

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

**Seventy-Fifth Session  
May 6, 2009**

The Committee on Education was called to order by Chair Bonnie Parnell at 3:51 p.m. on Wednesday, May 6, 2009, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 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/](http://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](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

Assemblywoman Bonnie Parnell, Chair  
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 Harvey J. Munford  
Assemblyman Lynn D. Stewart  
Assemblywoman Melissa Woodbury

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

Senator Barbara K. Cegavske, Clark County Senatorial District No. 8  
Senator Maurice E. Washington, Washoe County Senatorial District No. 2

**STAFF MEMBERS PRESENT:**

Kristen Roberts, Committee Counsel  
Carol M. Stonefield, Committee Policy Analyst  
Danny Peltier, Committee Manager  
Scarlett Smith, Committee Secretary  
Sherwood Howard, Committee Assistant

**OTHERS PRESENT:**

Crystal Abba, Assistant Vice Chancellor for Academic and Student Affairs, Director of Public Policy, Nevada System of Higher Education, Reno, Nevada  
Gloria P. Dopf, Deputy Superintendent, Instructional, Research and Evaluative Services, Department of Education  
Frankie McCabe, Director, Special Education and School Improvement, Department of Education  
Chris Ferrari, Reno, Nevada, representing Imagine Schools Nevada, North Las Vegas, Nevada  
Kathleen A. Conaboy, Reno, Nevada, representing K12, Inc., Herndon, Virginia  
Laura K. Granier, Lionel Sawyer and Collins, representing Nevada Connections Academy, Reno, Nevada  
Anne Loring, representing Washoe County School District, Reno, Nevada  
Leigh Berdrow, Administration, Dissemination, Academy for Career Education, ACE High School, Reno, Nevada  
John Madole, Executive Director, The Associated General Contractors of America, Inc., Nevada Chapter, Reno, Nevada  
Bart Mangino, Legislative Representative, Community and Government Relations, Clark County School District, Las Vegas, Nevada  
Joyce Haldemen, Associate Superintendent, Community and Government Relations, Clark County School District, Las Vegas, Nevada

**Chair Parnell:**

[Roll called.] We have some absent members who are presenting bills on the Senate side, please mark them present as they arrive. We are starting as a subcommittee. With that, I will call Senator Barbara Cegavske to the table to present Senate Bill 298 (1st Reprint).

**Senate Bill 298 (1st Reprint):** Authorizes the Board of Regents of the University of Nevada to plan for and establish programs for the study of energy efficiency and renewable energy resources within the Nevada System of Higher Education. (BDR 34-1075)

**Senator Barbara K. Cegavske, Clark County Senatorial District No. 8:**

Senate Bill 298 (1st Reprint) is intended to give the Board of Regents of the University of Nevada authority to establish programs for the study of energy efficiency and renewable energy resources within the Nevada System of Higher Education (NSHE). The bill also seeks to establish approved methods to carry out these programs. Senate Bill 298 (1st Reprint) authorizes the Board of Regents of the University of Nevada to plan for and establish the study, which is the key word in this bill, of energy efficiencies and renewable energy resources. It grants the Board of Regents authority to carry out these programs through joint ventures with one or more public or private entities by applying for grants and accepting gifts, grants, or donations.

The amendment was suggested, with our approval, to add "energy efficiency," on page 3 of the bill. This amendment came from Southwest Gas Corporation, and we felt very comfortable with adding that in. Anything that will give us more areas to include, we were very happy to accept. Nevada is rich in clean, renewable energy resources and, as a result, is uniquely positioned to be on the leading edge of the renewable energy revolution. In order for the state to be a leader in renewable energy innovation, we must invoke the help and support of our state university system. The main word in this bill is "study," which we added because we will be able to garner federal grants and other money just by having that terminology.

**Assemblyman McArthur:**

Why do we have to have the state tell the schools things they need to study? Can they do it without us?

**Senator Cegavske:**

We are not telling them that they are required to do this. We are giving the Board of Regents the authority so that they can do this. The reason the word "study" is important is because we did not have that in any of our language, and it is necessary in order to get some of the federal funding. That is why it is such a simple bill. We are not telling them they have to do anything; we are just giving them the authority if they want to.

**Assemblyman McArthur:**

Do we have to do that?

**Senator Cegavske:**

Yes, if we want federal money.

**Assemblyman McArthur:**

So, they cannot do it without us unless we authorize them to do it?

**Senator Cegavske:**

We are giving them the authority to do it.

**Chair Parnell:**

I would just like to point out that, when you referenced page 3, there are only two pages to the bill.

**Senator Cegavske:**

I apologize; it is included in the amendment.

**Chair Parnell:**

Referencing Assemblyman McArthur's point, in section 1, line 3, it is important to note the word "may." It is enabling language which means it is a suggestion, not a mandate. That may help your comfort level.

When I first read this, I thought it meant NSHE was going to establish courses where you would study energy efficiency and renewable energy resources. I think it has become clearer with the reprint that that is not the intent of the legislation, yet it would be a good idea down the road.

**Crystal Abba, Assistant Vice Chancellor for Academic and Student Affairs,  
Director of Public Policy, Nevada System of Higher Education,  
Reno, Nevada:**

We are grateful to Senator Cegavske for introducing this measure as it does lend support for the development of these types of programs.

**Senator Cegavske:**

I would like to thank Assemblywoman Dondero Loop for cosponsoring S.B. 298 (R1).

**Chair Parnell:**

I will close the hearing on S.B. 298 (R1) and wait for a full Committee for a work session.

