

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

**Seventy-fourth Session  
May 9, 2007**

The Senate Committee on Human Resources and Education was called to order by Chair Maurice E. Washington at 1:54 p.m. on Wednesday, May 9, 2007, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412E, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Maurice E. Washington, Chair  
Senator Barbara K. Cegavske, Vice Chair  
Senator Dennis Nolan  
Senator Joseph J. Heck  
Senator Valerie Wiener  
Senator Steven A. Horsford  
Senator Joyce Woodhouse

**GUEST LEGISLATORS PRESENT:**

Assemblyman Ruben Kihuen, Assembly District No. 11  
Assemblyman Tick Segerblom, Assembly District No. 9

**STAFF MEMBERS PRESENT:**

Marsheilah D. Lyons, Committee Policy Analyst  
Joe McCoy, Committee Policy Analyst  
Sara Partida, Committee Counsel  
Betty Ihfe, Committee Secretary

**OTHERS PRESENT:**

Keith Rheault, Ph.D., Superintendent of Public Instruction, Department of Education  
Mary Jo Parise-Malloy, Nevadans for Quality Education

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Julie Whitacre, Director, Government Relations, Nevada State Education Association  
Carolyn Edwards, Member, Board of Trustees, District F, Clark County School District  
Anne Loring, Washoe County School District  
Lonnie Shields, Assistant Executive Director, Nevada Association of School Administrators  
Dotty Merrill, Ed.D., Executive Director, Nevada Association of School Boards  
Donna Hoffman-Anspach, Member, Board of Directors, Nevadans for Quality Education  
Alison Turner, Nevada Parent Teachers Association  
Stephen Augspurger, Executive Director, Clark County Association of School Administrators and Professional-technical Employees  
David F. Kallas, Southern Nevada Conference of Police and Sheriffs  
Charles Thompson  
La Verne Thompson  
Constance Kosuda  
Craig Kadlub, Ed.D., Clark County School District  
Bill Hoffman, General Counsel, Office of the General Counsel, Clark County School District  
Rich Arguello, Principal, Southern Nevada Vocational Technical Center  
Christopher B. Reich, General Counsel, Legal Department, Washoe County School District  
Beth Duncombe  
Mark Coleman, Deputy Director, Clark County Association of School Administrators and Professional-technical Employees

CHAIR WASHINGTON:

We have hearings on three measures today, Assembly Bill (A.B.) 70, A.B. 432, and A.B. 459. We will consider A.B. 432 first.

**ASSEMBLY BILL 70 (1st Reprint)**: Revises provisions governing the compensation of the members of the boards of trustees of school districts. (BDR 34-878)

**ASSEMBLY BILL 432 (1st Reprint)**: Revises provisions governing the suspension and termination of certain educational personnel for failure to maintain a valid license. (BDR 34-1192)

**ASSEMBLY BILL 459 (1st Reprint)**: Makes various changes relating to teachers.  
(BDR 34-787)

ASSEMBLYMAN RUBEN KIHUEN (Assembly District No. 11):

On behalf of the teachers and students of Nevada, I am pleased to present this legislation. Assembly Bill 432 would allow a teacher to receive an extension of their license through the remainder of the school year if their license expires in the middle of the school year. The bill requires that the Department of Education (Department) notify the teacher and school districts 6 to 12 months in advance of the expiration date. As we face unprecedented teacher shortages, we must establish regulations that enable us to retain the teachers we already have. This bill will help alleviate the teacher shortage, increase the teacher retention rates and, most importantly, create a more stable learning environment for students.

Presently, if a teacher's license expires in the middle of the school year, the teacher not only loses his or her job, but it also forces the school to replace that qualified teacher with a substitute teacher. Substitute teachers are in very limited supply in our State. In this situation, who would be the most qualified, a teacher licensed by the State or a substitute teacher with only 60 college credits? The losers would be the students who have substitutes for any length of time. Various educators have expressed their concern regarding the notifications of expiring licenses. There have been situations in which a teacher has received a notice just the day before he or she is removed from the classroom. This is an unfair situation for teachers and their families, but most importantly, it is unfair for their students. Again, we must create a more stable learning environment for the children.

It is incumbent upon us, the Legislature, to take proactive measures to improve the quality of education for our children and young people. This bill is certainly one element toward the solution. Assembly Bill 432 passed unanimously in the Assembly Committee on Education and on the Floor of the Assembly. I urge this Committee's support for the bill.

SENATOR WOODHOUSE:

First, I applaud you for bringing this bill forward to assist in alleviating this notification situation. We are aware that a longtime substitute does not produce the desired outcomes we want for our students. Second, in those districts that have interdistrict e-mail, perhaps the Department could use that method as

another way to notify teachers and school districts of upcoming expiration dates.

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

We are generally supportive of A.B. 432. On page 2, lines 3-9, regarding the notification of teachers, our licensure system already generates a notification at six months. The reason some notifications do not reach the teachers is because we have not received a change of mailing address from them. Those notifications are returned to us. While not required of the Department, as a courtesy we have sent renewal notifications for years. Assembly Bill 432 would put the notifications in statute and, therefore, notification would be required.

