

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

**Seventy-Fifth Session
April 22, 2009**

The Committee on Education was called to order by Vice Chair Mo Denis at 3:49 p.m. on Wednesday, April 22, 2009, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/75th2009/committees/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman Mo Denis, Vice Chair
Assemblyman David P. Bobzien
Assemblywoman Marilyn Dondero Loop
Assemblyman Joseph (Joe) P. Hardy
Assemblyman Ruben J. Kihuen
Assemblywoman April Mastroluca
Assemblyman Richard McArthur
Assemblyman Lynn D. Stewart
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

Assemblywoman Bonnie Parnell, Chair (excused)
Assemblyman Harvey J. Munford (excused)

GUEST LEGISLATORS PRESENT:

Senator Valerie Wiener, Clark County Senatorial District No. 3

STAFF MEMBERS PRESENT:

Kristin Roberts, Committee Counsel
Carol M. Stonefield, Committee Policy Analyst
Danny Peltier, Committee Manager
Sharon McCallen, Committee Secretary
Sherwood Howard, Committee Assistant

OTHERS PRESENT:

Randy Robison, North Las Vegas, Nevada, representing Nevada Association of School Superintendents, Reno, Nevada
Paul Dugan, Superintendent, Washoe County School District, Reno, Nevada; President, Nevada Association of School Superintendents
Irene Chachas, President, Nevada Association of School Boards, Ely, Nevada
Carolyn Edwards, Legislative Chairperson, Nevada Association of School Boards; Vice President, Board of Trustees, Clark County School District, Las Vegas, Nevada
Jeff Weiler, Chief Financial Officer, Clark County School District, Las Vegas, Nevada
Sam King, President, League of Women Voters of Nevada, Carson City, Nevada
Mary Jo Parise-Malloy, President, Nevadans for Quality Education, Las Vegas, Nevada
Gloria Dopf, Deputy Superintendent for Instructional, Research and Evaluative Services, Department of Education
Frankie McCabe, Director, Special Education, Elementary and Secondary Education, and School Improvement Programs, Department of Education
Scott Reynolds, Assistant Superintendent, Student Support Services, Washoe County School District, Reno, Nevada
Joyce Haldeman, Executive Director, Community and Government Relations, Clark County School District, Las Vegas, Nevada
Keith Munro, First Assistant Attorney General and Legislative Liaison, Office of the Attorney General
Phyllis Friedman, Director, Anti-Defamation League, Las Vegas, Nevada
Liz Sirocac, Volunteer Chairperson, Government Affairs Committee, Anti-Defamation League, Las Vegas, Nevada

Rebecca Palmer, representing Family Life Committee, Carson City School District, Carson City, Nevada

Kim Vidoni, Planning, Research, and Evaluation Consultant, Department of Education

Peggy Lear Bowen, Private Citizen, Carson City, Nevada

Vice Chair Denis:

[Roll was called.] First on the agenda today is the iNVEST 2009 presentation.

Randy Robison, North Las Vegas, Nevada, representing Nevada Association of School Superintendents, Reno, Nevada:

One of the reasons I am here today is because in my former life I was the Executive Director of the Nevada Association of School Boards, and it was then that we started this partnership between the school boards and the superintendents on iNVEST. We put Nevada's education leaders together to answer the question "What do we need to do to improve student achievement in the State of Nevada?" We also put together a long-term blueprint for where we needed to go.

My role today is to introduce Paul Dugan and Irene Chachas. They will go through a brief presentation about iNVEST. I want to highlight the website we have connected with iNVEST this year. The website address is on the brochures that you have ([Exhibit C](#)), ([Exhibit D](#)), ([Exhibit E](#)). The website has a wealth of information, including each of the former versions of iNVEST for background as well as a feature we call "Who is the "i" in iNVEST?" It has interviews with constituents, community folks, and professional educators about what we need to do in Nevada to improve student achievement.

Paul Dugan, Superintendent, Washoe County School District, Reno, Nevada; President, Nevada Association of School Superintendents:

In the audience today are board members, educational professionals, and concerned citizens in support of iNVEST. I want to thank them for their attendance.

I want to thank you for the opportunity to present what has been, since its inception in 2003, a partnership between the superintendents and the school boards, which is, in fact, iNVEST.

Irene Chachas, President, Nevada Association of School Boards, Ely, Nevada:

iNVEST was developed in 2003 after a year-long project that involved all 17 counties. Superintendents and board members worked together to develop common goals to answer one vital question: "What is needed to improve student achievement in Nevada?"

Former versions of iNVEST were considerably longer than this year's, plus they contained a shopping list of specific programs. iNVEST '09 has been revised to reflect the successes districts have had from being granted the authority and flexibility to meet the needs of their students through programs such as Senate Bill No. 185 of the 2007 Session and Senate Bill No. 404 of the 2005 Session.