I will now open the hearing on Senate Bill 378 (1st Reprint). We have received a number of emails concerning S.B. 378 (R1).

**Senate Bill 378 (1st Reprint): Establishes provisions relating to certain early childhood education programs. (BDR 34-1134)**

Some of the emails referred to "institutional schools," "government schools," and "taking away the rights of parents to determine whether children are engaged in an early education program." I do not mind someone opposing legislation, but I am still trying to find anything in the bill that mandates any parent to do anything. I want to clarify that the State of Nevada and the Nevada Legislature have been very progressive and lenient with regard to parents choosing to homeschool their children or to put their children into options to traditional forms of public education.

**Gloria P. Dopf, Deputy Superintendent, Instructional, Research and Evaluative Services, Department of Education:**

I would like to create some context for bringing this bill forward. With regard to S.B. 378 (R1), I would like to make a few comments that are applicable to Chair Parnell's opening remarks. This bill does not create any mandate for a parent to access early childhood education, it does not create any mandate for any entity to provide early childhood education, and it does not change the mandatory school age. It creates a mechanism for the Department of Education to generate a comprehensive plan that sets forth the goals for consistent program offerings for any school district or public charter school that agrees to operate a program of early childhood education. Currently, to support early childhood programs that are state-funded, the Legislature appropriated in the previous biennium, and has closed the budget for the next biennium, \$3 million per year of the biennium. The guidance that the Legislature has provided is in statute, and it requires specific indicators and goals for those programs and specific ways of operating the programs consistent with state standards. The intent of this bill was to expand the consistency of those indicators and program offerings through the development of the Department of Education plan, which integrates best practice and what currently is required by law into other programs that are operating in this venue. That is the intent of the program: to broaden and make consistent the early childhood programs that are funded.

Currently, the consistency is only mandated through those programs that are state-funded. We know that there is the potential for districts to receive federal funds, under Title I of the federal Elementary and Secondary Education Act of 1965 (Title I), and other sources, as well as the potential for additional funds under the American Recovery and Reinvestment Act of 2009 (ARRA). So, the intent is to generate a uniform plan that aligns with the K-12 standards and sets expectations for what best practice tells us these programs should have in order to best leverage children whose parents opt to have them participate to be

ready for the K-12 program offerings. That was the intent, similar to looking for consistency for the end-of-program offerings that set a consistent expectation for the readiness programs that are funded to the districts through state and other sources. It does not impact programs that are not under that catchment. That was the original intent; there have been some modifications that I would like to address after Ms. McCabe talks more about the specific details of the program.

**Chair Parnell:**

At the beginning of the Session we spent time talking about the *Quality Counts Report* and where we were getting dinged. If you look at page 3 of S.B. 378 (R1), subsection 8: "As used in this section, 'school readiness' means the ability of a child to enter kindergarten with an appropriate level of skills, knowledge and maturity to successfully participate in kindergarten." As you recall, in Assembly Bill 505, our high school bill, we have the language about college readiness, which is one of the indicators in the *Quality Counts Report*. Another indicator is a state having a definition for school readiness. This is the bill that language was put into.

**Frankie McCabe, Director, Special Education and School Improvement,  
Department of Education:**

I wanted to add more flesh around the area Ms. Dopf was talking about. We operate the state-funded early childhood programs through my office. An executive summary and report about those programs is being passed out to you now ([Exhibit C](#)) so you can see specifically how much money is spent each year, how many programs we fund, and where those programs are located. In addition to that, we also have districts funding early childhood programs through their federal funds. As Ms. Dopf indicated, some of the intent of this legislation was an attempt to create some consistency in all of the programs. Currently, we have Title I-funded preschool programs in three of our districts. The total cost for those programs statewide is about \$10 million, so it exceeds the amount of money that we spend to fund those preschool programs through our state funding. We wanted to have some consistency between those programs. Title I requirements for preschool programs are broad so we wanted to create more consistency. In addition to the Title I preschool programs, every district operates special education preschool programs. Since all of these programs are run through my office, we try to bring some consistency already, but it will help us if we have an overall plan statewide and a common definition of school readiness.

**Assemblyman Denis:**

Basically, you are asking for permission to be able to apply for the ARRA funds for this type of program? If we do not apply for them, does that mean that money is available for the rest of K-12, or does that mean another state will get it?

**Gloria Dopf:**

Section 3 in the revision talks about the ARRA funds. The amendment in section 3 sets a requirement that the Department shall apply for any ARRA funds. I was going to ask for some consideration of some mitigating language relative to that because, to me, that is an absolute standard that potentially causes two problems: (1) current Department of Education staff resources may not enable us to apply for any ARRA funding that is there, which would put us in violation of the law without intent, and (2) we have some requirements that our Legislature has put on us to not apply for funds under certain circumstances. As an example, if it requires a state match that the state is not prepared to make, or if it requires continuation of federal funding with state funds after the funding cycle, we are not allowed to apply. My concern is that this sets an absolute requirement for us to apply for any funds, and I would request some consideration on line 11, section 3, that would make it subject to the availability of resources and consistent with other legislative requirements. Otherwise, we have some potential conflict. That is with regard to how it is currently written.

In terms of Assemblyman Denis' original request, I believe that the intent was for us to actively seek competitive funds that are available for this type of program. It does not direct existing funds to a specific utilization. The stabilization funds available to the district, through the formula, and also the Title I and the special education supplemental funds would be impacted, only through consistency with the plan but not because of any mandate that they must be used in a particular way.

