

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

**Seventy-Fifth Session
March 11, 2009**

The Committee on Education was called to order by Chair Bonnie Parnell at 3:51 p.m. on Wednesday, March 11, 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:

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:

Assemblyman John Hambrick, Clark County Assembly District No. 2

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Nicole Rourke, Director of Intergovernmental Relations, Government Affairs, Clark County School District, Las Vegas, Nevada
Anne Loring, representing Washoe County School District, Reno, Nevada
Danny Coyle, representing Nevada State Elks Association, Carson City, Nevada
Jim Smolenski, representing Nevada State Elks Association, Carson City, Nevada
Jennifer Stoll-Hadayia, Public Health Program Manager, Washoe County Health District, Reno, Nevada
Mark Coleman, representing Clark County Association of School Administrators and Professional-technical Employees, Las Vegas, Nevada
Karen Gray, Private Citizen, Henderson, Nevada
Kevinn Donovan, Private Citizen, Henderson, Nevada
Carolyn Edwards, Legislative Chairwoman, Nevada Association of School Boards; Trustee Clark County School District, Las Vegas, Nevada
Sheila Moulton, Trustee, Clark County School District, Las Vegas, Nevada
Dotty Merrill, representing Nevada Association of School Boards, Reno, Nevada

Chair Parnell:

[Roll called.] I will open the hearing on Assembly Bill 145, presented by our colleague Assemblyman Hambrick.

Assembly Bill 145: Requires school districts to grant the use of certain athletic fields to nonprofit organizations which provide programs for youth sports.
(BDR 34-815)

Assemblyman John Hambrick, Clark County Assembly District No. 2:

By way of background, I would like to give you the genesis of this bill. I am the past president of the summer Little League, and I was involved in Little League Baseball for 32 years. When my wife and I retired to the Summerlin area, I became involved with the summer Little League. As president of the League,

I had to go out and try to recruit practice and playing fields. A new elementary school opened up in our area, and I approached the principal about using it. He very politely informed me that those were his fields and he was not going to allow anyone to use those fields. I learned many years ago that you do not argue with a principal, as a student or a parent. I stand before you today trying to rectify that opinion as best I can. I believe that when the school closes, those fields are no longer the principal's fields, those are fields that belong to the community.

My intent in writing this concise bill was to allow access for youth community sports organizations, whether it is Little League Baseball, Amateur Softball Association (ASA), soccer organizations, or football. I had hoped to limit that to the outside athletic fields because I fully understood that the minute you opened the door of a school, liability questions came into play, and I tried to avoid that. I went through and had discussions with all the members of the youth sports organizations, and we tried to come up with some ideas. Hopefully you can get the intent of this bill as it is only to allow access and not scheduling and would not meddle with any requirements of the school districts, such as insurance and waivers of liability; all those things must still be intact and are listed in the bill.

I have had discussions with both the Clark County and Washoe County School Districts. I understand that there may be amendments coming forward, and I am in full agreement with those being offered. They clarify and rectify some of the things that my writing missed. I hope that the Committee will look at this bill and understand that I do not want to supplant the authority of a principal or the school district. My aim is solely to allow access to these fields. Once access has been allowed, the scheduling will be left up to others. I will be more than happy to answer any questions.

Chair Parnell:

Last year, Marilyn Kirkpatrick had a similar piece of legislation. Are you familiar with that?

Assemblyman Hambrick:

I am not, Madam Chair.

Chair Parnell:

We might have somebody look into how this changes her bill since it was the same topic. Maybe somebody from Clark County School District can help us out with that. I just want clarification.

Assemblywoman Mastroluca:

Have you talked to the school districts regarding whether or not they already have a policy of allowing use of fields?

Assemblyman Hambrick:

I have spoken with both Clark County and Washoe County School Districts, and they have different policies. I understand Washoe County has a joint service agreement with different clubs and youth sports, and I am sure they will address that issue. Clark County, subsequent to the incident I spoke about earlier, has something available but there is no guarantee of access. The representative of the school district and I had a discussion, and I would like to see it codified that the access is guaranteed, barring any scheduling conflict.

Assemblywoman Mastroluca:

The other question I have is regarding liability. Any group that is using the fields would have to put up a bond or have insurance, and depending on the size and organization of the nonprofit, they may or may not have insurance. That could become very onerous on the part of the nonprofit, to continually have to purchase insurance in order to have this.