Paul Dugan:

The ultimate goal of iNVEST remains the same as it did from the start: to improve academic achievement for all students. All districts have cut their budgets by 4.5 percent beginning in October 2008, reducing Nevada's collective funding for kindergarten through grade 12 (K-12) education by \$92 million. Further cuts in the most recent special session brought the total amount of cuts to over \$173 million. Now, as you know, superintendents and school boards are preparing budgets for the next two years based on a 14.12 percent decrease from 2007 funding levels pursuant to the Governor's recommended budget.

Although funding has been cut, expectations have not. Whether it is the targets for No Child Left Behind (NCLB), the new requirement for passing a science proficiency examination to graduate, or just the expectations of parents, teachers, students, and the community as a whole, we all want our students to succeed.

As you can see from the graph in ([Exhibit C](#)), Nevada had 48,000 new students join us between 2003 and 2007. During the same period, the struggling population increased; 41,000 more students live in poverty, 5,000 more have individual education plans (IEPs), and the number of students that do not speak English as their first language has increased by 12,000. In order to meet our collective expectation that students graduate career- and college-ready, Nevada's districts need the funding and flexibility to support the individual needs of our students, needs that continue to grow in diversity and magnitude.

Irene Chachas:

The 107 elected board members across the state represent school districts that have less than 70 students to districts with over 300,000 students and everything in between. While there are many commonalities among our students throughout the state, I know that our students in White Pine County have unique and specific needs that are separate and distinct from the students in Reno, Elko, or Las Vegas, who have their own unique and specific needs.

Paul Dugan:

Through the Nevada Education Reform Act, empowerment, and site-based management programs such as S.B. No. 185 of the 2007 Session and S.B. No. 404 of the 2005 Session, we have learned that it takes flexibility and funding to be able to support students in their effort to graduate. The superintendents and the trustees have all adhered to the three fundamental principles of iNVEST since 2003: (1) education can be improved when adequate basic support is provided to districts, (2) districts must have the resources to attract and retain qualified teachers, and (3) districts must have the means to provide enhanced educational opportunities for students.

The base budget includes all of the expenditures necessary to keep school in session—from teachers to textbooks and everything in between. This would include supplies for classroom instruction and supplies to keep the classroom clean. When this basic funding is reduced, whether through budgetary reductions or one-shot funding for special programs, the entire system suffers, not only because the minimum to keep schools clean, staffed, and running is not being met but also because the base then has to be restored by subsequent legislative action. The creation of iNVEST 2003 came in the wake of \$100 million cuts to public education from fiscal year 2001 that have never been restored.

Irene Chachas:

The budget cuts school boards across the state have been dealing with are devastating to education. Approximately \$164 million specifically designated to fund education was reverted to the State General Fund and used for noneducation purposes during the 2007 Session. Compare that to the \$173 million K-12 has had to cut statewide since the end of the last session. Had those reversion dollars been deposited in a rainy-day fund for K-12 education, students would have been significantly protected from the drastic level of budget cuts we have had to make.

Two identical bills, Assembly Bill 55 and Senate Bill 150, contain the specific language that would support the education stabilization fund called for in iNVEST '09. Speaker Buckley also has a bill, Assembly Bill 458, that has a stabilization fund for education. We encourage you to support these bills.

Paul Dugan:

I have had the privilege of being a part of the Nevada educational system for 31 years and a superintendent during the past three legislative sessions. Obviously this is not the year to be able to fully fund education. Yet, as I look forward to retiring in several months, I have to ask: when is the right time? During the economic good years, we were unable to solve the funding issue.

Perhaps now, under this economic gloom, it would be poetic justice or perhaps poetic irony if this legislative body drew the proverbial line in the sand and said "enough." Without a plan of action, I fear that ten years from now my successor, and perhaps the one after, will be sitting in this same chair asking for the same consideration we started asking for in 2003.

Irene Chachas:

I am a businesswoman. The old adage "you get what you pay for" is as true in education as it is in business. If we truly want to attract and retain the best and the brightest teachers, we need to pay them more money. In addition to simply increasing salaries for all teachers, we support the use of effective incentives to attract specific teachers to schools that need them the most. We know that the best incentive we can offer is a competitive, professional salary.

Paul Dugan:

The Account for Programs for Innovation and the Prevention of Remediation (Fund for Innovation and Remediation) provided the most empowering legislation for school districts by allowing the districts to meet the unique needs of their students. One district may need a program that provides more time in the school day to focus on English proficiency. Another district may need a special reading program to help students catch up to their peers and read at grade level. A third district may need to focus on nonproficient eighth-graders who need summer remediation. A fourth might need a combination of all three. Whatever the challenge, public school funding needs to remain flexible so districts are empowered to individually tailor programs to meet the needs of their struggling students.