**Assemblywoman Dondero Loop:**

As a former kindergarten teacher, I would encourage this to move forward. I think it has been proven over and over again that children who are in high-quality childhood development programs perform significantly better with their cognitive language and social and emotional development. I do not think in any way we should ever chastise any parent or make any mother feel like she is less than a mother because she puts her children in a preschool program.

**Assemblyman McArthur:**

Do you know what percentage of schools participate in the prekindergarten programs right now?

**Frankie McCabe:**

I do not have that percentage with me today, but I could get it for you. I know that it is a very small percentage.

**Assemblyman McArthur:**

If we have such a small percentage doing this right now, and we have a small percentage doing kindergarten, why are we spending time and money on this when we do not even come close to full kindergarten yet?

**Frankie McCabe:**

This is one program that we have collected data around since the inception of the program. We have very good data to show that it is a high-impact program due to the effect it has had on the students who have partaken of it. There has always been a resistance to remove the program because we do have good data regarding the program.

**Assemblyman McArthur:**

So, even though we have a lot of kids who are not in kindergarten, this is still a good program to invest in?

**Gloria Dopf:**

The original time frame for early childhood programs was funded by the state for the \$3 million per year. The question was always: should we fund early childhood? Should we fund full-day kindergarten? Should we fund mandatory kindergarten? The amount of money that was put forth for the early childhood was a very small amount as compared with the amount it would take for a mandatory kindergarten program. It was not an either/or question; it was the beginning of a program planning to have some early intervention in the state and seeing how it worked. As Ms. McCabe has indicated, the small amount of funding that the state put in has been very beneficial and has been targeted to the at-risk children and their families who would not receive any kind of early intervention without the benefit of that program. The data that we have from the beginning, which we have consistently had, is shown through the summary ([Exhibit C](#)) and indicates that these children can compete in the Criterion Referenced Tests (CRT) and in the statewide achievement tests in ways that they would have been otherwise disadvantaged had they not had this opportunity. Without regard to whether we should fund the kindergarten versus the early intervention, the decision was made many years ago, and this bill does not have a fiscal impact. This bill merely states that those programs which are funded will follow this consistency; it does not require any supplemental funds and does not add any additional funds from those currently expended and have been part of the legislative intent for early childhood.



**Assemblyman McArthur:**

Is this program just for at-risk children? It does not say that here, and you mentioned it.

**Frankie McCabe:**

It is not exclusively for at-risk students, yet at-risk students are given priority in entering the program. There is a very high percentage of students that are second-language students and a very high percentage that are from high-poverty areas.

**Assemblyman McArthur:**

So, those are the schools you put these programs in?

**Frankie McCabe:**

The districts determine the sites where the programs are located.

**Vice Chair Denis:**

I will close the hearing on S.B. 378 (R1) and open the hearing on Senate Bill 385 (2nd Reprint).

We will now take a short recess.

**Chair Parnell:**

I would just like to remind Committee members that when we had the joint committee meeting on the two charter school institute bills, we did cover both Assembly Bill 489 (1st Reprint) and Senate Bill 385 (2nd Reprint).

[Senate Bill 385 \(2nd Reprint\)](#): Revises provisions governing charter schools.  
(BDR 34-279)

**Senator Maurice E. Washington, Washoe County Senatorial District No. 2:**

On behalf of S.B. 385 (R2) and A.B. 489 (R1), I am not going to go through the entire provisions of the bills because I think both Committees have thoroughly heard the bills. There are not many significant differences between the bills. Senate Bill 385 (2nd Reprint) deals primarily with the funding mechanism for the two bills. Assembly Bill 489 (1st Reprint) went to Ways and Means because it has a funding provision that the Department of Education placed in the bill. What we did was supplant that with an administrative fee that is already in place. I understand that there could be some charter schools that are not in agreement with it, such as ACE charter school, but for the most part, the district-sponsored charter schools have a funding mechanism of about 1 percent. For those that are sponsored by the state, it is about 1.5 percent. We thought it would be officially better to raise it to 2 percent across the board,

both for schools sponsored by the state as well as those sponsored within the respective districts. This way, it is even across the board for everybody. This 2 percent will not only allow the hiring of a director but also at least one other additional administrative staff. This way we will not have a fiscal note and will not have to come back to the state for additional funds. The Nevada Charter School Institute (NCSI) will help us be able to monitor and put good legislation and policies in place for those charter schools to continue to flourish and grow. We also revised the start date to October 1, 2009, because we have the funding mechanism in place. It also provides a reporting mechanism for accountability of the charter schools by the Institute itself. The last thing it does is keep in place the district as well as higher education as the sponsoring agents, so we can satisfy the requirements that are placed on us by the federal government. Other than that, the two bills are identical.

**Chair Parnell:**

Ms. Stonefield put together a few differences between S.B. 385 and A.B. 489 (R1), and the S.B. 385 (R2) second reprint revisions, which says:

The Nevada Charter School Institute would adopt a process for change in sponsorship. Governing body must not be required to apply, and NCSI must accept the transfer. Administrative fees set at 2 percent for charter schools sponsored by NCSI. School district or higher education sponsors shall forward accountability information to NCSI for reporting. The NCSI assumes that administrative fees will cover start-up costs and designate January 1, 2010, to transfer State Board-sponsored schools.

**Senator Washington:**

That is correct.

**Chair Parnell:**

I will allow those who wish to testify on S.B. 385 (R2) to come forward, and I will add this bill to our work session for later since we are missing some members.

**Senator Washington:**

I will be happy to answer any questions. It is my understanding that Mr. Rheault is going to indicate that there is no fiscal note on this bill.

**Chair Parnell:**

If you are here to speak in support of S.B. 385 (R2) you may come to the table.