In A.B. 432, page 2, lines 10-22, the delay of licenses is addressed. The Commission on Professional Standards in Education is the body which has been approved by the Legislature to govern teacher licensing and the licensing of other educational personnel. The Commission recognized the same problem that is in the bill. Under the *Nevada Administrative Code*, I am allowed to grant extensions under certain circumstances. Since 2003, I have been automatically granting extensions to those teachers whose licenses have lapsed for not removing a testing provision, not completing some course work or not providing some other required renewal piece. If a teacher's license provisions come due during the semester or trimester, I have been automatically granting extensions to those teachers as well. If a teacher's license comes due in the middle of the first semester, I can only approve the extension until the end of the semester as the statute limits my authority to grant an extension beyond six months. If the teachers have not fulfilled their lapsed requirements, they would be removed from the classroom.

The difference between what I am currently doing by regulation and what this statute would allow is on page 2, lines 16-19. It states that a teacher could continue teaching with a lapsed license for 90 days or to the end of the school year, whichever is longer. For example, if a teacher's license provisions came due in October, this bill would allow him or her to teach until the end of the school year, giving time to take care of their provisions. Since statutes limit my authority, something would need to be changed.

CHAIR WASHINGTON:

Are you saying we have to amend this statute to extend your authority?

DR. RHEAULT:

No. I think if it is in this bill, it gives me the authority to grant extensions. There is a separate statute though that says my authority is limited to six months to grant relief to teacher licensing issues.

SENATOR WIENER:

Because this is in effect on July 1, would there be any advantage to changing the effective date to "upon passage and approval?"

DR. RHEAULT:

It would be of some advantage but not a big one. At this time, if a teacher's license comes due this spring semester, I have already granted an extension to the end of the school year. That allows the teacher to rectify the deficiencies during the summer, so July 1 is a workable effective date.

SENATOR HECK:

How long is a teacher's license valid before they have to renew it?

DR. RHEAULT:

It depends on the degrees the teacher holds. If the teacher has a bachelor's degree, he or she is granted an initial license with no provisions which is valid for five years. If the teacher has earned a master's degree and has taught for three years, the license is valid for six years. If the teacher holds a doctoral degree, that license is valid for ten years.

SENATOR HECK:

What would cause a license to lapse?

DR. RHEAULT:

When teachers graduate from an education program from a college in Nevada, they are fully certified and do not have any provisions on their license. Provisions are usually attached for teachers from out of state who come from so many different programs with varying requirements.

There are two or three usual reasons for lapses. Based on our licensing requirements, a teacher might be short a course or two in their particular subject. The teachers must take our required tests such as the basic skills test, a subject matter test, and/or a pedagogy test called "Teaching Methods." This is a test on the principles of learning and teaching. Sometimes, our renewing

teachers overlook getting their six continuing education credits in time which causes a lapse. They can request an extension for this circumstance as well.

MARY JO PARISE-MALLOY (Nevadans for Quality Education):

I am reading from my prepared remarks ([Exhibit C](#)). Whenever a teaching vacancy occurs, it negatively affects the students. Here in the Clark County School District (CCSD), one teacher in a comprehensive high school has the ability to affect up to 200 students. Reminding teachers of the expiration date of their licensure is helpful and reasonable. For that reason, the Nevadans for Quality Education (NQE) support A.B. 432 as being in the best interest of the students.

JULIE WHITACRE (Director, Government Relations, Nevada State Education Association):

The Nevada State Education Association goes on the record in support of this bill.

SENATOR WIENER MOVED TO DO PASS A.B. 432.

SENATOR NOLAN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

CHAIR WASHINGTON:

We will open the hearing on A.B. 70.

**ASSEMBLY BILL 70 (1st Reprint)**: Revises provisions governing the compensation of the members of the boards of trustees of school districts. (BDR 34-878)

ASSEMBLYMAN TICK SEGERBLOM (Assembly District No. 9):

An analogy for this bill would be, we take our precious children for whom we have cared and for whom we have provided at home, and then we send them to child care often without questioning who is in charge. The same is true when we send our children off to school without questioning the qualifications of the school board members who are making the decisions that affect our children's educational lives.

We spend a third of our State's General Fund on kindergarten through Grade 12 education. In the CCSD, that amounts to approximately \$2 billion a year. Currently, the school board trustees in the CCSD and the Washoe County School District (WCSD) are paid approximately \$5,700 a year to supervise their multimillion, multibillion dollar budgets and to spend that third of the General Fund. In the smaller counties, the school board trustees receive about \$2,000 a year. On page 2 of my handout entitled, "A.B. 70: Increases School Board Trustee Salaries" ([Exhibit D](#)), the two-tiered system is illustrated and is based on enrollment. In the 11 school districts with more than 1,000 students, the school board trustees can be paid an amount not to exceed \$5,760 a year. In the 6 school districts with fewer than 1,000 students, members are not to exceed \$1,920 for the 12 months.

