

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

**Seventy-fourth Session  
March 19, 2007**

The Senate Committee on Human Resources and Education was called to order by Chair Maurice E. Washington at 1:44 p.m. on Monday, March 19, 2007, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412, 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

**STAFF MEMBERS PRESENT:**

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

**OTHERS PRESENT:**

Daniel J. Klaich, Executive Vice Chancellor and Chief Operating Officer, System Administration Office, Nevada System of Higher Education  
David K. Schumann, Vice Chairman, Nevada Committee for Full Statehood  
Craig Kadlub, Clark County School District  
Lynn Chapman, Nevada Eagle Forum  
John Gwaltney, Ph.D., State Board of Education and State Board for Career and Technical Education  
Keith W. Rheault, Ph.D., Superintendent of Public Instruction, Department of Education

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Patty Wade, Co-chair, P-16 Advisory Council  
Anne Loring, Washoe County School District  
Ray Bacon, Nevada Manufacturers Association  
James Richardson, Nevada Faculty Alliance  
Joseph A. Turco, American Civil Liberties Union of Nevada  
Scott J. Schick, Chief Juvenile Probation Officer, Juvenile Probation  
Department, Douglas County  
Diana M. Glomb-Rogan, League of Women Voters of Nevada  
Judith Simpson, Director, Civic Mission of Schools  
Jay David Fraser, Executive Director, Nevada League of Cities and Municipalities  
Jake Wiskerchen  
Julianna Ormsby

CHAIR WASHINGTON:

We will be hearing testimony on four bills today. Those bills are Senate Bill (S.B.) 239, S.B. 245, S.B. 247 and S.B. 284. Before hearing testimony on the bills, we will address two bill draft requests (BDRs).

**SENATE BILL 239**: Creates the P-16 Advisory Council. (BDR 34-416)

**SENATE BILL 245**: Revises provisions governing pupils. (BDR 34-99)

**SENATE BILL 247**: Creates the Nevada Youth Legislative Issues Forum.  
(BDR 34-52)

**SENATE BILL 284**: Revises provisions governing sports in the public schools.  
(BDR 34-50)

CHAIR WASHINGTON:

The first BDR pertains to one of the unusual subjects that occasionally come before this Committee.

**BILL DRAFT REQUEST 40-1386**: Revises provisions relating to subsurface installations. (Later introduced as Senate Bill 396.)

SENATOR CEGAVSKE MOVED TO INTRODUCE BDR 40-1386.

SENATOR WOODHOUSE SECONDED THE MOTION.

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

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CHAIR WASHINGTON:

This BDR was requested by the Clark County School District (CCSD).

**BILL DRAFT REQUEST 34-437**: Revises provisions governing truancy of pupils.  
(Later introduced as [Senate Bill 397](#).)

SENATOR CEGAVSKE MOVED TO INTRODUCE BDR 34-437.

SENATOR WOODHOUSE SECONDED.

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

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CHAIR WASHINGTON:

We will open the hearing on S.B. 239.

SENATOR BARBARA K. CEGAVSKE (Clark County Senatorial District No. 8):  
Senate Bill 239 creates a permanent P-16 Advisory Council (P-16 Council) to assist in the coordination between elementary, secondary and higher education in this State. This proposal originated from the Legislative Committee on Education during the 2005-2006 interim.

There are several configurations for councils, such as preschool through 4-year college degree (P-16), kindergarten through 4-year college degree (K-16) and kindergarten through age 21 (P-21). The Legislative Committee is recommending the P-16 Council concept. It was created several years ago to work on the American Diploma Project with the idea of aligning the Nevada high school proficiency examinations with college placement tests. Nevada's P-16 Council had more than 30 volunteer members who represented businesses, education and community interests. In the course of its study, the Committee on Education received testimony on the efforts of the existing P-16 Council from leaders in education and in the business community stating

that the P-16 Council would be more effective if it were a permanent statutory council.

SENATOR CEGAVSKE:

At the invitation of the Education Collaborative of Washoe County, I attended a national conference on state-level P-16 Councils sponsored by the Education Trust and the National Association of System Heads (NASH). In July 2006, a team of us from Nevada attended an Education Trust/NASH summer institute. The team members drafted long- and short-term goals to recommend to Nevada's P-16 Council for their consideration as they began their strategic planning.