**Chris Ferrari, Reno, Nevada, representing Imagine Schools Nevada, North Las Vegas, Nevada:**

I would just like to reiterate that we are supportive of both of these bills and the structure that they provide to charter schools to allow them to flourish in the state.

**Kathleen A. Conaboy, Reno, Nevada, representing K12, Inc., Herndon, Virginia:**

Based on the work of the Committee in the interim and some of the comments we put on the record earlier during the hearing regarding the Nevada Charter School Institute, we are very supportive of these bills. We believe they will help charter schools to grow and prosper in this state, and we appreciate your support.

**Laura K. Granier, Lionel Sawyer and Collins, representing Nevada Connections Academy, Reno, Nevada:**

I would like to agree with Ms. Conaboy and Mr. Ferrari's comments. Charter school law and policies are rapidly developing, especially with entities such as the Institute. It would be wonderful to be devoted to the proliferation of charter schools in our state as well as addressing issues raised such as when the State Board of Education and various districts have imposed moratoriums on the charter schools.

**Anne Loring, representing Washoe County School District, Reno, Nevada:**

As we testified on the Assembly version of this bill, we are in support of both of these bills and look forward to working with everybody in the Institute when it gets up and running.

**Chair Parnell:**

Is there anyone else wishing to speak in support of S.B. 385 (R2)? Is there anyone wishing to speak in opposition?

**Leigh Berdrow, Administration, Dissemination, Academy for Career Education, ACE High School, Reno, Nevada:**

We are currently in our seventh year of operation and are sponsored by the Washoe County School District. Although I signed in as opposed to S.B. 385 (R2), I am not opposed to the entire bill. ACE High School and our governing board do support the majority of S.B. 385 (R2), except for one section. We support the creation of the Institute, especially for state-sponsored charter schools. However, as a district-sponsored charter school, our Board opposes the increase of our sponsorship fees from not to exceed 1 percent to not to exceed 2 percent, as stated on page 52, section 38, subsection 3. Research will tell you that districts may not be the best charter school sponsors;

however, we spent more than seven years working on a relationship with our sponsor that we think best serves the needs of our students in our community.

Currently, the Washoe County School District charges us a full 1 percent of our apportionment. Even though we have been exempt from an audit from them for the last three years, our bill never changes. If this language changes, our fees are going to double immediately, but our services are not going to double. To put this into context, currently we pay between \$12,000 and \$14,000 a year to the school district. If the language passes, as is written, we will now be asked to pay \$24,000 to \$28,000. We simply cannot afford this. This increase is equal to two-thirds of a teacher's salary. As you know, charter schools are very lenient in how we operate. We are struggling in the current economic situation. The charter schools also operate with a tremendous amount of support from the community. In our case, the construction industry is a major supporter. When we face a problem like this, they are the entity we turn to in order to receive funding. Having to go back to them and explain that our fees are doubled for no additional services would be a very contentious thing to do.

We understand the need and support it entirely for NCSI, and we understand that charters that moved there need to pay the 2 percent in order for it to operate. Ultimately, once some issues are worked out, we envision our school moving to NCSI as well, but we have some concerns, which we have been addressing, that we currently get services the state-sponsored charter schools do not receive, and we are not willing to give those up. Currently, the language that exists is a tiered system. State-sponsored charter schools do pay more now, which makes sense. We believe that is accurate in terms of the services that are required and the economies of scale in providing those services. Please do not change it to be a blanket fee; that is not what it was designed for. There is actually a word in there that states we can ask for itemization. It is not supposed to be the same for everyone, and we would like to see our fees remain at 1 percent.

**Chair Parnell:**

If you chose not to join the Institute, would that fee change?

**Leigh Berdrow:**

Yes, that is what is changed in here.

**John Madole, Executive Director, The Associated General Contractors of America, Inc., Nevada Chapter, Reno, Nevada:**

I would also like to support Ms. Berdrow's position on the additional cost. We are also in support of most of the bill, besides the section which raises the cost.

The change may seem insignificant, but the construction industry is dealing with a 50 percent unemployment rate, and we have had to cut back our office staff. Our industry has willingly and generously raised a lot of money for the charter school. We have built a building for them, and we have a fundraiser every August, which we are glad to do. Yet, this year, we are representing an industry where a lot of employees do not even know how they are going to make their house payments, so it is going to be difficult. If there is any way the Committee could see fit not to impose this additional hardship, it would be appreciated.

**Chair Parnell:**

The Charter School Institute bills have the 2 percent, but in A.B. 181, which had a lot of technical changes with the way the State Board of Education authorizes charter schools, the percentage fee remained at 1 percent. We have different percentages out there which may, in the end, be a problem. The reason these bills are currently in the Assembly Committee on Ways and Means is to try to resolve which percentage will be used. The fee is also going to determine the offset of what that may cost in state dollars. You certainly make a good point, especially about how the construction industry has been the benefactor of this charter school and these are hard times.