Like everyone else, school districts are struggling to deal with the everyday effects of a declining economy. As a result, like everyone else, school districts are cutting budgets. In light of these realities, there are three specific actions you can take this session to support and maintain student achievement: (1) fully fund the base, (2) establish the rainy-day fund, and (3) develop a long-term plan to increase funding.

Vice Chair Denis:

Are there any questions from the Committee?

Assemblywoman Dondero Loop:

I do not really have a question. I just want to applaud all of you for your support and buy in for education. As a 30-year veteran of teaching, I have so much commitment to making sure what you said comes true, and that is: drawing that line in the sand. Thank you.

Vice Chair Denis:

Mr. Dugan, I know you are on the verge of retiring, and we appreciate your service and going through this process. You cannot really replace someone. You may find someone else, but everyone has their own unique way. iNVEST does give focus to some important issues, and I sure hope in ten years we are not looking back and still talking about all of these same issues, especially the funding issues.

Assemblyman McArthur:

I applaud everything you are trying to do, but everything you have talked about has to do with money. Are you satisfied with our education policies and what we are doing? Is our only problem, that we have low test scores, due to money?

Paul Dugan:

Clearly not. Also clearly, being ranked 48th has an impact and has had an impact on our ability to offer the type of programs we believe our students need. We are not shying away from accountability. We are certainly open to discussions on those areas that others have talked about: pay for performance and so forth. The bottom line, Assemblyman McArthur, is that for so many years we have continued to lag behind in per-pupil funding. Not to realize that has had an impact would be to have your eyes closed. We believe that while money is not the answer to all of our problems, without it, I do not believe we can move forward at the pace this nation, this community, and this state are expecting.

Randy Robison:

This is not the first time we have heard that comment. I can guarantee it will not be the last. The short answer to your question is, no. Money is not the only challenge we have in public education. There are certainly some serious policy issues to be addressed.

In former versions of iNVEST we were in the habit of listing specific initiatives, programs, and policies that we felt were absolutely necessary to improve student achievement. We also did not shy away from the fact that each of those policies, programs, or initiatives came with a price tag. What we have learned over the years—and particularly with S.B. No. 185 of the 2007 Session and S.B. No. 404 of the 2005 Session ("404" grants), which we call the Commission on Educational Excellence grants, as well as other names—is what is important with respect to money is not only the dollars but also the discretion to use those dollars at the local level to meet the needs of our specific student populations. These vary from school to school and district to district. In terms of marrying money and policy, the dollars and the discretion work. We learned

that in 1997, with the Nevada Education Reform Act; we learned it in 2001, with the passage of No Child Left Behind and with school improvement money; and we learned it in 2003, with the initial funding of the Commission on Educational Excellence that earmarked money for targeted programs and produced specific results.

When we talk about things like "fund the base," we are not just saying dump more money in the bucket. We advocate putting money into the base because it allows 17 separate and distinct school boards and school districts to have the financial flexibility, as well as the authority, to meet the needs of their districts. When we advocate for establishing a rainy-day fund for education, what we are saying is, when you provide a consistent and reliable financial commitment, it allows us to make the maximum use of that flexibility, the maximum use of those dollars, and the discretion to meet the needs of our students which, again, vary from district to district. When we say fund the base and establish a rainy-day fund, it sounds like we are talking money, but in our minds, based on our experience, we are talking money and policy.

Vice Chair Denis:

When we talk about this and when we are asking for more money for education, are we saying we want more money and then we will figure out how to use it? Or do we already know what works and we just need to fund those things that are working?

Randy Robison:

Yes. One of the things we have learned from the "404" grants is exactly that: we have learned what works and, as importantly, we have learned what does not work. After a couple of sessions' worth of those grants, the Legislature funded an analysis of how districts were using those funds and what was produced.

Backing up for a second, when the Educational Excellence grants were initially proposed, the name was changed to the Fund for Innovation and Remediation. The theory was that we would set aside a pot of money that would help districts figure out the most innovative ways to improve student achievement, that is, the silver bullets that are going to fix our problems. The interesting thing the evaluation pointed out was that we use this money and we improve student achievement. Everyone got on the edge of their seats and asked what is it that we did? The evaluator said we used the money to teach kids to read and to teach kids who did not speak English to speak English so that they could read so that they could understand in the classroom. We used the money to

teach kids math so that they could pass the High School Proficiency Exam (HSPE). We asked where the innovation and the silver bullets were. We know what to do.