The handout entitled Summary of NASH 2006 Team Efforts ([Exhibit C](#)) outlines those goals and lists Nevada's participants at the institute. We were looking at how best to accomplish the transitioning from elementary to middle to high school to college to careers and to the work world. We want to embrace every group that is looking to achieve the same goals in this transitioning. While doing this, we still want to make sure we have education for every student in every grade. This institute provided a meaningful opportunity for us to look at these transitions. Some states began their councils in 1999 and those states reported their councils are working very well.

As a result of further research, I am offering an amendment to S.B. 239 ([Exhibit D](#)). We have the full support for the amendment from the Chair of the interim Committee on Education, Senator William J. Raggio. The amendment defines the membership including who appoints the members, how the chair is selected, the terms of office, how vacancies are filled, the meetings and the administrative and technical support. The amendment also defines the needs the Council is to address.

Senate Bill 239 as amended offers an opportunity to coordinate our efforts to ensure quality of life for our children and for Nevada. I urge you to recommend adoption of this amendment and report S.B. 239 favorably from this Committee.

SENATOR HECK:

A week or so ago, we received a diagram of the governance structure for the Department of Education. Is this Council going to be added to that diagram?

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SENATOR CEGAVSKE:

No. This Council is already on the governance structure diagram. However, we do propose to get the Office of the Governor involved in more of the appropriate education commissions and committees on that diagram.

SENATOR HECK:

Will this Council replace or take away any of the other entities that are on the governance structure diagram?

SENATOR CEGAVSKE:

This particular Council neither replaces nor takes away any group from the diagram.

DANIEL J. KLAICH (Executive Vice Chancellor and Chief Operating Officer, System Administration Office, Nevada System of Higher Education):

While I have not seen the amendments, I did not hear anything in the testimony of concern to me. We support S.B. 239 as important legislation for education in Nevada. In the Governor's *Executive Budget*, there was a recommendation for an appropriation to the Nevada System of Higher Education for a P-21 Council staff.

CHAIR WASHINGTON:

The funding for the P-16 Council is addressed in the amendment, section 7, subsection 4. It indicates the administrative support for the Council will be provided by the Office of the Governor.

MR. KLAICH:

If enacted, this bill will probably replace that appropriation in the Executive Budget.

DAVID K. SCHUMANN (Vice Chairman, Nevada Committee for Full Statehood):

I support S.B. 239. In 1996 or 1997, the top one-eighth of high school graduates in California enrolled in the University of California. Of that top eighth, 37 percent of the students flunked English composition and had to take remedial classes. If this P-16 Council can improve the learning transitions from grade to grade throughout Nevada's educational system, it would be of immeasurable value to our young people, the nation and the world.

CRAIG KADLUB (Clark County School District):

The CCSD also supports the concept of S.B. 239. We like the structure and the agenda mapped out for the group to address, but we are concerned that the kindergarten through twelfth grade (K-12) representation is diminished in this version as opposed to the existing version.

SENATOR CEGAUSKE:

The intention in designing the membership of the Council was to be as inclusive as possible. The grade levels are mentioned specifically several times throughout the bill. We expect the appointing entities to balance the representation.

MR. KADLUB:

I had not seen the amendment, but I will read through it. If you say the representation has been expanded so the K-12 is included, then that will address our primary issue.

LYNN CHAPMAN (Vice President, Nevada Eagle Forum):

We are pleased to support S.B. 239. We like the membership of the Council. In the bill, page 4, lines 7 and 8, we like the intent "including, without limitation, methods to increase parental involvement."

JOHN GWALTNEY, PH.D. (State Board of Education and State Board for Career and Technical Education):

From the beginning, the State Board of Education has been supportive of the P-16 concept and of staffing it. The P-16 Council will allow the higher education community and the State Board to continue to work together more frequently on significant issues. The State Board has two concerns. The first of the two is that public education is not equally represented in the bill. We would like to be more integrally involved in the process. The second concern is while we support this process, public education wants to reserve the right to be a major player in setting the agenda for this organization. We ask you to take great care that this P-16 Council, even with the best of intentions of fixing public education, addresses the issues between public, private and higher education.

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

In section 5, subsection 1, S.B. 239, it talks about the Board of Regents. In subsection 2, it talks about matters relating to higher education. In subsection 3, it talks about the development of an agenda to advance

higher education. Where is the K-12 education in this bill? It appears the intent is an agenda for higher education. We would like to see the K-12 mentioned along with the university. To be inclusive, the P-16 Council agenda should also include some wording to that effect.