**Senator Washington:**

When we first established charter schools in this state, it was established for those sponsoring agents for administrative costs that were 1 percent of their Distributive School Account (DSA). As we progressed through the evolution of charter school legislation, we sought the implementation of allowing the state to sponsor charter schools due to the fact that the federal government said that if we wanted to apply for grants we had to have two sponsors. The state agreed to sponsor charter schools at that time. We set the administrative fee at 1 percent. The state then came back and said that they needed additional full-time employees (FTE) to keep up with the work that was demanded of them because, not only were they providing services that were provided to those state-sponsored charter schools, they were also providing services to charter schools that were sponsored in the district as far as compliance issues, noncompliance issues, and requirements to meet federal regulations. They came back to both our Committees and asked for an additional 0.5 percent for an additional FTE. We then moved it up to 1.5 percent for those state-sponsored charter schools. We were considering different percentages so we could make sure there were enough funds to add additional personnel or FTEs as the Institute got off the ground and started to grow and provide other services. It was the districts who came to us and asked us to make sure that it is consistent across the board for all schools that are being sponsored by the state or the districts. Two percent is a modest fee not only for the upstart and

ongoing services but also for the ability to add FTEs. For example, the director would be an unclassified employee, and because of the 2 percent, we would be able to add an administrative assistant, which would be classified as a full-time employee. We would add additional staffing as the Institute grew and more schools were added. The 2 percent would provide enough funds for those schools that wish to transfer to the Institute and the additional requirements that are going to be placed on that Institute to provide services and make sure that they are in compliance. Once again, that 2 percent is fair across the board, and it is equal for everybody. Everyone will have a slight increase, but it was a request that was made by the school districts.

**Chair Parnell:**

Are there any questions for Senator Washington? Is there anyone else wishing to testify on S.B. 385 (R2)? I will close the hearing.

We will now take a recess and start work session afterward.

[A quorum was present.] We will now begin the work session and the first bill is Senate Bill 62 (1st Reprint).

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

**Carol M. Stonefield, Committee Policy Analyst:**

[Spoke from her work session document ([Exhibit D](#)).]

**Chair Parnell:**

Are there any questions? I will accept a motion.

ASSEMBLYWOMAN MASTROLUCA MOVED TO DO PASS  
SENATE BILL 62 (1st REPRINT).

ASSEMBLYMAN BOBZIEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

The floor assignment is assigned to Assemblywoman Mastroluca. We will now move on to Senate Bill 77.

[Senate Bill 77](#): Provides for the establishment of programs of teen mentoring in public high schools. (BDR 34-696)

**Carol M. Stonefield, Committee Policy Analyst:**  
[Spoke from her work session document ([Exhibit E](#)).]

**Chair Parnell:**

This bill is similar to some bills that came out of the Assembly. The difference with S.B. 77 is it enables school districts to have teen-mentoring programs. It has an interesting background. When the Nevada Youth Legislative Issues Forum met, they were given one bill draft request. These 21 students picked teen mentoring as the single most important issue for them to bring forth to this building. For that reason alone, I believe this bill should go forward. I would love to see the mandate for both high school and middle school come out of this Committee. If this bill passes on the floor, it will become law. I am unclear about what will happen with Assembly Bill 505 and Assembly Bill 487, because what if we pass out bills that are both enabling and requiring?

**Kristen Roberts, Committee Counsel:**

Currently, A.B. 505, which is this Committee's high school reform bill, mandates the mentoring in high school, and this bill makes it permissive. If the Committee would like to reconcile that now, it has that option for an amendment to S.B. 77.

**Chair Parnell:**

We did take out the section of A.B. 505 that was the greatest concern, which was funding the credit recovery. I told the Assembly Committee on Ways and Means that if we needed to postpone the effective date on that part of A.B. 505, 2011 was all right with me. However, I do not want to stop the movement of S.B. 77, because it encourages teen mentoring and I would like to give the Nevada Youth Legislative Forum their first bill. As a Committee, we could also amend this bill to mandate teen mentoring.

**Assemblyman McArthur:**

Why can a principal not start his own teen-mentoring program? Why do we have to do it from here?

**Chair Parnell:**

A principal is allowed to start a teen-mentoring program within his school. The concern is that many schools are not completely supportive of it. One of our charges as state elected officials is to make sure that we do have a program of public education. If we see something that is serving our students and helping to create success in our students, it then becomes our responsibility to address those ways to make schools even better. For a long time, this Committee has felt that mentoring helps students stay in school. We then have to ask ourselves, if this is something that is successful, should all schools have access

to this program or should we leave it up to individual principals to decide whether or not is it a worthy project?

**Assemblyman McArthur:**

This program, the way it is in this bill, says, "you may" so any principal can do whatever he wants. I have a problem with us bringing this up if the principals can already do it.

**Chair Parnell:**

Perhaps the better role of this Committee would be to amend S.B. 77 to have the same requiring language that A.B. 505 and A.B. 487 have.

**Assemblywoman Mastroluca:**

I also wanted to point out that, if this is not required by the district, it allows the schools to do it on their own, which is permissive language. Many times, we find that things are happening that we do not want to happen, and once they hit a bill draft form it becomes apparent to people that things need to change. Just by having the discussion, it may improve the effectiveness of this program.

**Chair Parnell:**

In A.B. 505 there is a ninth-grade-transition focus for teen mentoring. It also requires an annual report. I also wanted to point out that S.B. 77 only refers to high school, so our middle school bill is not affected by this. We would make any of those changes that could keep it alive, and it could go into conference committee where we could resolve any differences between the two bills.

**Assemblywoman Dondero Loop:**

Section 1, subsection 2, beginning at line 41 on page 2, talks about "specific activities of the program of teen mentoring" and "the effectiveness of the program in increasing pupil participation in school activities, community activities and all levels of government." I think it is important for us to note that we have students that recommended this to us, and they can give us very valuable input because they are experiencing it right now. I do believe that pupil participation in school activities is a great incentive for students to stay in school. With that, I would move that we amend S.B. 77 to include the language of A.B. 505 regarding the requirement to mandate teen mentoring.

ASSEMBLYWOMAN DONDERO LOOP MOVED TO AMEND AND  
DO PASS SENATE BILL 77.

ASSEMBLYMAN HARDY SECONDED THE MOTION.