On page 3, [Exhibit D](#), the bill separates our two largest school districts from the others to provide a more equitable compensation for the amount of responsibility and time necessary to carry out their school board duties. The enrollment for the 2006-2007 school year is listed on page 10. Of the enrollment statewide of 426,436 students, the WCSD has 15.25 percent of the enrollment or 65,013 students, and the CCSD has 71.80 percent or 306,167 students. All other districts have less than 2.5 percent or 10,000 students, to the fewest of 0.02 percent or 68 students.

ASSEMBLYMAN SEGERBLOM:

In addition to the amount of money for which the school board trustees are responsible, the amount of time spent on regularly scheduled meetings, additional meetings, school visitations, meeting with parent groups, meeting with student groups, time traveling to and from meetings and visitations, supervising thousands of employees and overseeing school construction projects is often 70 to 80 hours a month. To continue to pay only \$480 a month compared to the proposed \$2,000 a month, I believe, is unfair. Comparisons with similar size school districts in the nation to the CCSD are on page 5, [Exhibit D](#). Some salary comparisons to other administrative positions in Clark County are on pages 7 and 8. With respect to the other 15 counties, the school board trustees would be paid by the meeting. Page 11 illustrates the proposed increase from \$80 for each meeting to \$115 up to 3 meetings each month. That would total \$345 each month or approximately \$4,000 for the year. Assembly Bill 70 addresses these existing inadequacies.

In some testimony to follow, you may hear this is an unfunded mandate. If you refer to page 12, [Exhibit D](#), it points out what this bill would cost. The proposed amounts would be \$140,000 each for the CCSD and for the WCSD. It would be approximately \$10,000 each for the other fifteen counties. The projected maximum cost would be \$430,000.

While this bill was approved in the Assembly during the 73rd Session, it did not pass in the Senate. I urge this Committee's support, so we may treat our school board trustees more fairly.

SENATOR HECK:

Do you know how much the Board of Regents is paid?

ASSEMBLYMAN SEGERBLOM:

Although I am not sure of the amount, it is about \$85 for each meeting, with the intention it goes toward transportation.

SENATOR NOLAN:

I certainly appreciate that we have so many qualified people throughout the State who sacrifice much to serve in these capacities. I agree with you that their compensation is a matter of equity and fairness. Without reasonably compensating them, I have a concern as to how long these people will continue to serve.

CAROLYN EDWARDS (Member, Board of Trustees, District F, Clark County School District):

In my testimony today, I am representing myself as one individual member of the Board of Trustees of the CCSD. I am here at the request of Assemblyman Segerblom to share with you the amount of time and energy I expend performing my duties as a school board trustee.

For your reference, I have provided a copy of my April 2007 calendar ([Exhibit E](#)). Even though I took a 5-day personal trip and one board meeting was cancelled, I spent approximately 158 hours on my school board trustee duties that month. Usually, each week, I spend about 5 to 8 hours receiving approximately 100 e-mails, about one-third of which require a response. I answer telephone calls from parents, constituents and staff daily which average between eight to ten hours a week. On average, I spend almost 30 hours each month preparing for the many meetings we have. While each



month's activities vary depending on the time of year with school visitations or graduations, I average about 40 hours a week as a school board trustee.

SENATOR NOLAN:

With this position being so time-consuming, is it possible for a working parent to serve on the school district's board of trustees?

MS. EDWARDS:

Yes. We do have school board trustees who are employed and we have some trustees who are parents of children attending school in the district. While I am now retired, both my children graduated from the CCSD.

CHAIR WASHINGTON:

Senate Bill No. 149 of the 73rd Session dealt with the compensation of the Board of Regents. Their meeting compensation was raised to \$80 a day and their per diem remained at \$60 a day.

SENATOR WIENER:

It was in 1999 when we last considered at the issue of school board trustees compensation.

ASSEMBLYMAN SEGERBLOM:

With the small amount we are paying the school board trustees, it is basically a volunteer position. The increases I am suggesting simply express appreciation for the time they spend and what they are doing.

CHAIR WASHINGTON:

This Committee looks at the salaries of several groups. What I am looking for in this situation is equity among all the groups.

ANNE LORING (Washoe County School District):

The WCSD board of trustees is in support of this bill.

LONNIE SHIELDS (Assistant Executive Director, Nevada Association of School Administrators):

In my 40 years in education, I have never met a school board member who did not put in the hours about which Ms. Edwards has just spoken. The effort and dedication of school board members should be recognized. Increasing their

compensation is a way to provide that recognition; therefore, the Nevada Association of School Administrators (NASA) supports this bill.

