemblyman Hardy:

We are talking about a negotiated contract and collective bargaining, but the reality is that not everyone is a member of the union, so we may be reaching too far. Without substantial differences, the cleaner language is where we are. I would move to pass number 3 if you will accept that motion.

Chair Parnell:

I will ask the committee if they want to take a recess and then come back and take action on A.B. 459. We will take a short recess [at 6:08 p.m.]. Meeting is called back to order [at 6:25 p.m.]. We still have A.B. 459, either option 1, option 2, or option 3.

Assemblyman Segerblom:

I would propose an amendment. I would choose option 3, but add to it Sections 2, 3, and 4 of option number 2 or it could be option 1. Also, I want the language to say that these provisions may be superseded by the parties in a contract, if the agreement between the parties is more stringent than the provisions of this bill.

Chair Parnell:

I need you to say that one more time.

Assemblyman Segerblom:

If you look at option 3, the last proposed amendment, take that and amend it by adding back Sections 2, 3, and 4 from the original bill and then add a phrase that states nothing in this law prevents the parties from negotiating provisions that are more stringent than those contained in Sections 2, 3, and 4.

Chair Parnell:

So your amendment continues to delete Sections 5, 6, 7, and 8.

Kristin Roberts:

If I understand correctly, we are looking at option 2 and adding in Assemblyman Segerblom's additional language. Option 2 deleted Sections 2, 3, and 4.

Assemblyman Segerblom:

The only difference I see is that option 2 had Section 11 which I liked, but am willing to give it up.

Kristin Roberts:

So, what Assemblyman Segerblom is recommending is option 2 with the additional language.

Assemblyman Denis:

I want to make sure I understand this. The way I understand this is that we would keep the original language and put in the bulleted items that are on our worksheets?

Chair Parnell:

The first amendment does this. So, we are looking at the first amendment and keeping only Sections 2, 3, and 4. Is that correct Mr. Segerblom?

Assemblyman Segerblom:

Yes, and add the new Section 5. Section 8 is where the changes start.

Kristin Roberts:

If I could just clarify, Sections 8, 9 and 10 are simply inclusive references for where the new sections should be placed in the NRS for codification purposes.

Assemblyman Segerblom:

Was it intended to eliminate Section 5, the part adding a new provision to NRS Chapter 391 regarding mitigation of damages? I would like to keep that in if possible.

Chair Parnell:

It is your amendment.

Assemblyman Segerblom:

Did option 3 just eliminate Sections 2, 3, and 4?

Kristin Roberts:

Yes, Sections 2, 3, and 4 were eliminated and because they are new sections, we eliminated our internal cross references in Sections, 8, 9, and 10.

Assemblyman Segerblom:

Then I would like to go back to my option 2 and add a sentence about NRS 288 that says that this does not prevent the parties from negotiating provisions that are more stringent than those contained in this bill.

Chair Parnell:

So now we have a third amendment.

Assemblywoman Smith:

I think I understand the statement about superseding NRS Chapter 288, but do we need to say anything about that in this bill or about collective bargaining?

Assemblyman Segerblom:

I do not believe we have to say that this conflicts with NRS Chapter 288 but that NRS Chapter 288 has precedence.

Assemblywoman Smith:

It would be my preference to frame this that way so we can protect the collective bargaining privileges.

Assemblyman Segerblom:

That would be fine.

Chair Parnell:

So, we have a motion on the floor to accept A.B. 459 with the amendment most recently presented.

ASSEMBLYMAN SEGERBLOM MOVED TO AMEND AND DO PASS
A.B. 459.

ASSEMBLYMAN KIHUEN SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN BEERS, HARDY, MABEY,
AND STEWART AND CHAIRWOMAN PARNELL VOTED NO.)

I will open the work session on A.B. 563.

Assembly Bill 563: Revises provisions governing education and makes appropriations relating to education. (BDR 34-531)

Carol Stonefield, Committee Policy Analyst:

[Read from work session document ([Exhibit K](#)).]