DR. GWALTNEY:

We request we be allowed to join in on an equal footing in this bill. If the amendment has taken care of this equality, fine; if not, the superintendent is willing to guide you on this.

CHAIR WASHINGTON:

Section 5, subsection 4, lines 18-24 speak to strengthening the coordination between elementary, secondary and higher education to ensure twelfth graders are well-prepared to transition.

DR. RHEAULT:

When you read section 5, subsections 1, 2 and 3 though, it is about the Board of Regents and is leaning toward higher education. We would like to have the K-12 language included.

CHAIR WASHINGTON:

Ms. Partida, is this wording appropriate in this instance?

SARA PARTIDA (Committee Counsel):

Yes, the Board of Regents is specifically mentioned in the Nevada Constitution. Including that wording in this bill was an attempt to acknowledge they are a constitutionally created body. Certainly additional language could be included.

CHAIR WASHINGTON:

Dr. Rheault, is this explanation acceptable to you or would you like to have the declaration further clarified?

DR. RHEAULT:

Section 5, subsection 3, neither refers or infers that the K-12 education should be advanced. The State Board of Education would like the K-12 to be mentioned, particularly in section 5, subsection 3.

CHAIR WASHINGTON:

Let us develop some language to clarify this issue.

DR. GWALTNEY:

Education is education. It is neither higher education nor public education. In section 5, subsection 3, perhaps simply dropping the word "higher" and just using the word "education" would do it.

SENATOR CEGAVSKE:

In section 5, subsection 3, could we add "to support the K through 12 and higher education?"

MS. PARTIDA:

Absolutely.

SENATOR CEGAVSKE:

That would take care of it, Mr. Chair.

PATTY WADE (Co-chair, P-16 Advisory Council):

The existing P-16 Council has been operating through the higher education system. Senate Bill 239 is an extended and enhanced version of what we have now. It gives permanency and more definition to the P-16 Council. This is an all-encompassing plan which can include any program from preschool all the way through a doctoral program. We like the definition, and the bill has our full support.

ANNE LORING (Washoe County School District):

The Washoe County School District (WCSD), the University of Nevada, Reno and Truckee Meadows Community College are members of the Education Collaborative of Washoe County. We have been in existence for over ten years. Our collaborative is a P-16 Council that is 51 percent controlled by the private sector in our community. We were very supportive of the American Diploma Project, and we are supportive of the group that has been working at the State level. We are glad to see this plan moving forward, and we lend our support to it.

RAY BACON (Nevada Manufacturers Association):

The states that have these councils have been successful in achieving a seamless transition from the K-12 to postsecondary education. In some states, the governor chairs the council. Nevada's Council began as part of the 2001 American Diploma Project, and it meets on a regular basis. Our State has already had some successes, one of them being that at the first joint meeting of



the existing P-16 Council, the Board of Regents and the State Board of Education met for the first time in a decade.

JAMES RICHARDSON (Nevada Faculty Alliance):

The Nevada Faculty Alliance adds enthusiastic support for S.B. 239. As I read the amendment, is there a possibility of some faculty involvement on the P-16 Council? For the record, we have some very able and interested faculty that would be willing and able to participate on the Council or as support personnel to it.

SENATOR CEGAVSKE:

What we were attempting to do in this bill is include as many groups or individuals as possible. I would encourage anyone who is interested in serving on the P-16 Council to contact the appointing entities and indicate their willingness to participate.

CHAIR WASHINGTON:

We will close the hearing on S.B. 239. We will open the hearing on S.B. 245.

I am turning the gavel over to Vice Chair Cegavske.

SENATOR DENNIS NOLAN (Clark County Senatorial District No. 9):

The impetus behind S.B. 245 came about when I became aware of disruptive student behavior in the classroom which prevents teachers from teaching and other students from learning. Unruly and distracting behavior is particularly widespread in the middle and high schools. Those behaviors create a poor environment and frustrate students and teachers. Progressive discipline procedures may result in a student attending an alternative school or, ultimately and regrettably, being expelled. Prior to these actions, I am seeking some type of organized detention process for disruptive students.

In the CCSD, the majority of the schools cannot afford an in-school, during-school detention program. Since the CCSD is short-staffed by over 400 teachers, administrators and hall monitors, there are not enough people to staff a detention program. As part of the CCSD's appropriation, \$7 million over a 2-year period has been requested to fund enough personnel to staff in-school detention in the middle and high schools. Essentially, S.B. 245 allows the school districts to adopt a program to assess a reasonable fee when students are assigned to in-school/in-house detention. The fee would go toward offsetting

the cost of the supervisory personnel. We expect assessing a fee would attract the attention of the parents in regard to their student's behavior.