DOTTY MERRILL, Ed.D. (Executive Director, Nevada Association of School Boards):

The current president of the Nevada Association of School Boards (NASB), Shelia Moulton, is in the hearing room in Las Vegas. Present in this hearing room today are Ruth Johnson, a former president of the Association and Sharla Hales, president-elect of the Association. Together, we appreciate that this issue is again being brought to the Legislature. In 1999, the Legislature increased the number of meetings for which school board members could be paid. In 1991, the Legislature increased the compensation for each meeting, followed by another increase in 1992.

Last Saturday, the NASB's board of directors unanimously adopted the following statement, "We reiterate our position that we do not support any unfunded mandates. We are opposed [to this bill] for that reason."

DONNA HOFFMAN-ANSPACH (Member, Board of Directors, Nevadans for Quality Education):

You have my written statement ([Exhibit F](#)) which emphasizes that everyone, including the board of NQE, would agree that school board trustees have enormous responsibilities and receive very little compensation. NQE does support A.B. 70, but we would like the bill to include funding. We believe strongly that not one more dollar should come out of the classroom for noninstructional purposes.

CHAIR WASHINGTON:

Who do you want to fund it?

MS. ANSPACH:

If there is not funding with this bill, we cannot support it.

CHAIR WASHINGTON:

Most educational appropriations are funded by the Legislature and the funding comes primarily from the General Fund. Some entity has to fund these increases. Who will that be?

MS. ANSPACH:

If A.B. 70 takes any of the funding away from the classroom, we cannot support it.

ALISON TURNER (Nevada Parent Teachers Association):

The Nevada Parent Teachers Association (PTA), with 26,000 members, supports A.B. 70. Even though this legislation would result in only a modest compensation increase for school board trustees, it would be financially helpful to them. If passed, this increase would make these vital positions accessible to more individuals who, at this time, cannot even consider running for a school board position.

In addition, the Nevada PTA also believes this bill should be funded by the Legislature. We agree that no other funds should be taken away from classrooms and children.

STEPHEN AUGSPURGER (Executive Director, Clark County Association of School Administrators and Professional-technical Employees):

Our organization represents all the administrators in the CCSD. While we are supportive of this bill, we, too, believe it should be funded by the Legislature.

CHAIR WASHINGTON:

We will close the hearing on A.B. 70 and consider the bill in our work session.

We will open the hearing on A.B. 459.

**ASSEMBLY BILL 459 (1st Reprint)**: Makes various changes relating to teachers.  
(BDR 34-787)

ASSEMBLYMAN SEGERBLOM:

You have received a handout entitled, "A.B. 459: Teachers Bill of Rights (aka Teachers Retention Act)" ([Exhibit G](#)). It is called the Teachers Bill of Rights because there is a similar provision in the *Nevada Revised Statutes* (NRS) chapter 289 called the Peace Officers Bill of Rights ([Exhibit H](#)). As you see in the title of [Exhibit G](#), this bill is also known as the "Teachers Retention Act," because the bill is designed to encourage teachers to keep teaching. On page 4, [Exhibit G](#), it shows that between 2003 and 2006, the CCSD hired 9,500 teachers. During those years, 6,000 teachers of the 9,500 had to be replaced. Reducing that 6,000 replacement number is the intent of A.B. 459.

The bill deals with due process for teachers, and there is a brief summary of the procedural due processes on pages 5-9.

This bill does not conflict with union contracts covered by the NRS chapter 288 – Relations Between Governments and Public Employees. While certain provisions should be covered under the teacher's contract, they are not. There are certain notice requirements teachers are entitled to receive, and they do not receive them. The bill also addresses complaints by teachers which should be dealt with procedurally and in a timely manner. To emphasize the severity of the problem to you, I have distributed an article from the *Las Vegas Sun* entitled, "Teacher recruiting 'not pretty' and it's expected to get uglier" ([Exhibit I](#)).

CHAIR WASHINGTON:

When you referred to the NRS 288, you mentioned some teachers are union members and some are not. Do you know how many teachers are members of the union and how many are not members?

ASSEMBLYMAN SEGERBLOM:

I do not think that information is public, but it is my impression that the vast majority of teachers are union members. This bill would apply to all teachers, whether union members or not. Because I am not a union attorney, I do not know those numbers as I represent teachers who are not in the union.

CHAIR WASHINGTON:

Of the grievances that are filed, are most of them filed by union members?

ASSEMBLYMAN SEGERBLOM:

Yes, but the union procedures apply to both union and nonunion members. The union contract covers all teachers.

CHAIR WASHINGTON:

If I am a member of the union, would the union intercede on my behalf if a grievance is filed?

ASSEMBLYMAN SEGERBLOM:

Absolutely, however, the current procedures are not detailed enough and do not give adequate specifics. The procedures should be codified for everyone.

CHAIR WASHINGTON:

Even though school districts vary in size and scope, are there policies and procedures in place for members to know how to follow the processes?