The interesting thing was the S.B. No. 404 of the 2005 Session program was sponsored by then-Governor Kenny Guinn, former superintendent of the largest school district in Nevada and, I would argue, one of the districts in the country with one of the most challenging student populations. Former superintendent, former principal, former classroom teacher—what was his innovative idea to improve education? Give principals and schools the dollars and the discretion because they know what to do to improve student achievement. That is what we did, and that is what we found out.

Do we know what to do? Yes. Again, are we just asking you to put more money in the bucket? No. We are asking for the dollars, the discretion, and the accountability on the back end. Not only do we need to make sure that we continue to do those things that work, but we also need to make sure that we stop doing those things that we know no longer work.

Vice Chair Denis:

Having served on many different education committees, it seems as if we always go out and do some kind of study and the studies come back and say this is what you need to do. The interesting thing is it is always the same answer.

Assemblywoman Dondero Loop:

I would like to dovetail on what you said. I was in the classroom when that happened. I was in an at-risk school, and we used those funds to purchase materials for our second language students and our regular students. We created community centers for the parents. We had literacy, math, and science nights, and we constantly did everything we could to get parents to school. We also had staff-development pieces where we learned how to deal with the at-risk students. For anyone listening, it really happens, we really do it, we worked very hard as a staff to bring the reading scores up, and we did it.

As a teacher, I have never been sorry. First, I was an educator, but second, you have to work that hard and put that much love and effort into anything. You are absolutely right. With few funds we can make a lot of things go a long way.

Vice Chair Denis:

Do we have anyone else making a presentation?

Randy Robison:

We do have some Clark County School District support members as well as our Chief Financial Officer in Las Vegas, and we have some school board members here in the audience. We would love to have people come up and support iNVEST.

Assemblyman McArthur:

All the pamphlets you hand out only talk about funding. It would make me feel more comfortable if you would also put out those policies that you are talking about that would help us out. Then we could have arguments to say that we are not just going to keep putting money into the old stuff that does not work. Instead of the funding, I would like to see the suggestions on paper; that would help us a lot.

Randy Robison:

We would be more than willing to do that. In fact, on our website, we have listed a number of programs that were funded by the "404" grants that showed a direct link between the dollars and the impact on student achievement. We will also provide you with some of the other policy initiatives that we believe will make a difference.

Vice Chair Denis:

A statement in one of your brochures caught my attention, and it is something I hear all the time. It says, "Although funding has been cut, expectations have not." That is important to remember: we have never expected less, we expect more of our students.

Carolyn Edwards, Legislative Chairperson, Nevada Association of School Boards; Vice President, Board of Trustees, Clark County School District, Las Vegas, Nevada:

Out of the five points on iNVEST, two are not about giving money to school districts. One is about setting aside money for a rainy-day fund should we have a dire situation in the state, as we do now. The other is to empower school districts to make decisions for their specific needs with the funding that is provided. So two of those five points are not even funding issues. One of them is to fully fund the base. My point would be simply this: I wish we were not at a point where what we needed to ask for was the base. We are at that point. We are asking you, please continue to fund the base. I would ask you to support iNVEST.

Jeff Weiler, Chief Financial Officer, Clark County School District, Las Vegas, Nevada:

I wanted you to know that our superintendent, Dr. Walt Rulffes, wanted to be here today. He is ill but probably watching on the web. I do want to say that the Clark County School District fully supports all of iNVEST, and we are certainly pushing for as much funding as possible.

Assemblyman Hardy:
What is the "base"?

Jeff Weiler:

By our definition, we would say the base Distributive School Account (DSA) funding per student, which, unfortunately as it is now, is going down. We would at least like to see that fully funded. The level it would normally be is what we would use to define the base, plus growth and cost of living.

Assemblyman Hardy:
Is there a number associated with that answer?

Jeff Weiler:

We would be pleased if we were at the national average in per-student expenditures. That is asking a lot with the present climate, but it would be great if we could get to the national average.

Assemblyman Hardy:
Is there a number associated with that answer?

Jeff Weiler:

Clark County spends around \$7,000 per student. The national average is about \$9,500 or \$10,400, depending on which numbers you are looking at. That gives you a certain base, and we are about \$3,000 short of the national average.

Assemblyman Hardy:
How many students do we have who would each need to be increased by \$3,400?

Jeff Weiler:

It is 311,000 this year in Clark County, and statewide it is probably 427,399, according to Trustee Edwards.

Sam King, President, League of Women Voters of Nevada, Carson City, Nevada:
When you are thinking of national average, in the State of Nevada, education is a fundamental right and there is an adequacy and equity issue. To put a hard number on what is adequate funding is a little difficult because each county has different numbers. I do not want Assemblyman Hardy to be stressed over the \$10,000 figure. What we have to look at is providing all of the services necessary to educate to the best of our ability. That is why it is difficult to specify a number.