**Chair Parnell:**

Is there any discussion?

**Assemblyman Hardy:**

I think we have to recognize that this allows people to give money, grants, or gifts and allows the schools to be able to use those to support it. That is an important rationale to recognize as to why we are going to do this.

**Assemblywoman Mastroluca:**

I have a concern that if we mandate this, a fiscal note will be attached, and it will end up in the Assembly Committee on Ways and Means.

**Chair Parnell:**

This was not one of the parts of A.B. 505 that was brought to the attention of Ways and Means. When we testified in Ways and Means, the school districts were concerned about the credit-recovery portion of the cost of A.B. 505, and no one spoke to the peer-mentoring part at that meeting. I would also like to say that I watched part of this deliberation with the Nevada Youth Legislative Forum, and they wanted to mandate it, but they also erred on the side of caution, so they went with the more cautious, enabling language.

**Bart Mangino, Legislative Representative, Community and Government Relations, Clark County School District, Las Vegas, Nevada:**

Clark County School District does recognize the importance of teen mentoring. From a personal standpoint, many of my colleagues are implementing various programs. Our concern is, by mandating it, there would be a cost because, prior to this particular Session, any of the programs that were implemented were funded through 404 or 185 remediation and innovation grants. There were other opportunities for funding through other initiatives also. While we understand the merits of those programs, there are several other pieces to the puzzle as far as being able to do it if it is mandated. Based on the current fiscal crisis, staffing has been reduced. In high schools, we have lost block scheduling which eliminates some of the flexibility that we have had, and we have also had to cut staff. That does fall into some modifications that need to be made with regard to scheduling because we know that it has to be consistent. If it is mandated, there is a cost as far as the training. If we do not have people who have had the in-service training and the opportunity to properly implement the program, then you have a program just for the sake of a program, and it does not do justice as far as the students are concerned.

**Carol Stonefield:**

As Ms. Roberts said, if this bill is passed out of this Committee and then passed by the Assembly, without amendment, it goes to enrollment. If you want to

keep the bill alive to see what happens with the provisions in A.B. 505, you need to put some kind of amendment on it so the bill is different in the Assembly from the way it was passed in the Senate. That would put the bill into conference.

**Chair Parnell:**

The amendment would not have to be a mandate. It could be an annual report. We just need something to make it different from how it came over from the Senate.

**Assemblyman Stewart:**

I would be in favor of an amendment. I had the privilege of watching the Nevada Youth Legislative Forum work on this, and they realized the political realities of what they needed to do in terms of the fiscal responsibilities we have in this time of crisis. They also realized the difference between mandating and allowing. I would like to recognize their maturity, and if we have to amend it, say, for an annual report, we should do so, so we will not run into a fiscal problem.

**Assemblyman Bobzien:**

If Ms. Dondero Loop would withdraw her motion, I will propose an alternative motion that satisfies the plan that Ms. Stonefield laid out.

**Chair Parnell:**

We have two options: (1) we could add language that may include adult mentoring, similar to what we enabled in A.B. 505, or (2) we could amend S.B. 77 to focus on the ninth-grade transition, to have that common language. Neither of those amendments would cause this bill to go into the Assembly Committee on Way and Means. It would simply cause the bill to be at a standstill until we get resolution on the others.

**Assemblyman Bobzien:**

I would prefer that we go with both options.

**Assemblywoman Dondero Loop:**

I rescind the motion on S.B. 77 to add the language from A.B. 505 that specifically allowed for the mandate. I would make a new motion to amend and do pass S.B. 77. The amendment will be to enable the inclusion of adult mentoring and for the focus on ninth-grade transition.

ASSEMBLYWOMAN DONDERO LOOP MOVED TO AMEND AND  
DO PASS SENATE BILL 77.

ASSEMBLYMAN HARDY SECONDED THE MOTION.

**Chair Parnell:**

We have a motion on the floor from Assemblywoman Dondero Loop to amend and do pass S.B. 77, seconded by Assemblyman Hardy. The amendment is to add to S.B. 77 that the mentoring program may include adult mentoring and will focus on the ninth-grade transition. None of this amendment requires any funding. Is there any discussion?

THE MOTION PASSED. (ASSEMBLYMAN MCARTHUR VOTED NO.)

The floor assignment is given to Ms. Dondero Loop. We will now move on to Senate Bill 163.

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

**Carol M. Stonefield, Committee Policy Analyst:**

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

There is an amendment to Senate Bill 163 which was offered by Assemblywoman Parnell ([Exhibit G](#)). The amendment would define and add bullying to provisions of the bill and clarify the effective dates as follows: the rulemaking provisions shall be effective on July 1, 2009, and implementation by the school districts shall be effective on July 1, 2010.

**Chair Parnell:**

In 2005, when the original language in this statute was passed, everyone was thinking about bullying, but no one put the word "bullying" in statute. This prevented everyone from applying for the millions of dollars available in grant money for antibullying. The addition of the word "bullying" is to have it in statute so we can take advantage of the available money. The issue of bullying has been a great concern to everybody. We have had deaths as a result of cyber-bullying. I was pleased to see Senator Wiener come forward with the cyber-bullying issue because we would have been behind in not addressing the issue of cyber-bullying. What this does now is put everything we need in legislation to deal with some of these extreme cases of bullying and cyber-bullying. I have shown the amendment to Senator Wiener, and she is very pleased with it. She is glad we have the definition included and the use of the word "bullying."

ASSEMBLYMAN BOBZIEN MOVED TO AMEND AND DO PASS  
SENATE BILL 163.