Assemblyman Hambrick:

Most organized sports organizations, whether Little League Baseball or ASA, already have liability insurance in place and have to provide to the school districts certification on those liability questions. We also sign documents with the school districts to waive their responsibility.

Assemblywoman Mastroluca:

I understand, but you are opening this up to all nonprofit sports. That could mean a mom and pop tennis team that wants to use the tennis courts, putting them in the position of having to come up with liability insurance for every single match. I am trying to look at the big picture, since I understand and respect your intent, but it is also a matter of deciding how far we want this to go. We have to decide if this is something we can do between the school districts, a mutual agreement.

Assemblyman Hambrick:

The bill does mention liability, stating that all requirements have to be met. I believe there is a sliding scale depending on the size of the group and its location. It is not the intent of this bill to bypass those fees, since there is a liability question, and I agree it must be met.

Assemblyman Munford:

Are you speaking also of using the interior of the schools such as the gyms and the auditoriums? You did not specifically mention gyms. Are indoor facilities also included in A.B. 145?

Assemblyman Hambrick:

My intent was the athletic fields only; I wanted to stop at the doors. I believe there might be an amendment regarding that, but my intent in this bill was to include athletic fields only, and this bill is not intended to go inside the school.

Assemblyman Munford:

I just wanted to know if the interior of the school was included, thank you.

Assemblywoman Dondero Loop:

Under section 4, the existing language says, "lighting, heating, janitorial services, and the services of the person referred to...when needed, and other necessary expenses," referring to fields. As a teacher, when going to school on Monday after a weekend of other kids and dogs using the field, it is pretty interesting. So as someone who has had the experience of cleaning up someone else's mess, I am just wondering what provisions are being put into place so the school districts are not paying for extra janitorial services. Is that provided for?

Assemblyman Hambrick:

I left that out of the bill intentionally. Speaking from personal experience, if we did not live up to the cleanup policy, then those fields would no longer be available to us. I cannot speak for individual groups, but most organized youth sports teams have responsible people assigned specifically for cleanup. Perhaps there will always be some empty water bottle, but each of these organized sports groups normally have someone to police these groups, and if they fail that, chances are the use of those fields will be curtailed very quickly.

Assemblywoman Dondero Loop:

Well, I have been there when they failed.

Assemblyman Denis:

Earlier, the Chair mentioned Assemblywoman Kirkpatrick's bill having to do with allowing Girl Scouts and Boy Scouts to use the building. Under existing *Nevada Revised Statute* (NRS) 393.071, school districts are authorized to grant the use of the buildings or grounds. I know in Las Vegas, the city and the school districts had an agreement to maintain those. When school ended for the year they became a park, since the city has the responsibility for mowing

the lawns. Maybe the location you are talking about is not in that agreement with the city or county. Are you familiar with the agreement I am referring to?

Assemblyman Hambrick:

I am very familiar with that; my residence is in the City of Las Vegas. During the school year, before schools are adjourned for summer vacation, most of the youth organizations would need practice time on the fields. Normally, that does not fall within the agreement since it only allows usage of the fields on weekends or during summer. They are very regionalized in certain areas, and at one point the principal, at his discretion, could determine who would or who would not be allowed to use those fields.

Assemblyman Denis:

If we have a change, then the Clark County representatives can come up later to clarify. My understanding was that as soon as school was out, those fields could be used for the general public. I do not think all schools are that way, since some are locked up at night.

Assemblywoman Mastroluca:

Section 1, subsection 1, says "shall." Earlier, you stated that if you were using the fields and did not clean up, you could be refused use if you did not hold up your part of the bargain. By having the words "shall" and "grant the use without charge," a principal would not be able to refuse and would not be able to charge you for the cost of cleaning up that field or maintaining that field. Would you be willing to be flexible on the "shall"?

Assemblyman Hambrick:

I think that may be addressed by the people testifying after me. The intent was more to guarantee some type of access and to avoid a personality situation.

Chair Parnell:

Are there any further questions? We are going to have at least two amendments. After we hear the proposed amendments it may get us more on track.

**Nicole Rourke, Director of Intergovernmental Relations, Government Affairs,
Clark County School District, Las Vegas, Nevada:**

As has been mentioned, there was a bill last session from Marilyn Kirkpatrick. You may remember the process we went through to address her concerns. We have made a lot of progress in our current district policy that addresses those concerns. Should you choose to process this bill, we ask that you consider the amendment we filed for A.B. 145, which is the result of discussions with Assemblyman Hambrick, the Washoe County School District, and the City of

Las Vegas. The purpose of this amendment is to allow school districts to charge for field use in order to fund maintenance costs associated with extended use ([Exhibit C](#)).