In yesterday's *Las Vegas Review-Journal* there was a great article about West Preparatory. That school, a Clark County school with extra funding at more than \$12,000 per student, was making some gains. What we are looking at is for funds to provide basic skills and necessary supports, taking into account that each county may have its own needs. That goes back to the Nevada Plan.

Mary Jo Parise-Malloy, President, Nevadans for Quality Education, Las Vegas, Nevada:

We support every inch of iNVEST. On our website we have some interesting information. I would like to share that in 1994, Nevada was 14.2 percent below the national average in per-pupil funding. In 2000, Nevada was 20 percent below the national average in per-pupil funding. In 2007, prior to these massive budget cuts that we have already endured, Nevada dropped to 29.5 percent below the national average. I think we see a trend. During the time we were getting further from the national average, our state was doing pretty well fiscally. We absolutely support iNVEST and hope, at one point, we will be somewhere near the national average. We know it won't happen at this time, but that is our goal.

Vice Chair Denis:

If we do not have other testimony, we will open the hearing on Senate Bill 62 (1st Reprint).

Senate Bill 62 (1st Reprint): Revises provisions governing special education.
(BDR 34-426)

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

I am here on behalf of Dr. Keith Rheault, the Superintendent of Public Instruction, who is in another part of the building this afternoon. I am here to provide information on the origin of Senate Bill 62 (1st Reprint) and to request support from this Committee on S.B. 62 (R1) as amended and shown as the first reprint.

Senate Bill 62 (1st Reprint) is a bill that will not cost districts or the state any money. It is a bill that will provide flexibility to the school districts that choose to have the flexibility in their utilization of *Nevada Revised Statutes* (NRS) Chapter 387 special education units. Special education has been funded in this state through a unit funding structure, and it is apportioned out to the individual districts based upon a certain number of units that each district receives at a certain cost per unit. The current statutory authority states that the districts will use the special education units to fund a program of special education for students with disabilities as identified in our state law.

Several years ago, the federal law for special education, Individuals with Disabilities Education Act (IDEA), was modified to allow school districts receiving federal funds to use a specific portion, 15 percent of the funds, for prevention or early intervention services—in this proposed statute we call it early intervening services—to allow districts to put forth some interventions that may help preclude a youngster from needing special education or being identified as special education. Districts have the ability to use 15 percent of their federal allocations for this purpose.

This proposed statutory change in S.B. 62 (R1) would allow the districts to use similar flexibility in the state unit funding and use 15 percent of their state unit funding for special education for a similar function, that is, for early intervening services to help set up an intervention structure—sometimes it is called response to intervention (RTI); in our state we call it consultative instructional services—to give the youngsters some support to help their learning before they need the full special education services.

We are respectfully requesting that the Committee support the ability for the districts to have this flexibility for the special education funding, consistent with the way federal law structures it.

I want to call attention to the amendment you are seeing in this bill. It excludes districts with populations of 400,000. The intent is that Clark County would not have this flexibility. That was based upon Clark County's wish to not be included in this flexibility because of their concern that their special education funds are maxed out for special education children, and they did not want to utilize special education funds for this intervening service or for nondisabled children. That is the prerogative they would exercise but felt they would like to have it specifically identified in statute that they would be excluded from this flexibility. We were comfortable with doing that because we are operating on behalf of the other districts that requested the Department to put forth this amendment to give them the flexibility Clark County wanted to be excluded from. We are fine with that, since it would be at the option of the district.

Frankie McCabe, Director, Special Education, Elementary and Secondary Education, and School Improvement Programs, Department of Education:

The only thing I would add is a little context around why the federal IDEA created the flexibility in the first place for some of the federal funds to be used for nondisabled students. Parallel to creating the federal flexibility, the federal statute changed the way we identify students with learning disabilities. It permitted a system of interventions to be put in place, in schools, that would be run through the regular education system. Data and statistics have been collected over a period of 10 to 15 years, and it was found that a lot of students who are struggling learners find themselves identified as special education, when they should have gotten some early intervention. They are not disabled; they needed some additional assistance.

The federal IDEA, which is the special education law for students with disabilities, created some flexibility in how you could spend those federal funds. We created a parallel in our state which would give districts a little more money in developing the intervention systems so they could have another system to meet the needs of students who are struggling, rather than just special education.

Vice Chair Denis:

You have been kind of boxed in with how you are spending that money, and you want to be able to change it a little. Do you think that will help? This is funding that if you do not use, you will lose; is that correct?

Gloria Dopf:

What happens with the special education unit funding is, if the districts do not use their units, and if they operate more units than the state allocates, we ratably redistribute the remaining unused units. When that is done and there are units left over, that is part of the reversion that you heard about before. Usually they are operating in excess of the number of state units; therefore, the money is redistributed to give the districts that operate more than their state appropriation a little part of the remaining units.