In a previous hearing, this Committee heard about absentee policies. Teachers in the CCSD are frustrated with the number of student excused and unexcused absences. It is not only logical but also factual that absenteeism correlates to poor performance and failure. In S.B. 245, section 1, subsection 2, it states, "The 10-day limitation on absences must be reduced by one day for each time the pupil is truant from school."

VICE CHAIR CEGAVSKE:

How are the days calculated? Are the excused and unexcused absences combined? If you are truant, are you absent?

SENATOR NOLAN:

My understanding is when you have an unexcused absence, you are truant. Truant and absent are the same. There is a ten-day limitation on the number of excused absences, but there is no statutory limitation on unexcused trancies/absences. Different school districts have imposed different numbers for unexcused absences.

VICE CHAIR CEGAVSKE:

I thought we had taken care of absences in an earlier session.

SENATOR NOLAN:

My intent is to limit the number of days a student could miss class. I am open to amending this bill based on the testimony of the school district representatives.

VICE CHAIR CEGAVSKE:

Why would a school get rid of in-school/in-house detention? During the day, the school needs to have a supervised place where disruptive students can be sent. Suspending students and sending them off campus, where there may or may not be any supervision, is a serious issue. After-school detention is a deterrent, and it is usually the punishment for being late to school or class. For after-school detention, it is not necessary to have a teacher or an administrator supervise the students, unless you expect teaching to take place.

Are you looking at during-school or after-school detention?

SENATOR JOYCE WOODHOUSE (Clark County Senatorial District No. 5):

In S.B. 245, page 4, lines 11-18, the intent is to address in-school detention/suspension. When the budget cuts happened several years ago, school districts made choices; some chose to eliminate their in-house suspension program. We would like the boards of trustees in each school district to establish their own policy for students who continually disrupt the classroom. We envision the disruptive student being removed from the classroom but not from the building. The detention would include students working on classroom assignments in order to earn their way back to the classroom. In-school detention is something the pay back program advocates. Teachers, administrators and school counselors need to have guidelines for habitually disruptive students who are sent out of the classroom.

VICE CHAIR CEGAVSKE:

Are you requesting that during class time, disruptive students can be removed from one setting and sent to a setting with more supervision?

SENATOR WOODHOUSE:

Yes. We do not want to take teachers or administrators away from their duties. A substitute teacher could oversee the in-school, during-school detention because substitutes have the credentials which allow them to supervise students. Since school districts do not have the money to pay for a person to oversee detention, if a fee were assessed, those fees could go toward paying the detention supervisor.

SENATOR NOLAN:

We want to give flexibility to the school districts to determine who would supervise detention. One concept is a "quiet" detention room where students would work on assignments and a hall monitor could provide the supervision. In-school, during-school detention would be the last resort before alternative school or expulsion. The fee would be assessed after a certain number of times in detention.

VICE CHAIR CEGAVSKE:

There are a lot of reasons why habitually disruptive students act out. Many of them are in need of professional counseling, and discipline does not always help. Counselors, who were hired to counsel students, are doing other duties and are overwhelmed with the number of students assigned to them.

SENATOR HECK:

Other than funding, there is nothing to prevent a school district from having in-school detention, is there? This bill allows the school district a funding source by passing the cost along to the parent of the disruptive students. My question is, how can the cost of this program be projected when the number of students on any given day varies so much?

SENATOR NOLAN:

There would be a front-end cost to the school. Perhaps there would be no fee for the first detention with no notification to the parents. If there were another infraction, there would be parental notification with a fee assessed. The numbers can only be determined by each school, but the goal of an in-school detention fee would be to ultimately reduce the number of students in or completely eliminate the detention program.

SENATOR HORSFORD:

Because this would impose a fee, do we know the position of the Office of the Governor?

SENATOR NOLAN:

No. We do not.

SENATOR HORSFORD:

When I look up the *Nevada Revised Statute* (NRS) 392.4644, nothing is said about detention. We are using the terms in-house/in-school, detention/suspension which is not stipulated in the NRS. Since there are alternative forms of placement for students, are we saying a fee could be imposed for any student placed in any alternative educational setting?

SENATOR WOODHOUSE:

No. This fee would not be applicable to a suspended student being sent to an alternative or opportunity school. This fee would go solely toward paying the person supervising the in-school, during-school detention.