ASSEMBLYMAN SEGERBLOM:

Absolutely, there is no question they are in place. Assembly Bill 459 is a statutory framework with basic rights that says teachers are entitled to be treated fairly. If a teacher's professional license is in jeopardy, this bill would ensure that the teacher's ability to practice his or her profession would not be lost without having been treated fairly. This bill provides for minimal protections. If the school district or the union would seek more detailed protections, they certainly can implement them. This bill does not affect a teacher being disciplined or fired if he or she has done something improper. Those actions, however, would be handled by arbitration under the union contract. Those circumstances are not the intent of this bill.

CHAIR WASHINGTON:

Would teachers still have access to the courts?

ASSEMBLYMAN SEGERBLOM:

There is very little access to the courts except in cases of discrimination. Other infractions are handled according to the union contract.

DAVID F. KALLAS (Southern Nevada Conference of Police and Sheriffs):

We are in support of A.B. 459. Those of us in law enforcement with peace officer status are fortunate to have specific provisions outlined under the NRS chapter 289. This statute is commonly referred to as the Peace Officers Bill of Rights. From the time an initial complaint is received by the appropriate agency, up to and including the time an adjudication is completed, there are certain rights and protections described in the chapter.

Rather than thinking in terms of being treated "fairly," which permits subjective treatment, we chose to implement "standards" which allow officers to be treated objectively. I must emphasize, however, the NRS 289 pertains only to internal investigations. The importance of statewide standards to peace officers is that wherever in the State an internal investigation is conducted, the same system of checks and balances is in place and is used uniformly.

This bill would not impede an administrator's ability from doing a thorough and complete investigation. By implementing even minimal standards, if teachers were to be subjected to internal investigations, they would be treated objectively rather than subjectively. Certainly it is better to take actions based on a standard that has been implemented by the State through the Legislature. Certainly it is better to take time to investigate rather than rushing to judgment just to reach an expeditious decision. We believe the provisions of A.B. 459 will give teachers a preliminary start toward the objective standards to which they are entitled.

CHAIR WASHINGTON:

If there is a grievance or allegation filed against an officer who is a member of the police association, will there be someone to assist that officer, whether it is an internal or external investigation?

MR. KALLAS:

We have to separate the incidents into internal or external investigations. Internally, if the officer is a member of the association, he or she has a right 100 percent of the time to fair representation, and it is the association's duty to provide it. The association would be subject to some form of punitive action if we unilaterally or subjectively said we were not going to represent the officer. Depending upon the severity of the allegation, the officer would be provided with either a representative from the association or with an attorney. If a parallel criminal allegation occurred within the course and scope of the officer's duties, representation would continue to be provided. If the allegation is outside the course and scope of the officer's duties, a decision is made as to whether or not it would be meritorious to provide him or her with representation. It is important to point out that the representation to which I am referring is not based solely on the NRS 289; it is also based on provisions contained in the collective bargaining agreement governed by the NRS 288.

CHAIR WASHINGTON:

Are you aware of any time when a grievance or allegation has been filed against an officer resulting in an internal investigation, and the association, for some particular reason, has decided not to represent or has denied representing the officer?

MR. KALLAS:

I do not know of a case in which the association made a conscious decision to not represent a member regarding an internal investigation. While we are still obligated to represent a nonmember by our duty of fair representation, we do have a right to determine whether or not it would be meritorious to do so.

CHARLES THOMPSON:

As a point of information, the NRS 288 statute being referred to was a bill I researched and authored. In addition to my written testimony ([Exhibit J](#)), I have provided you with a binder ([Exhibit K](#), original is on file in the Research Library) citing numerous incidents of cruel situations. I submit this bad teaching climate in the CCSD is causing our teachers to leave. Another handout ([Exhibit L](#), original is on file in the Research Library) tells stories in the teachers' own words relating their treatment by the CCSD. I ask you to select a few sections from the table of contents in the binder, [Exhibit K](#). Then read how some teachers have been intimidated, threatened, lied to, harassed, coerced and humiliated by administrators. This treatment has ruined teachers careers and their health; it has forced teachers to waive their constitutional collective bargaining rights. I repeat; this treatment is why teachers are leaving the CCSD. We miss the point if we do not give these teachers at least the minimum subjective protection.

The school district and the administrators have not once denied or challenged these allegations by teachers. They have been trying to change the subject and change the law. The proposed amendment ([Exhibit M](#)) before you changes the law. It basically restores to the union, the teachers and to the CCSD all rights they now have. At this time, with every teacher to whom I have talked, the teacher's union is not in good standing. Teachers do not have faith in it.

On page 4, lines 10-15 of [A.B. 459](#) which would establish an office of teacher advocacy and school climate is not only putting the proverbial fox in the henhouse, it is putting three mountain lions in the henhouse. Under the current level of distrust, that could not be successful.

CHAIR WASHINGTON:

In reviewing both the bill and the NRS 288, I do not see why the 24-hour notice for representation and a teacher's request for a meeting could not be part of the negotiations. I do have a concern about teachers selecting their own representative at their own expense though.