Scott Reynolds, Assistant Superintendent, Student Support Services, Washoe County School District, Reno, Nevada:

I would like to reiterate what Ms. Dopf and Ms. McCabe have shared, that this is important flexibility for school districts of Washoe County School District's size and smaller. It is very important to us in the future as we try to utilize those resources effectively.

Vice Chair Denis:

As there is no one else to speak and there are no further questions, we will close the hearing on S.B. 62 (1st Reprint) and open the hearing on Senate Bill 163.

Senate Bill 163: Revises provisions governing safe and respectful learning environments in public schools to prohibit cyber-bullying. (BDR 34-28)

Senator Valerie Wiener, Clark County Senatorial District No. 3:

I appear before you today to seek your support for Senate Bill 163. This legislation revises provisions governing safe and respectful learning environments in public schools to prohibit cyber-bullying. Before I explain the bill, let me give you a little background on why I brought it forth. Actually, there are two primary reasons for this measure. First, I am a member of the Attorney General's Technological Crimes Advisory Board and have been since its creation in the 1999 Legislature. Our council addresses various technological crimes, and cyber-crime is one of our concerns.

My second reason relates to a Council of State Government (CSG) Health Conference I attended in New Orleans, Louisiana. I was there as both a participant and a presenter in the area of childhood obesity. However, one of the other health-related programs focused on cyber-bullying and the profound mental impact this can have on youth. I knew that I needed to come home and attempt to do something about how horrific this problem is already.

I would like to share with you some background information to explain how this can harm children (Exhibit F). According to the National Crime Prevention Council, cyber-bullying can involve the Internet, cell phones, or other devices that are used to send or post text or images which are sent with the intention of harming or embarrassing another person. It can be as simple as continuing to send email to someone who has said they want no further contact with the sender. However, it can also include threats, sexual remarks, hate speech, ganging up on victims by making them the subject of ridicule in forums, and posting false statements as fact to humiliate people.

Cyber-bullies might disclose victims' personal data, such as their real name, address, school, or workplace, and do so in ways that defame or ridicule them. They can threaten or harass, and many experts have studied this so much that they are now distinguishing between those cyber-crimes perpetrated on young children and those inflicted upon adults. The act is called cyber-bullying when it refers to children, and cyber-stalking or cyber-harassment when it is perpetrated by adults toward adults.

Victims of cyber-bullying can experience lower self-esteem, severe depression, self-imposed isolation from friends and family, increased suicidal tendencies, and a variety of other emotional responses. These responses are exactly what the cyber-bully wants to inflict on the victim.

Research indicates that cyber-bullying instances have been increasing over the past several years. A study conducted at Stanford University revealed that more than 60 percent of students in northern California had been victims of cyber-bullying.

A 2004 I-Safe.org survey of fourth- to eighth-graders was the focus of an ABC News story. Highlights of the survey indicated that:

- 42 percent of children have been bullied while online. One in four of these kids experienced it more than once.
- 35 percent of children have been threatened online. One in five had it happen more than once.
- 21 percent of children have received mean or threatening emails or other messages.
- 58 percent of children admitted that someone has said mean or hurtful things to them online. More than four out of ten say it happened more than once.
- 58 percent had not told their parents or an adult about something mean or hurtful that had happened to them online.

In 2005, the Youth Internet Safety Survey 2 polled 1,500 youths from 10 to 17 years old across the country. The survey revealed that one out of three respondents reported feeling distressed by a cyber-bullying incident.

That is a sample of the research that has been conducted, and more is unfolding that underscores the pervasiveness of this problem.

Unlike physical bullying, electronic bullies can remain virtually anonymous using temporary email accounts, pseudonyms in chat rooms, instant messaging programs, cell phone text messaging, and other Internet venues to mask their identities. This frees them from what should be normal constraints on their behavior.

Even more, cyber-bullies might be emboldened by the use of electronic devices to carry out their antagonistic behaviors because it takes less energy and less courage to express hurtful or damaging comments when using a keypad or a keyboard versus using their voices. Of course, they can use electronic methods without anyone knowing they are doing it. They are totally unsupervised whenever and wherever they choose.

Victims of cyber-bullying can be easy targets because they carry cell phones or other devices of electronic access with them. This portability factor makes victims reachable and vulnerable at any time and any place.

According to the National Crime Prevention Council, cyber-bullying is a problem that affects almost half of all American teens.

Efforts to address cyber-bullying are few and have been on the radar only in recent years. For example, the California Legislature passed one of the first laws in the country to deal directly with cyber-bullying. That legislation, which took effect in 2008, gives school administrators the authority to discipline students for bullying others offline or online.