SENATOR HORSFORD:

Before we take action on this bill, as the NRS is not so narrowly defined, can we follow up on this?

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VICE CHAIR CEGAVSKE:

Ms. Partida, will you do that?

Ms. PARTIDA:

Yes, I will.

SENATOR HORSFORD:

How would the school districts put this fee program into operation? Since this fee is strictly to pay for in-house detention and is related to student education, is there any money available in the Distributive School Account (DSA) or any other funding source to address this need?

SENATOR WOODHOUSE:

The detention fee is just for this single purpose. It would not have any ramifications on the DSA.

SENATOR NOLAN:

The money available through the DSA is allocated for other student education priorities.

MR. KADLUB:

The CCSD is in support of S.B. 245.

VICE CHAIR CEGAVSKE:

On page 2, section 1, subsection 2, lines 17 and 18, how does the CCSD handle the ten-day limitation on absences, and how does the district handle the excused and the unexcused absences?

MR. KADLUB:

With any unexcused absence, a student is considered truant. When a student is truant, one excused absence is taken away from the maximum ten-day excused limit.

VICE CHAIR CEGAVSKE:

How many unexcused absences can a student have?

MR. KADLUB:

Usually when a student has a combination of ten excused and unexcused absences, it becomes a matter of the parent appealing the situation to the

principal. If all the absences have been excused, the principal has the latitude to make a determination about any future absences. The principal wants the student to be in school, so in reasonable cases, the principal would not begin any process to deny class credit.

VICE CHAIR CEGAVSKE:

You used the word "usually." If a student has more than ten excused absences, that student could have a problem, too, is that correct?

MR. KADLUB:

It is a matter of whether or not the parent appeals the situation. The school's position is to keep children in school. If there are compelling reasons for the child's multiple absences, the principal can make a decision about the number of absences.

VICE CHAIR CEGAVSKE:

Without this bill, a child could have ten excused absences and ten unexcused absences and still be in school. That is 20 days or a month of lost instruction. Originally, the idea was ten absences total. That is still two weeks of lost learning. When do absences become trancies?

MR. KADLUB:

Trancies would be unexcused absences.

VICE CHAIR CEGAVSKE:

In verifying this with you, there seems to be a lot of flexibility in this policy. Is this getting to be too many absences?

SENATOR HORSFORD:

There are many legitimate excuses why children cannot attend school, from medical reasons to a death in the family. Should we really be saying that because they miss a certain number of days, they can not earn class credit? That sets a dangerous precedent, and I have major issues with the bill about truancy. There are reasons students are truant, and we need to get at those reasons. Taking another day away from them is not going to make them feel more engaged in learning. Principals do have enough latitude to address absences as the requirements stand now.

VICE CHAIR CEGAVSKE:

On page 4, section 4, how would the CCSD account for and how would the district process the fees for the in-school detention?

MR. KADLUB:

At this point the language is "may" and that is permissive. I cannot tell you what kind of collection/account structure it would be. The bill simply allows for a structure, if the district chooses to have one.

VICE CHAIR CEGAVSKE:

Is every school having detention? What is going on in the CCSD?

MR. KADLUB:

We do have in-school detention to some degree in most of the middle schools. Some high schools have implemented it at the cost of using a staff member to supervise.

VICE CHAIR CEGAVSKE:

Who is supervising the detention and what are the students doing during detention?

MR. KADLUB:

The supervisor is generally a licensed person who can work with the students. The teachers who have sent students to detention are supposed to assign homework to the student.

SENATOR NOLAN:

Because of the fiscal note brought with this request to provide staff to supervise in-house, during-school detention, I was under the impression this problem was more widespread than you have expressed.

MR. KADLUB:

Most of the CCSD schools do not have detention. It is very limited at the high school level, but it is in place in many of the middle schools. It is not in place at all at the elementary school level. The program at C.P. Squires Elementary School does require a staff member to work with the habitual discipline problems.

SENATOR HORSFORD:

If there is such a need, is there a reason why the school district makes this a greater priority? Is this an example of where school districts should have the autonomy to decide their greatest needs and direct funding to those needs?

MR. KADLUB:

Your questions are certainly applicable, but I will point out that the iNVEST program identified this issue as a priority in 2003, 2005 and 2007. When the \$90 million budget cuts were made in the late 1990s or in 2000, detention was one of the fatalities from those cuts. Funding to the schools is allocated on a formula-driven model. That means you "earn" so many teachers based on the number of students you have. The problem is do you increase certain class sizes in order to dedicate a staff member to a position that is not otherwise funded?