ASSEMBLYMAN KIHUEN SECONDED THE MOTION.

Is there any discussion?

**Assemblyman McArthur:**

I have a problem with this bill. I certainly agree with the intent: I would like to get rid of all bullying. My problem with this bill is that I believe it could have the opposite effect. In S.B. 163 you are talking about human relations and inappropriate behavior, but there are no consequences. When a bully knows he is causing disruption, he is getting what he wants. When he finds out there will be absolutely no consequences, the bully will be able to not even worry about any punishment. If you do this with no consequences, I believe the result will be that more bullying will occur.

**Assemblyman Bobzien:**

I would encourage Assemblyman McArthur to take a look at section 6, subsection 1: "The Department shall, in consultation with the boards of trustees of school districts, educational personnel, local associations and organizations of parents whose children are enrolled in public schools throughout this State, and individual parents and legal guardians whose children are enrolled in public schools throughout this State, prescribe by regulation a policy for all school districts and public schools to provide a safe and respectful learning environment that is free of cyber-bullying, harassment, and intimidation." You can be sure that there will be parents who will want penalties.

**Assemblyman McArthur:**

That is not in this bill.

**Chair Parnell:**

It is in regulation.

**Bart Mangino, Legislative Representative, Community and Government Relations, Clark County School District, Las Vegas, Nevada:**

Not only do we have acceptable-use policies as far as computers, we also have regulations and steps that are taken at the individual schools. It is in regulation. I did have a conversation with Senator Wiener with regard to what was available as far as the school district was concerned. It is taken seriously. It is in documents such as "Behaving at School at the Elementary Level" and also in the regulations, as they refer to secondary students. I can speak on a personal note, since I have been principal of an elementary, middle, and high school, we

do take bullying very seriously, and there are consequences from parent conferences through recommendations for expulsion.

**Chair Parnell:**

A few days ago there was a fifth grader from a school on the east coast who committed suicide. He was bullied for months and months, which had affected his grades. There have been a lot of questions about the lack of involvement by the school. There have been suicides and murders, and we cannot be a civilization that does nothing about this kind of behavior. Every year we make a greater attempt at doing what we can do. The cyber-bullying is particularly important to add and it is also important to add the word "bullying" to allow us to apply for grant dollars and do better training and get the word out to more and more people.

THE MOTION PASSED. (ASSEMBLYMAN MCARTHUR VOTED NO.)

Assemblyman Bobzien will take it to the floor. We will now move on to Senate Bill 185 (1st Reprint).

Senate Bill 185 (1st Reprint): Requires school districts to use certain environmentally sensitive cleaning and maintenance products. (BDR 34-742)

**Carol M. Stonefield, Committee Policy Analyst:**

[Spoke from her work session document [Exhibit H.](#)]

ASSEMBLYMAN BOBZIEN MOVED TO DO PASS  
SENATE BILL 185 (1st REPRINT).

ASSEMBLYMAN DENIS SECONDED THE MOTION.

**Chair Parnell:**

Is there any discussion?

**Assemblyman Hardy:**

I have a problem with this bill. Some people could have bad reactions to environmentally-sensitive cleaning products. This could be one of those bills that has unintended consequences.

**Chair Parnell:**

Did you receive any information on studies about effects of clean-green products versus generic products?

**Assemblyman Hardy:**

No.

**Chair Parnell:**

I would like to ask Mr. Mangino if the district is currently trying to do this and whether or not you have any issues with it? I know the waiver takes away any concern about the expenditure.

**Bart Mangino, Legislative Representative, Community and Government Relations, Clark County School District, Las Vegas, Nevada:**

I believe since 1994, Clark County School District has been involved with environmentally-sensitive cleaning products. As far as effectiveness, the products we currently use on the portion packs have been deemed to be effective. As far as floor cleanings, there have been some concerns. For example, a few years ago, a school attempted to use a water-based sealing product for gymnasium floors that did not stand up to the wear-and-tear. Also, the water-based sealant was more expensive than the one we were using before.

**Chair Parnell:**

I think the language in the bill allows for an exception in a situation like that. Are you comfortable with the way it is written so you could adapt to that?

**Bart Mangino:**

Our understanding, through the Department of Education and our contacts with the bill sponsor, is that there is a waiver that is involved. We are okay with S.B. 185 (R1).

**Chair Parnell:**

I just confirmed the waiver is for either cost or effectiveness.

**Assemblywoman Mastroluca:**

I know that when the Clark County School District is going to use pesticides, they send a note home to let the parents know. Would it be feasible to have a list available in the school office of the different kinds of chemicals that are used in the schools so that parents who do have children who are sensitive to cleaning products are able to have access to that?

**Chair Parnell:**

That could require a fiscal note.

**Assemblywoman Mastroluca:**

I will argue against the fiscal note because I know that by regulations you are required to have a list of chemicals for your employees anyway. So you would just be putting a copy of that in the schools.

**Joyce Haldemen, Associate Superintendent, Community and Government Relations, Clark County School District, Las Vegas, Nevada:**

My only concern is whether there are OSHA agreements that I am not aware of. We have worked with the sponsor of the bill to make the bill something that is palatable, and we believe it is a good step in the right direction. Mr. Mangino indicated that we have been using environmentally-sensitive products for five years without serious problems. There are so many things going on in the schools right now, and I know they all seem simple, but they are adding up.

**Assemblyman Bobzien:**

I am more comfortable knowing that, as a future parent of a school-aged child, I will be able to get that list based on the OSHA requirement.

**Chair Parnell:**

It will probably be there by next biennium.