It is time for Nevada to address the insidious problem of cyber-bullying. This is why I introduced Senate Bill 163. Now, let me explain highlights of this bill which is a firm and affirmative first step in dealing with cyber-bullying in our state.

As you know, the Department of Education is already required to prescribe a policy for all school districts and public schools to provide a safe and respectful learning environment. This means an environment that is free of harassment and intimidation. I remember being part of the legislative team that crafted essential components of this requirement several sessions ago.

Senate Bill 163 expands these provisions for a safe and respectful learning environment to include a prohibition on cyber-bullying.

Section 10 of S.B. 163 requires the Council to Establish Academic Standards for Public Schools to expand the standards of content and performance for courses in computer education and technology. The expanded content would include a policy for the ethical, safe, and secure use of computers and other electronic devices. The specifics of this expanded policy are listed on page 5 of the bill. In the requirements listed, you can see the far-reaching effects and potential damage of cyber-bullying. For example, on page 5, under section 10, subsection 2, paragraph (c), it discusses "secure use of computers" and identity theft. This, along with the other provisions, demonstrates how important it is

to teach our children about these expansive threats as soon and as often as possible.

Senate Bill 163 requires each school district to adopt a policy to address cyber-bullying in its policy provisions about safe and respectful learning environments. Current law prohibits a person from using any means of oral, written, or electronic communication to knowingly threaten to cause bodily harm or death to a pupil or school employee with the intent to:

1. Intimidate, frighten, alarm, or distress the pupil or school employee.
2. Cause panic or civil unrest.
3. Interfere with the operation of a public school.

Senate Bill 163 specifically adds the use of cyber-bullying to the list of legally prohibited acts.

This sums up S.B. 163. Though my remarks only highlight the reasons for, and provisions of, this legislation, I cannot stress how essential it is to enact this measure. When I first proposed S.B. 163 I knew the problem was real, but I had no idea how big it had already become and how fast it is escalating. Today, we can take an important step toward addressing this pervasive problem. It is for these reasons that I seek your support for S.B. 163. It passed through our committee on a Do Pass, with the full support of the Senate. Thank you.

Assemblyman Hardy:

Senator, you alluded to the illegality of cyber-bullying that was put into this bill. Is there an illegality line in here that defines a penalty?

Senator Wiener:

The bill, though it includes cyber-bullying, is part of current policy expanded to include cyber-bullying. This was part of a concern by some of the school districts in the first hearing on the measure that there would be a policing component and an enforcing component that could break the school district. This is about teaching. In the long list provided in the measure, I mentioned, for example, identity theft. This would teach about the expansive potential for cyber-bullying in people's lives so children can be smarter about how they use and access information on their computers. This addresses a very substantial education component, not a policing component.

Assemblyman Hardy:

So there is not an enforcement issue?

Senator Wiener:

It is about education.

Assemblyman McArthur:

That was basically my question as well; the enforcement and discipline part of this.

Senator Wiener:

That was part of the fiscal concern of the counties. It was made clear we would not have to hire people to police computers.

**Joyce Haldeman, Executive Director, Community Government and Relations,
Clark County School District, Las Vegas, Nevada:**

I am here in support of Senate Bill 163. We appreciate Senator Wiener for having brought this measure forth because we do recognize this as a serious issue among today's students. It is alarming to see the rate at which it is increasing.

The measure is a very comfortable match with the training we already provide to our students having to do with Internet safety and other rules and regulations we have governing Internet use and other related issues.

When the bill was on the Senate side, we did make a request, and I do not know if this is possible for us to do, but we would like to see the effective date changed to July 2010. The reason is there would be no fiscal note from us if we were able to change the effective date. That is not to say we would not do it until 2010, but we have both printing issues, for printing the rules and regulations for the students and parents, and training issues for our teachers. If we could move the effective date, then we would not have to do anything special as we replace the rules and do the training. Other than that, we are completely supportive of this bill.

**Keith Munro, First Assistant Attorney General and Legislative Liaison, Office of
the Attorney General:**

We would like to thank Senator Wiener for her efforts in bringing forth this important piece of legislation. As she mentioned, this came out of her work on the Attorney General's Technological Crime Advisory Board. I would echo her comments. We believe this a meritorious piece of legislation, and we hope it receives your full support.

Phyllis Friedman, Director, Anti-Defamation League, Las Vegas, Nevada:

We too want to thank Senator Wiener for introducing this legislation. The Anti-Defamation League is a national human relations and civil rights organization which combats anti-Semitism and all forms of bias, prejudice, and bigotry. We have worked throughout the country helping to get anti-bullying legislation. As mentioned earlier, the numbers are astronomical. We have also prepared training materials for teachers and parents ([Exhibit G](#)) and would like to add that, in Henderson, we are presenting a program for adults that increases understanding of the language skills, information, and challenges associated with cyber-bullying, or bullying and harassment of others through electronic media. It is a growing epidemic.