ASSEMBLYMAN SEGERBLOM:

All this could be negotiated and adopted, but it takes two sides to negotiate and adopt. The teachers have been unionized for years yet these basic particular protections have not been adopted. If we enact this statute giving the teachers the fundamental rights the peace officers have, then negotiations can take place over other protections. If the CCSD would let the union do it, they could adopt them tomorrow.

CHAIR WASHINGTON:

Within negotiations there is give and take. If the union makes an offer, the school district could decide whether or not to accept it. Negotiations are about coming to some agreement.

MR. THOMPSON:

The better question is, "Why has this not been negotiated?" If abuse of teachers is causing them to leave the CCSD and we do nothing to change it, the consequences are going to be horrendous. It is my understanding the number of teacher applications being received at the school district is way down. The word is out; teachers are not going to come to Clark County unless the situation changes.

CHAIR WASHINGTON:

Grievances occur in every line of work. Some of them are legitimate and serious, some of them are not. I am trying to ferret out the merit of the policy we are considering.

MR. THOMPSON:

There are a lot of teachers in the union, and there is a general feeling of estrangement. The union is not defending them, so there is nowhere for the teachers to go except to leave the district. The school board has abdicated its power to the school district through something called "policy governance." Are you going to turn your back on these teachers and let them be in a position where the principal can call them in, refuse to let anybody else be there, interrogate them, harass them, transfer them within their school to a class knowing they will not like it so they will leave or illegally transfer them to another school, warning them that if they say anything about any of these actions, they will be fired? Tragically that is what is happening in the CCSD. It is a very sad circumstance that needs to be fixed.



LA VERNE THOMPSON:

My written testimony ([Exhibit N](#)) is the same I presented to the Assembly on April 2, 2007. In addition to summarizing my 25 years of teaching experience, sadly it describes my maltreatment at my current school. I have been a first grade teacher at the same elementary school in Las Vegas for 17 years. Beginning in 2005, the new principal began a purge to get rid of me and several other teachers. This put us under extreme stress and caused me major physical, even life-threatening, problems. We sought assistance from the principal, the southwest region office, even the school police, but no action was taken. Because administrators are intimidating and harassing their staffs, over 60 percent of the teachers in my school have left in the last 2 years. Out of eight teachers in the first grade, I will be the only one remaining after the close of this school year on June 8.

The CCSD administration has approved, supported and underwritten the abuse and intimidation of our educators across the district. Please empower us by giving us back the dignity our honorable profession deserves by passing A.B. 459.

CONSTANCE KOSUDA:

I am testifying at the request of a CCSD Board of Trustee member, Shirley Barber, and several activists in the CCSD. We support completely A.B. 459 and Mr. Thompson's amendment to the bill. Mrs. Barber and I met originally at a meeting of the National Alliance Against Racist and Political Repression. Because of my experience as a trial lawyer and a volunteer with an educational consulting firm for ten years in the East, I was invited by Mrs. Barber to observe the treatment and behavior at the school board meetings. I have witnessed appalling instances of what I perceive to be disparate treatment of speakers and have seen shocking disparity in the treatment of people who come from Summerlin or Henderson or from the police department. I ask that the condition described as an "atmosphere" problem, which is an understatement, be seriously addressed. Their attitude is based in elitism, racism, prejudice, bias and a general unfair treatment of individuals who are not well-heeled, articulate or not politically connected. The "climate" in the CCSD is appalling.

CRAIG KADLUB, Ed.D. (Clark County School District):

The CCSD is asking you to defeat A.B. 459. As my written testimony ([Exhibit O](#)) indicates, the bill overrides many items currently subject to

negotiation according to the NRS 288. The bill gives teachers significant authority and control over matters directly related to the administration of the school. It inhibits informal resolution of concerns and creates obstacles to communication between parents and teachers and administrators and teachers.

To some degree, the bill presumes that the current system, wherein a local bargaining group represents the interest of the employee group, is a failure since it seeks to replace negotiations with statutory mandates. No grievances have been filed at the school where the complainant works. Therefore, we cannot conclude that the present system is a failure since those who sought this bill have not exercised rights already available to them.

When teachers leave the district, they are given an exit document which asks them to indicate the reason they are leaving the CCSD. They can fill in the blank area with any response they desire. A sample of that form is on the back of the handout entitled "Reasons Teachers Leave" ([Exhibit P](#)). The reason, "Dissatisfaction with District," was given by only 50 of the 6,466 departing teachers who completed the survey between 2002 and April 2007. If allegations of abusive leadership were the overriding reason for teachers leaving, we would expect that more than 0.7 of 1 percent of the respondents would have mentioned their concern.

DR. KADLUB:

The second handout entitled "Administrative Training in CCSD" ([Exhibit Q](#)) describes the rigorous, multiyear path teachers must take toward becoming a principal. It is a myth that people teaching for only a couple of years can jump straight to the principal's position.

In addition to negotiated procedures for addressing grievances, teachers at all schools have the right to establish a Teacher Advisory Committee. That committee provides a way for teachers to address their concerns about school operations with the administration. When concerns cannot be resolved informally, the next step would be to approach the district Diversity and Affirmative Action Office and the office of the Local Government Employee-Management Relations Board (EMRB).