VICE CHAIR CEGAVSKE:

When the money started being allocated with the DSA, it was a choice of the school districts as to how they spent that money. Many did not choose to fund the detention program.

MR. KADLUB:

My understanding is that in each year formulas are built on preceding years' expenditures; therefore, when school districts cut back on staff, the formula is predicated upon that reduced amount of staff. Essentially, the district does not get those positions back because we have been held to a lower standard in terms of funding in the subsequent years.

VICE CHAIR CEGAVSKE:

That may not be the best example to cite as I sit on the money committees. I see how the positions and the administrative positions have increased since those cuts were made years ago.

MS. LORING:

In S.B. 245, section 1 is of some concern for us. The issue for the WCSD is in the last three consecutive biennia, we have made major changes to attendance policies. We are concerned about making another major revision within a ten-year period.

Initially, the Legislature enacted the requirement that the school board had to set a minimum number of days a student had to be in attendance in order to be



promoted. At that time, the ten days of excused-absences policy was instituted. Excused absences were those where a parent notified the school in advance. The statute said you had to allow those ten days for the student. It also said if the student were physically or mentally unable to attend school, those absences did not count. The next change was eliminating the sick days and having only the ten excused days with the district setting a minimum number of required attendance days. With an appeal provision established, we were deluged with appeals. The Legislature then amended the policy to allow sick days again in addition to the ten excused absences. Attendance is critical for student success. The current policy is working in the WCSD. To avoid notifying our parents of another change in the policy, we would appreciate reconsideration of the language in section 1, subsection 2, line 17. Instead of saying "must be reduced", we suggest saying "may be reduced."

While we agree issues of discipline detract from teaching and learning, I cannot give you answer on how the WCSD would implement section 2, subsection 4 of S.B. 245. As written, it is permissive and flexible which would allow each school district to deal with it as is needed.

VICE CHAIR CEGAVSKE:

How do you think the fee for detention would be received in your districts? What do you envision the fee to be?

SENATOR WOODHOUSE:

We had considered a \$20 fee for each infraction by each student.

VICE CHAIR CEGAVSKE:

How much would the collected fees assist in offsetting the cost of the supervisor?

MR. KADLUB:

We do not think it would pay for the position at all. Ideally, the fee would have an impact on the parents to influence their student's behavior to avoid detention.

VICE CHAIR CEGAVSKE:

Do you think the fee would have an effect on misbehaving and be a deterrent?

MR. KADLUB:

In an age of accountability, we would like the students and parents to be accountable for their actions.

VICE CHAIR CEGAVSKE:

Have your boards of trustees considered this proposed legislation?

MR. KADLUB:

The CCSD board of trustees has not taken a stand on it.

MS. LORING:

The WCSD board of trustees has not taken a position on this either. As long as there is a provision included for financial hardship, some parents would respond in a positive way and some in a negative way.

SENATOR NOLAN:

Significant student behavior problems take a toll on new teachers who are inexperienced in dealing with these classroom disruptions. In the CCSD, 30 to 35 percent of the new teachers leave because of their frustration with the lack of discipline. An unwritten cost is this attrition rate. With the permissive language in this bill, schools could test the in-school fee detention program. If the program works, it might bring down the attrition rate, and the program could pay for itself.

VICE CHAIR CEGAVSKE:

Do the sponsors of this bill want to keep the wording in section 1, subsection 2, the same, change it to "may" or is your intention to delete it?

SENATOR NOLAN:

I am deleting it, although I believe this is still an issue, especially in the CCSD. Perhaps the school district can better time the automated calls informing the parents about student absences to the evening, so the students do not have the opportunity to erase the message before the parents get home.

JOSEPH TURCO (American Civil Liberties Union of Nevada):

While I do have opposition to the bill, I have softened that opposition after hearing the sponsors of the bill. If this detention program were relocating students off-site, we would see it as a probable cause to intensify the dropout problem. When students are suspended and relocated to a different school,

most of the time those students are not going to appear at the new school. Since this is an in-school, during-school detention program, I remain neutral with the hope that an in-house program might reduce the need for any future relocation.

The other concern I have is, will this impact minority communities differently than other communities? The consequences of that are unclear. We think the fee is problematic from the point of view of due process. Education is a fundamental right; therefore, government must provide meaningful safeguards. Even a minimal fee infringes on that fundamental right. How would the imposition of a fee impact low income families?