Chair Parnell:

Who was on the working group for A.B. 563 and A.B. 565? Assemblywoman Smith, would you reference that for us? Just to let you know, we did have the presentation some time ago on iNVEST and that has to go to Ways and Means. We have an option to rerefer this to Ways and Means with or without recommendation.

Assemblywoman Smith:

As I reported, we looked at iNVEST and looked at the policy issues in iNVEST versus the provisions that have fiscal notes and were also included in other places. We talked about how we could address those issues. The one thing that I am confused about is why we have the amendment on the budget preparation and will ask Randy Robison to explain that.

Randy Robison, Representative, Nevada Association of School Superintendents:

Our original intent with the bill was to create a situation in which we could have a direct comparison between the agency requests and what the school districts had submitted. When the Department of Education read the original draft we were a little nervous because it looked like there was quite a bit of duplicative reporting. According to the Department of Education, they have that information available in other reports that are already required. This would allow us to do a side-by-side comparison of what the budget office gives to them as opposed to what the districts asked for.

Chair Parnell:

So the decision that this committee has to make is whether or not we want to amend and refer with recommendation or without recommendation. It is concurrently referred. We have to make the motion to amend and rerefer.

Assemblyman Munford:

I did not see anything in iNVEST related to safety or merit pay.

Chair Parnell:

iNVEST is not about merit pay.

Assemblyman Munford:

I will rescind and vote yes on A.B. 563.

Chair Parnell:

iNVEST is strictly on incentive and hard to staff schools.

ASSEMBLYMAN HARDY MOVED TO AMEND AND DO PASS
A.B. 563.

ASSEMBLYMAN DENIS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I will open the work session on A.B. 565.

**Assembly Bill 565: Revises provisions governing educational finance.
(BDR 34-1371)**

Carol Stonefield, Committee Policy Analyst:

[Read from work session document ([Exhibit L](#)).]

Chair Parnell:

Does anyone from the working group want to comment? The non-financial items in iNVEST do not go anywhere because the appropriation request is for the entire document. The working group discussed what non-ticket items could be duplicated in another bill to have a better chance at getting through.

Assemblyman Denis:

We were able to separate out the non-financial things from the things that are in other bills.

Chair Parnell:

Most items that include money are in other bills now. This will improve the chance that some of the important concepts in iNVEST will get passed.

Assemblyman Hardy:

I think this carries the spirit of S.B. No. 404 of the 73rd Legislative Session and I think that it is reasonable.

Assemblywoman Smith:

We have received a budget amendment that put the 5 percent for a speech pathologist back in the bill. So that is good news.

Chair Parnell:

I think we should leave that in here, but when it comes time for resolution that part of this fiscal note will be removed as it is showing elsewhere in the budget.

ASSEMBLYMAN DENIS MOVED TO AMEND AND DO PASS
A.B. 565.

ASSEMBLYMAN SEGERBLOM SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I will open the work session on A.B. 567.

Assembly Bill 567: Revises provisions governing university schools for profoundly gifted pupils. (BDR 34-918)

Carol Stonefield, Committee Policy Analyst:

[Read from work session document ([Exhibit M](#)).]

Assemblyman Hardy:

What is broken that we would want to mess with this? Are we trying to solve a problem that exists or does not exist?

Chair Parnell:

You want to know why we had this bill in the first place or why we have an amendment?

Assemblyman Hardy:

Yes, to all of that.

Chair Parnell:

To answer the first question, this is the first time this school is requesting public dollars. Because of that, they now need to have some oversight. We patterned this after the same regulations that other charter schools have as far as governance. The amendment came from Mr. Alonso who represents the Davidson Academy.

Assemblywoman Smith:

It became evident that the role of the superintendent had to be in an oversight capacity if public funds were going to be involved. The one thing that I would say is, when we restructured the board in the original bill, it spread things out a little more.

Assemblyman Segerblom:

What is the difference between controls in the original bill and Mr. Alonso's amendment? There are seven members that vote?