The CCSD urges your defeat of this counterproductive and unnecessary measure as it is a step backward for teachers, parents and administrators. And most importantly, it offers no benefit for students.

BILL HOFFMAN (General Counsel, Office of the General Counsel, Clark County School District):

My written testimony ([Exhibit R](#)) addresses seven sections of the proposed bill which I believe have unintended consequences and which will hamper, rather than improve, our common goal of improving education in Nevada.

The terms and conditions of employment for teachers are negotiated under the collective bargaining process. The NRS 391.3116, which contains very detailed rules on teacher's rights, is superseded by the collective bargaining process in virtually all situations. The NRS 288.150 lists numerous subjects of mandatory bargaining. The teacher's contract is 65 pages long and covers such items as transfers, grievances and arbitration processes, equitable treatment, reduction in force and 35 other topics which this Legislature has left to the parties to discuss and agree. In addition, six other Memorandums of Understanding were designed to address important operational issues, one of which established the Center for Teaching Excellence.

All of these negotiations are based upon balancing the various interests of the parties with full debate and discussion. For years, the school district and the union have conducted "interest-based bargaining" which allows for a "win/win" in negotiation terms and in conditions of employment. Unless you believe that the union has been unable to represent its teachers well, this bill is unnecessary.

RICH ARGUELLO (Principal, Southern Nevada Vocational Technical Center):

I have been in education for 30 years, and for the past 13 years, I have been an administrator in the CCSD. My background includes being an administrator in Saudi Arabia, in the CCSD's Hyde Park Middle School, the Theron Swainston Middle School, the Clark High School, the Desert Pines High School and in the Summit View Youth Correctional Center, the maximum security prison for high school young men. I have been in vocational/technical education for the last six years. My experience enables me to work with a wide variety of personnel and sites. That experience has taught me successful administration means hiring the appropriate teachers and treating them fairly. One of the things I try to instill in my staff is, "Excellence does not fear observation."

I have been recruiting teachers for the past five to six years, and there are a variety of reasons they want to come to Nevada, but the primary reasons they

do not come are the salary levels and the rising housing costs. Earlier, Mr. Kallas mentioned rushing to judgment. For us, if there is any potential form of discipline, we do not act unilaterally. We contact the EMRB and the legal department prior to any potential discipline that may occur within the school. Union representation is always allowed.

MR. AUGSPURGER:

I concur wholeheartedly with the testimony provided by Dr. Kadlub and Mr. Hoffman regarding A.B. 459. In the CCSD, we have in excess of 18,000 teachers. For the majority of those teachers, the collective bargaining agreements which are in place with each of our employee groups serve to provide guidance on how to deal with teacher issues and problems. In spite of what you heard in earlier testimony, the teacher's contract is very clear. If an administrator is going to meet with a teacher and that meeting could lead to discipline, the current contract requires a notice the day before. The administrator is also to provide the topic of the meeting to the teacher in advance and remind the teacher that he or she can bring a representative of his or her choosing to the meeting. Those things are already in place in our collective bargaining agreements.

While this bill has been touted as a Teachers Bill of Rights, I think it is anything but that. If this bill is passed, informal problem solving, which is used successfully hundreds and hundreds of times between administrators and teachers, will no longer occur in schools. This bill will serve to disenfranchise our parents and students from being meaningful participants in a problem resolution process. We strongly encourage you not to pass A.B. 459.

CHRISTOPHER B. REICH (General Counsel, Legal Department, Washoe County School District):

The proposed language of the bill on page 2, lines 4-37 and page 3, lines 17-30 and lines 39-44 and on page 4, lines 1-9 is so broad and vague it will prohibit administrators or any representative of a school district from talking to a teacher about virtually any topic without first complying with procedural demands for representation of the teacher's choice and a 24-hour written notice. In effect, an administrator will be relegated to scheduling meetings for every conversation with his or her staff and be unable to efficiently administer the school. The Weingarten Rights (*NLRB v. Weingarten, Inc.* 420 U.S. 251, 88 LRRM 2689), the NRS 391 and the collective bargaining agreements pursuant

to the NRS 288 which contain 'just cause' requirements already protect teachers from unfair and unwarranted discipline and treatment.

Other objections to this bill, such as on page 3, lines 1-16 which are unnecessary, appear in my written testimony ([Exhibit S](#)). Assembly Bill 459 will negatively impact the primary mission and responsibility of school districts in Nevada to effectively and efficiently educate our children. In my testimony on page 4, [Exhibit S](#), I state, "Under the NRS 288.150, subsection 5, the Nevada Legislature recognized and declared that it is 'the ultimate right and responsibility of the local government employer to manage its operation in the most efficient manner consistent with the best interests of all its citizens, its taxpayers and its employees.'" We believe that A.B. 459 is not consistent with this legislative statement and should not be passed.