Currently, Clark County School District (CCSD) policy establishes a reduced rate for nonprofit organizations, compared to the rate paid by for-profit organizations. Fields must be maintained to ensure the safety of students and participants; failure to do so makes injuries more likely and therefore leads to greater liability exposure. Given the current budget conditions, the District cannot afford to repair the site wear and tear that results from additional use by outside organizations. The District also requests that a user not only have adequate insurance to insure itself for its own liability but also agrees to defend and indemnify the District for the injuries that occur on district premises. Otherwise, the District has greater exposure to liability claims, without the necessary funds to counteract that exposure. Additionally, we have requested a change that allows us to honor the joint-use agreements we have with various municipalities in southern Nevada, and The Washoe County School District would have the same in northern Nevada. These agreements have been in place for decades, and we share facilities in order to maximize the benefit to members of our communities. I will be happy to answer any questions that you have.

Assemblyman Denis:

How would that work with the agreements that you currently have? You do have agreements with the City of Las Vegas, for example; is that still correct?

Nicole Rourke:

That is correct.

Assemblyman Denis:

Do they come in and mow the lawns under those agreements?

Nicole Rourke:

We have agreements with the City of Las Vegas, City of Henderson, Clark County, Mesquite, Boulder City, and the City of North Las Vegas; in various locations there are joint-use agreements to which you are referring. We actually consider a school field location to be a park during nonschool hours, but not all schools are considered parks. We have specific memorandums of understanding in place for those park sites. Other than that, we have an open policy for leagues and various sports organizations to use them and to schedule those on an ongoing basis with any school.

Assemblyman Denis:

If a league wants to go in, and an agreement is in place, who do they talk to? Are they talking to the city or are they talking to the school district? Assemblyman Hambrick mentioned that at the school he went to, he talked to the principal and the principal said that he could not. If one of those agreements was in place, would it then not be up to the principal?

Nicole Rourke:

The city sponsors its own organizations, so either they are city-run teams or they contract with others who provide sports that they cannot provide otherwise with their own staff. Those are all scheduled with municipalities. Other nonprofits outside of that, such as Little League, do contract with the district separately under our facility-use policy. They do require permission from the principal. However, our policy in place does encourage principals and lays out the guidelines for that use.

Assemblyman Denis:

So not all schools have that agreement? At the school, six houses down from mine, there is an agreement with the city, and the city does the mowing and provides other maintenance needs. The city does not do any programs that I know of. Some people practice there, but I do not see anything officially from the City of Las Vegas. I think they just opened it up so people could use it.

Nicole Rourke:

There are different levels of that use. There are some memorandums of understanding (MOU) in place for the park situation we are talking about. In general, we have an Open Schools Open Doors Agreement with all the municipalities where the city or county can request use of any of our facilities.

Assemblyman Denis:

If that agreement is in place, the city is not doing anything there, and a baseball league wants to use the field, who do they need to negotiate with?

Nicole Rourke:

They are initially negotiating with the school.

Assemblyman Denis:

Even though you have an agreement with the city?

Nicole Rourke:

They are not city-sponsored.

Assemblyman Denis:

You have a school that has an agreement with the City of Las Vegas. They come in to mow the lawns, and the city does not have anything else going on other than you have an agreement with them. Now, a baseball team wants to come in and use it. After school, maintenance is being done by the city, so who should they negotiate with? Are they to go to the city and say that they want to use the school property and you have an agreement with the school district to use the field? Or are they to go to the school with this request?

Nicole Rourke:

The key difference is the sponsorship. If they are sponsored by the city or the county and we have an Open Schools Open Doors Agreement, then they have the first right of use, and permission still goes through the principal for scheduling. They do a common schedule at the beginning of the year for all their sponsored teams.

Assemblyman Denis:

The city does?

Nicole Rourke:

There is a master schedule for the city and the county which is posted so all schools know they get first right of use. Everything outside of that, non-municipality-sponsored groups, nonprofits or for-profits, can go to the school principal, fill out a form that we have for facility use, and go that way.

Assemblyman Denis:

If the city has something planned, then that is all their internal stuff; anybody else would go through the school?

Nicole Rourke:

That is correct.

Assemblyman Denis:

Thank you.

Chair Parnell:

Are there any more questions? Why can Little League or soccer not have a very similar MOU with the school district and/or the individual schools?