Chair Parnell:

Yes, the number of voting members does not change.

Assemblyman Segerblom:

Three of those are appointed by the Governor, the Senate, and the Speaker and the other four are appointed by who, in the original bill?

Chair Parnell:

The entity was operating the school with no more than two representing the same organization.

Assemblyman Segerblom:

Mr. Alonso's proposal still has the same four appointed people?

Chair Parnell:

Correct.

Assemblyman Segerblom:

I guess my concern is that we are spending public dollars and giving it to an entity that will control the board without any input from the government.

Chair Parnell:

There is input from the individual chosen by the Governor, Senate Majority Leader, and Speaker of the Assembly.

Assemblyman Segerblom:

I prefer the original bill's mechanism for appointing the board as opposed to the amendment.

Assemblyman Beers:

I prefer the original bill to the amendment. It appears to be cleaner to me.

Assemblyman Bobzien:

The point here is that the Distributive School Account (DSA) dollars are not the exclusive funding source for this school. There are still a significant amount of private dollars that are being spent by the entity. This is a partnership arrangement.

Alfredo Alonso, Representative, The Davidson Group:

The reason that there is a difference is because charter schools are normally funded publicly, but the Davidson's have put \$2 million into this school, which does not include the \$15 million that was given to the university to create the space that they are ultimately going to occupy. Essentially, the way they look at this is, they never intended to get public money for the sake of public money. This was the State's buy-in. They wanted to give this to the State of Nevada, create the school here, house it here in Nevada, and bring students to the school. I do not have a problem with respect to who appoints. Our only issue was having some kind of continuity, but if this body believes that it makes better sense to include the Majority Leader and the Speaker, we would have no objection to that.

Chair Parnell:

I think that makes us all a little more comfortable.

Assemblyman Segerblom:

The bill says that no more than two can be from the same organization. Is there a reason that you took that out in your amendment?

Alfredo Alonso:

We did that because we were concerned that business or interest could mean anything. It was vague. People could be excluded that would be very qualified to be on this board.

Assemblywoman Smith:

I am ready to make a motion to Amend and Do Pass, striking Section 18, and taking the first line of the amendment, the original language in the second line, and the amendment in the third line.

Chair Parnell:

It is the third box, second box, third box, if you are looking down the original amendment. The only amendment to A.B. 567 is to strike Section 18, take Mr. Alonso's first and third recommended amendment.

ASSEMBLYWOMAN SMITH MOVED TO AMEND AND

DO PASS A.B. 567.

ASSEMBLYMAN DENIS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

[The meeting adjourned at 7:05 p.m.]

RESPECTFULLY SUBMITTED:

Denise Dunning
Recording Secretary

Rachelle Myrick
Transcribing Secretary

APPROVED BY:

Assemblywoman Bonnie Parnell, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Education

Date: April 11, 2007

Time of Meeting: 3:45 p.m.

Bill	Exhibit	Witness / Agency	Description
	A	Assembly Committee on Education	Agenda
	B	Assembly Committee on Education	Attendance roster
AB 313	C	Carol M. Stonefield, Committee Policy Analyst	Work session document
AB 354	D	Carol M. Stonefield, Committee Policy Analyst	Work session document
AB 386	E	Carol M. Stonefield, Committee Policy Analyst	Work session document
AB 391	F	Carol M. Stonefield, Committee Policy Analyst	Work session document
AB 392	G	Carol M. Stonefield, Committee Policy Analyst	Work session document
AB 432	H	Carol M. Stonefield, Committee Policy Analyst	Work session document
AB 459	I	Carol M. Stonefield, Committee Policy Analyst	Work session document
AB 459	J	Assemblywoman Parnell	Proposed amendment
AB 563	K	Carol M. Stonefield, Committee Policy Analyst	Work session document
AB 565	L	Carol M. Stonefield, Committee Policy Analyst	Work session document
AB 567	M	Carol M. Stonefield, Committee Policy Analyst	Work session document