BETH DUNCOMBE:

While I am a retired CCSD principal and teacher, I do serve as one of the team of principals working with the school district to assist schools in learning about the interest-based problem solving to which Mr. Hoffman referred earlier. When I read this bill thoroughly, my primary thought was, "What about the rights of children?" Effective leadership involves helping teachers with understanding and implementing curriculum, but it also involves protecting students from teachers who are not doing their job or who hurt students educationally. You have my written testimony ([Exhibit T](#)), but I want to emphasize that informal supervision through conversations in the hallway or on the playground between teachers and principals usually involves helpful suggestions about instruction which is needed right at that time. Unfortunately, there are instances where a teacher may be treated unfairly or where a principal makes a mistake in supervision, but principals are not teacher's enemies. Most parents and teachers would tell you that where there is an excellent principal, there is an excellent school.

This bill is complex yet vague at the same time. It will unduly tie the hands of principals to have even supervisory conversations with teachers to improve conditions in the classroom. The bill is far too reaching and punitive. Instead of pitting one faction against another through a bill such as A.B. 459, let us focus on working together to improve education for all students.

MARK COLEMAN (Deputy Director, Clark County Association of School Administrators and Professional-technical Employees):

As of September 2006, I am a retired administrator from the CCSD. The two major initiatives before the Legislature this Session promote empowerment in our Nevada schools. We believe A.B. 459 is counterproductive to those initiatives. The ambiguousness of the bill would only lead to more problems for principals who are trying to hire teachers to complete their roster. If our teachers are to be disciplined by one of their supervisors, we advise them to call us to make sure that everything is met contractually and that their due process rights are provided. This bill is unnecessary in protecting our teachers.

MR. SHIELDS:

The NASA would like to go on the record as strongly opposing this bill for all of the reasons previously stated.

MS. TURNER:

The Nevada PTA opposes A.B. 459. We believe this would establish tremendous barriers to parent involvement in the child's classroom and school. Currently, the vast majority of issues arising among children, teachers and administrators are quickly and informally resolved at the school level. In the CCSD, those issues which cannot be resolved at the school level can be directed to the regional level. Having served on the advisory board to one of these regions for several years, I have seen the process in action. It works.

In a time when we are encouraging empowerment models at schools involving parents, teachers, administrators and community members, this bill would be a giant step backward. The Nevada PTA urges you to reject A.B. 459.

MS. HOFFMAN-ANSPACH:

For the record, NQE does not support A.B. 459. Our organization's written testimony has been submitted to you ([Exhibit U](#)), and Ms. Malloy and I are sharing the testimony. My part of that testimony states we were organized to be the voice for students and parents. This bill discourages parental involvement and inhibits a parent's right to voice concerns regarding a teacher. Parents would be reluctant to put those concerns in writing and go through the formal process that is being proposed. Many parents have minor concerns that can and should be dealt with quickly and informally.

MS. MALLOY:

As the other person testifying on behalf of the NQE, I draw your attention to page 3, lines 32-34 which requires all staffing to be based on seniority instead of on their expertise and effectiveness as a teacher. This is not in the best interests of the students. On page 4, lines 12 and 13, an office of teacher advocacy would be created. We submit that the unions are advocates for their members and that perhaps an office for student advocacy and school climate should be considered instead. The focus of education should always be on the student in the classroom. Legislation such as this puts the adult first and the student last. The NQE asks you to defeat A.B. 459.

CHAIR WASHINGTON:

We have received a letter from Robert Aumaugher, the Superintendent of the Esmeralda County School District (ECSD) to be entered into the record ([Exhibit V](#)). The letter states the ECSD board of trustees is adamantly opposed to A.B. 459 because it would further strengthen the teacher's union. Strengthening the union will not improve education in Nevada but will weaken education in our communities.

ASSEMBLYMAN SEGERBLOM:

We have heard conflicting testimonies today. The reality is A.B. 459 provides a basic level of due process to which our teachers are entitled. This bill passed in the Assembly 42-0 because the school districts did not attempt to look at these issues. The CCSD took an "our way or not at all" approach which has been the problem all along. This bill is not anti-parent or antistudent. It is a start toward more protection for teachers, and it is a pro-teacher bill.

SENATOR CEGAVSKE:

For the record, I think there is an issue with the CCSD administration and administrators. In one of the exit polls conducted in either 2003 or 2005, teachers indicated their number one reason for leaving the district was lack of administrative support. If this is still the case, can the school districts and the school board trustees of each district, and throughout the State if there are problems there, examine this situation toward a win/win solution?

CHAIR WASHINGTON:

That would be advantageous if they would. We will consider A.B. 459 in our work session. We will close the hearing on A.B. 459.

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With no other business to come before the Senate Human Resources and Education Committee, the meeting is adjourned at 3:52 p.m.

RESPECTFULLY SUBMITTED:

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Betty Ihfe,  
Committee Secretary

APPROVED BY:

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Senator Maurice E. Washington, Chair

DATE: \_\_\_\_\_