SENATOR NOLAN:

We agree education is a fundamental right. A detention program is in lieu of expulsion where the student would receive no education. Is the ACLU's position, expel the student instead of giving him or her one last opportunity before that action just because there is a fee connected with that last chance?

MR. TURCO:

It is possible that in-house suspension might reduce the number of expulsions. Since a free public education is a fundamental right, if you charge a fee, it is not free. Due process suggests there must be a procedure where the fee can be challenged. What process exists for parents to appeal these decisions?

VICE CHAIR CEGAVSKE:

There is always an appeal process for students. The first is to go to the dean or the principal. There are several avenues to pursue if the parents disagree with what is happening or is not happening for their student.

MR. TURCO:

Sometimes the ACLU is less than sanguine about some of those processes. What if the parent refuses to pay?

SENATOR NOLAN:

Considering that in-school detention would be a last opportunity for the student before being sent to alternative school or expulsion, one would think the parents would not be opposed to the fee.

SENATOR HORSFORD:

For the record, we need to be clear that detention does not necessarily mean the next action is alternative school or expulsion. There are instances where the student is sent to in-house suspension for being late, interrupting the teacher and other such infractions. There is some broad discretion here. This bill is attempting to fund something the school districts have chosen not to include in their budgets.

MR. TURCO:

If S.B. 245 passes, we would be interested in looking at the criteria for the fee-payment waiver.

VICE CHAIR CEGAVSKE:

Mr. Turco, please provide any helpful information you have to this Committee.

SCOTT J. SCHICK (Chief Juvenile Probation Officer, Juvenile Probation Department, Douglas County):

I am here as an independent person today. Truancy needs to continue to be addressed. Many expelled students end up in the juvenile justice system. While it is often a struggle, we are committed to keep these young people in school. We participate in the Individual Education Plan process to get them real diplomas. We help them through their behavioral problems. We hope detention systems or alternative schools can incorporate school counselors to help students resolve their behavior and truancy issues. We hope counselors can provide resources to help families deal with issues like credit interpretation.

VICE CHAIR CEGAVSKE:

We will close the hearing on S.B. 245. We will open the hearing on S.B. 284.

SENATOR NOLAN:

In regard to S.B. 284, the original intent was to bring sports which were removed from the schools due to budgetary constraints back into the middle schools. In talking with the school districts, we would like to redraft this bill and bring an amendment to it forward.

VICE CHAIR CEGAVSKE:

We will close the hearing on S.B. 284 and open the hearing on S.B. 247.

I turn the gavel back to Chair Washington.

SENATOR VALERIE WIENER (Clark County Senatorial District No. 3):

I urge your support for S.B. 247. This bill would create the Nevada Youth Legislative Issues Forum. The preamble of the bill establishes the need and benefits of the Forum. This Forum could help counteract civic disengagement, political disillusionment, voter apathy and lack of knowledge or willingness to participate on the part of Nevada's youth.

In 2003, the National Conference of State Legislatures' Trust for Representative Democracy along with the Center for Civic Education and The Center on Congress at Indiana University published a study entitled, "Citizenship: A Challenge for All Generations." The research revealed that more than 80 percent of 15- to 25-year olds could identify the most recent American Idol, while fewer than half knew the political party of their state's governor. The same study reported that 70 percent of teenagers and people in their early 20s who have taken a government course believe that voting is a necessary component of good citizenship.

Passage of this legislation would provide our young people with an extraordinary opportunity to become engaged in the democratic process, to "connect" on important issues and to commit to service in the public, nonprofit and community sectors. The Forum will give young people a voice in government and inspire them to become involved citizens. I so believe in the positive impacts Nevada's Youth Legislative Issues Forum could have on the young people in our State, upon the signing of this bill into law I will donate \$2,000 to help establish the Forum. Again, I urge your support of S.B. 247.

CHAIR WASHINGTON:

In S.B. 247, section 8, subsection 1, does it mean the young people would have the opportunity to draft measures for consider for legislative action?

SENATOR WIENER:

The reason I included the drafting of legislation in the bill was to enrich their participation in the process. If they could bring some idea forward, they would have an extraordinary level of involvement in the total process. Another significant aspect of this bill is the age of the Forum participants. You will notice the chair of the Forum would be either a ninth, tenth or eleventh grade student. This was deemed advisable as senior students are usually preoccupied with the next step in their lives and may not be able to provide the continuity needed.