Thank you, and we are more than happy to help in any way we can.

Liz Sirocac, Volunteer Chairperson, Government Affairs Committee, Anti-Defamation League, Las Vegas, Nevada:

I would like to echo the comments of Phyllis Friedman and thank Senator Wiener for introducing this legislation. We think that this is a bill that is long overdue for the State of Nevada, and we hope you will consider all of the information presented and the additional statistics that were sent from Las Vegas as you continue to move this legislation forward.

Rebecca Palmer, representing Family Life Committee, Carson City School District, Carson City, Nevada:

Recognizing the cyber-bullying occurring in our school district, we took action a year ago to begin a cyber-bullying program which we could put into the schools to help inform and instruct young people about what is, and what is not, appropriate behavior on the Internet. We instructed them how to report incidents of harassment. We used a federal grant to purchase a kiosk and are currently using NetSmartz.org for small public announcements. This kiosk is mobile and moves from school to school. The announcements play on a loop and are fun. NetSmartz is a wonderful program for informing students about cyber-bullying.

I support this bill, and I look forward to it being enacted. I cannot say enough about how valuable and important it is. It gives me and the Family Life Committee the tools we need to move forward with our own cyber-bullying program.

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

On behalf of Dr. Rheault and the Department of Education, I would like to provide support for Senate Bill 163 and thank Senator Wiener and

Assemblywoman Parnell for this bill. We are thankful there are additional measures being proposed to safeguard our youngsters, and we feel very strongly that the content of the education component of the bill is something that can be done. There are sections dealing with the technology standards and some modifications being made, and we are currently working with the Academic Standards Council in revising some of the technology standards which are already well along toward meeting some of the requirements of this bill.

Kim Vidoni, Planning, Research, and Evaluation Consultant, Department of Education:

We are in the process of revising the computer education and technology standards, and we have been using this legislation to integrate into the standards already in place. We are in full support of this legislation.

Vice Chair Denis:

I had the opportunity to work with Ms. Vidoni on the Educational Technology Commission. She does a great job.

Senator Wiener:

Joyce Haldeman had mentioned pushing out the date in order to prevent them from incurring additional costs. That would certainly work for us. However, if anyone wants to do this voluntarily before then, I encourage them to do so. You do not have to wait just because Clark County needs to.

Peggy Lear Bowen, Private Citizen, Carson City, Nevada:

I am a retired teacher of 35 years in the State of Nevada as well as a retired member of the Nevada State Board of Education.

I am fully supportive of Ms. Wiener's hard work and what has been brought forth through the Assembly in the State of Nevada to protect our children.

I hope that, incorporated within the provisions of the standards regarding computers and other technology in our school systems, we have all of our children engaged in classes that are being presented by those school districts in their schools, so they might be as technologically advanced as possible within our state. My concern is there may be some middle or high schools that do not offer classes in computer and other technology. That would make some children not as competitive in even the Nevada job market, much less the global market.

I know half credits are being earned in the middle schools so the student does not have to take certain classes in high school. I am hoping all schools are

offering those credits in class form so we do not have some schools, due to their economic situation or location within the community, not offering classes that other children are being offered in the same school district.

Vice Chair Denis:

I agree we need to make sure that our children are technologically trained to keep up with the fast pace of the world. The Educational Technology Commission has been working on that in the standards.

Is there anyone wishing to make a public comment?

I would like to share with you that, as I was walking back from the post office today, there was a school bus dropping some children off at the Boys and Girls Club across the street. As the third bus came in, I was walking behind it and caught the eye of a young Hispanic boy, who looked to be in about the second or third grade. I saw two things. First, I saw the past, myself as a second- or third-grader, and I also saw the future. I hope, as we do the things we do here, we will take the opportunity to look into the eyes of the children we are trying to help and know we are really making a difference. I hope in ten years we are not still talking about the same things as today, but about how much higher we are on the list of educational accomplishments and how the kids are getting the best education they can get.

We are adjourned [at 5:02 p.m.].

RESPECTFULLY SUBMITTED:

Sharon McCallen
Committee Secretary

Denise Sins
Editing Secretary

APPROVED BY:

Assemblywoman Bonnie Parnell, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Education

Date: April 22, 2009

Time of Meeting: 3:49 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
	C	Randy Robison	Presentation for iNVest '09
	D	Randy Robison	Brochure for iNVest '09
	E	Randy Robison	Pamphlet for iNVest '09
S.B. 163	F	Senator Valerie Wiener	Report entitled "Stop cyberbullying"
S.B. 163	G	Phyllis Friedman	Statistics and studies concerning cyber-bullying