THE MOTION PASSED. (ASSEMBLYMEN HARDY, MCARTHUR, AND STEWART VOTED NO. ASSEMBLYMEN MASTROLUCA AND STEWART RESERVED THE RIGHT TO CHANGE THEIR VOTES ON THE FLOOR.)

Assemblyman Bobzien will take it to the floor.

**Carol M. Stonefield, Committee Policy Analyst:**

That concludes the bills that were prepared for the work session document.

**Chair Parnell:**

The only other bill we have not acted on is Senator Washington's Senate Bill 385 (2nd Reprint).

[Senate Bill 385 \(2nd Reprint\)](#): Revises provisions governing charter schools. (BDR 34-279)

Regarding S.B. 385 (R2) we have some options about what we can do. We passed A.B. 489 (R1), which was a very similar charter school bill, which was sent to the Assembly Committee on Ways and Means. Senate Bill 385 (2nd Reprint) still shows a fiscal note on the cover, and I believe that regardless of what we do in this Committee it will join the other charter

school bills in the Ways and Means K-12 Education Subcommittee. I will accept a motion.

ASSEMBLYMAN HARDY MOVED TO REREFER  
SENATE BILL 385 (2nd REPRINT) TO THE ASSEMBLY COMMITTEE  
ON WAYS AND MEANS WITHOUT RECOMMENDATION.

ASSEMBLYMAN DENIS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

The first bill we heard today was Senator Cegavske's  
Senate Bill 298 (1st Reprint). There were no amendments offered.

**Senate Bill 298 (1st Reprint): Authorizes the Board of Regents of the University of Nevada to plan for and establish programs for the study of energy efficiency and renewable energy resources within the Nevada System of Higher Education. (BDR 34-1075)**

ASSEMBLYMAN BOBZIEN MOVED TO DO PASS  
SENATE BILL 298 (1st REPRINT).

ASSEMBLYMAN HARDY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

As the joint sponsor, Assemblywoman Dondero Loop may take the floor assignment.

Another bill we heard today was Senate Bill 378 (1st Reprint), brought to us on behalf of the Department of Education.

**Senate Bill 378 (1st Reprint): Establishes provisions relating to certain early childhood education programs. (BDR 34-1134)**

ASSEMBLYMAN DENIS MOVED TO DO PASS  
SENATE BILL 378 (1st REPRINT).

ASSEMBLYWOMAN MASTROLUCA SECONDED THE MOTION.

Is there any discussion?



**Assemblyman Hardy:**

Were the people that were emailing me on task when they were talking about how this bill establishes mandatory early childhood education or that it requires the Department to establish a plan to do so?

**Chair Parnell:**

We made some comments about that earlier, and Ms. Dopf and Ms. McCabe both discussed that. It is for a plan, and it also references our ranking with the *Quality Counts Report*. One of the things missing was our "school readiness" definition. If you look on page 3, this is the bill that contains that. It does not mandate anyone to send their children to preschool or prekindergarten.

**Assemblyman Hardy:**

How do we determine school readiness without having a child enrolled in some type of preeducation program?

**Gloria P. Dopf, Deputy Superintendent, Instructional, Research and Evaluative Services, Department of Education :**

The use of prereadiness is for the components of the program and to define a plan for prereadiness. It is not a standard that attaches to an individual child as a condition of going into a kindergarten program, but it sets up the program so that it creates a stairstep of the skills and standards attached to the program delivery for those children whose parents opt to place them in the readiness program. It is not an attempt to define a child's level through any kind of a formalized assessment or standard process.

**Assemblyman Hardy**

According to subsection 8 of section 1 of the bill, "As used in the section, 'school readiness' means the ability of a child to enter kindergarten with an appropriate level of skills, knowledge and maturity to successfully participate in kindergarten." That is how I read the bill.

**Chair Parnell:**

Many schools already use a prekindergarten test. In Carson City, we have pre-K programs for students who are not quite at the level of going into the traditional kindergarten class, so they get some extra work and tutoring to prepare for kindergarten. I imagine we would use a best practice scenario, looking at how other states have adopted the school readiness. This is similar to the relationship between the Department of Education and the Nevada System of Higher Education to create our college readiness language. Is there further discussion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMEN HARDY, MCARTHUR,  
STEWART, AND WOODBURY VOTED NO.)

Assemblyman Kihuen will take the floor assignment.

Is there any public comment?

We are still waiting for an amendment on Senate Bill 389. We will have a meeting behind the bar on the floor since it does not require an official meeting. We will be adjourning with the understanding that the Committee can meet again upon the request of the Chair to conduct further business.

[Meeting adjourned at 5:58 p.m.]

RESPECTFULLY SUBMITTED:

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Scarlett Smith  
Committee Secretary

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Cheryl Williams  
Editing Secretary

APPROVED BY:

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Assemblywoman Bonnie Parnell, Chair

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

**EXHIBITS**

**Committee Name:** Committee on Education

**Date:** May 6, 2009

**Time of Meeting:** 3:51 p.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
S.B. 378 (R1)	C	Frankie McCabe	Nevada Early Childhood Education (ECE) Program
S.B. 62 (R1)	D	Carol M. Stonefield	Work Session Document <u>Senate Bill 62 (R1)</u>
S.B. 77	E	Carol M. Stonefield	Work Session Document <u>Senate Bill 77</u>
S.B. 163	F	Carol M. Stonefield	Work Session Document <u>Senate Bill 163</u>
S.B. 163	G	Chair Parnell	Proposed Amendment 4713 to Senate Bill No. 163
S.B. 185 (R1)	H	Carol M. Stonefield	Work Session Document <u>Senate Bill 185 (R1)</u>