DIANA M. GLOMB-ROGAN (League of Women Voters of Nevada):

At its national convention several years ago, the League of Women Voters initiated a Making Democracy Work campaign to examine and address critical problems facing our democracy. They measured five critical indicators for a healthy democracy. Those indicators are voter participation, campaign finance, civic education and knowledge, diversity of representation and civic participation. Findings from the study revealed that 76 percent of Americans felt they did not have enough accurate information to participate at the voting booth. Only 39 percent of eighth graders knew that Congress made laws.

Senate Bill 247 is an avenue to educate our youth in how democracy works and engage them in the democratic process. Democracy is a promise, not a guarantee. It is a promise that each of us makes to one another to participate, to debate and to vote. This bill provides that opportunity to young people so they can take action to fulfill the promise. We urge its passage.

JUDITH SIMPSON (Director, Civic Mission of Schools):

The Civic Mission of Schools was created by the Carnegie Corporation. Nevada was one of six states in the United States to receive this award. We have been so fiscally responsible with our project money that we will donate all of our remaining funds to help fund this project when this bill is passed. After we pay some costs for Democracy Day on April 2, we estimate the donation to be between \$28,000 and \$30,000.

I have two considerations about the bill. First, if I were a student selected for an off-legislative year, I would be disappointed because I would be unable to participate in the full process. I suggest making participation in the Forum a two-year commitment for all members, but especially for the Forum chair. The other consideration involves the student selection criteria. The criteria should be clearly stated in the bill to avoid any perception of favoritism on the part of the Legislator selecting the student. One criterion should be to identify students who are interested in the governmental process and who think this could be a career for them. I urge you to pass this bill.

SENATOR WIENER:

In the selection process, in addition to being appointed by each Senator, we could include a recommendation by the student's principal.

Ms. SIMPSON:

My suggestion is to have students complete an application form. The form would require the principal's signature. The application would be submitted to the Senator prior to the student being interviewed by the Senator. Going through a written application process demonstrates the student's sincere interest.

SENATOR WIENER:

Would you be willing for part of the money you are pledging to be used for providing information to the principals to let them know the application process for the Forum is open?

Ms. SIMPSON:

Another effective way to let students know about this opportunity would be to contact the social studies teachers.

SENATOR WOODHOUSE:

All school districts have multiple ways to disseminate information, and all of those means should be used to inform the students of this opportunity.

SENATOR WIENER:

I recommend we look at the one- and two-year commitment suggestion as we work more on this bill.

SENATOR HORSFORD:

This is a great concept, and one we should support. Once students are engaged in this process for the first year, I think they would want to come back for the second year to complete the process.

Ms. SIMPSON:

Reappointment is addressed in section 3, subsection 4. I would recommend the chair and the vice chair be stipulated as two-year terms.

CHAIR WASHINGTON:

Ms. Simpson, please work with the sponsor of the bill and provide in writing amendments to strengthen the bill before we consider its passage.

JAY DAVID FRASER (Executive Director, Nevada League of Cities and Municipalities):

As a member of the Advisory Committee on Participatory Democracy, I express support for this bill. We have a tremendous need to educate our youth and to instill a passion for governance and for involvement in civic matters. I would submit that the type of young people who should serve on this Forum would be opinion makers within their own social circles and within their own schools. The ripple effect from them could be quite tremendous. I hope you will pass this legislation.

MR. KADLUB:

We want to be on record as supporting S.B. 247.

JAKE WISKERCHEN:

Because of my civic involvements in high school and University of Nevada, Reno student government, I am a product of the ripple effect just mentioned. My interest and involvement in government also ripples into conversations with my students about the intrinsic meaning of civic involvement. It is imperative for our youth to become civically virtuous, sacrificing a little of self for the benefit of the whole. I support this bill and encourage you to do so.

JULIANNA ORMSBY:

While I support this bill because it is a great leadership opportunity, I implore you to look not only at those who are already student leaders, but to look also at the students who are not so visibly involved. These second-tier students usually have a passion for learning, but they do not necessarily stand out and for that reason they often do not get chosen. I hope everyone will support this bill.



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CHAIR WASHINGTON:

We will close the hearing on S.B. 247.

There is no additional public comment and with no further business to come before the Senate Committee on Human Resources and Education, the meeting is adjourned at 3:50 p.m.

RESPECTFULLY SUBMITTED:

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Betty Ihfe,  
Committee Secretary

APPROVED BY:

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Senator Maurice E. Washington, Chair

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