Nicole Rourke:

Essentially, through the facility-use process, that is what happens. It is not technically an MOU, but they make application to the District for use of a site,

they turn it into the principal, and the schools check their calendar and then either grant use or do not. It is dependent on the calendar.

Chair Parnell:

It seems like this has a really easy answer. The fact that everyone is being treated differently causes some concern. Having been a Little League mom, I can see why it is a little disturbing not to have a secure place to practice. I cannot conceive why the use of school fields is not accessible across the state. If they know that a Little League or soccer team will be using the field from 3:00-5:00 p.m. on Thursdays, it does not seem like it should be that hard to get that organized anywhere across the state. Maybe we can end up with finding a way to do that. If the city organizations have that ability, it seems to me youth sports should have the same ability.

Assemblywoman Dondero Loop:

I think, for the most part, that it is happening. I do not think it is as discombobulated as it sounds right now.

Nicole Rourke:

That is correct. We just give first right of use to public entities because of our Open Schools Open Doors Agreement and because they are public entities and public facilities. We are trying to maximize benefits to community members. The next right of use goes on a first-come, first-served basis. Certainly we only have so many fields and only certain access. There are obviously certain types of facilities that are in higher demand than others. We handle anything outside of the Open Schools Open Doors Agreement with municipalities on a first-come, first-served basis.

Assemblywoman Dondero Loop:

It may be that we are talking about the same things, but they are very different in different communities. In Las Vegas, we do have schools that back up against parks, and that may not be standard in Carson City. Maybe that is the confusion, since I have raised children playing on fields as well. Maybe we are not that far apart; maybe it just sounds that way because we are talking about different communities.

Chair Parnell:

Are there any questions or comments?

Nicole Rourke:

I am not that familiar with Carson City, but perhaps she is correct. In Las Vegas, we do have a number of facilities that back up to parks, and the

agreement actually goes both ways; schools are able to use the park during school hours for recreation such as physical education and things of that nature.

Chair Parnell:

It may help if Ms. Loring presented her amendment on behalf of the Washoe County School District, since that would be from the other side of the state. Let us see if we can find common ground.

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

First of all, we concur with the amendments from Clark County School District, but the amendment that we have before you covers a different arrangement which speaks to the comment that there are different issues around the state ([Exhibit D](#)). Washoe County School District has joint-use agreements with the county and the two cities. They used to be very similar to what Ms. Rourke was talking about for Clark County School District; they were intended to provide access to the city and county recreation programs in exchange for assistance with maintaining the fields. About 12 or 15 years ago, those joint-use agreements were expanded, and now our joint-use agreements, with the cities and the county, are a win-win-win in terms of results. The cities or the county recreational departments schedule our fields that are covered by the agreements. They schedule them not only for their own recreational programs but for the nonprofit sports leagues in the community. It is a benefit for the nonprofit sports leagues since they do not have to go around to all the schools trying to find one that is available. They can just go to the city or the county which handles the scheduling and helps to maintain the fields.

Therefore, it is a win for the city and county since they have expanded fields, and it is a win for the school district since we get to have our fields used by the community and our principals are not put into a scheduling mode. Our recommendation, because the agreements cover all the nonprofits as well as the city and county, is to address the issue by exempting a district under that situation, because I think it is covering what you want to do.

Chair Parnell:

Thank you. Your amendment says what I was trying to say. I understand, because you have the Open Schools Open Doors Agreement, but for most communities you want to have a similar agreement so that everyone, depending on the situation, may have access. Yours seems to clarify that.

Anne Loring:

We are trying to provide an amendment to acknowledge that, in the situation where an agreement exists, it would be in lieu of what the Assemblyman is proposing in section 1 of A.B. 145. We are not trying to say that everyone has

to do a joint-use agreement, as it took us quite a while to evolve to that kind of agreement. Prior to that, we had a successful program like Clark County where the city and county recreational programs had precedence, and we had a facility-use agreement that any nonprofit could enter into, but they had to wait behind the city and county recreational activities. The agreement we ended up developing over the years was a little more effective for our community. I do not know that it would work in other communities.

Chair Parnell:

It looks like the one thing we need is uniformity. We need uniformity in how these operate. One of the concerns is uniformity with how a particular principal is going to respond to that request. I would like to see those issues resolved to where there was a policy that if A, B, and C are available, the principals would say, yes, this is available on Thursdays from 3:00-5:00 p.m. If there is a request, there should be a uniform way to deal with the city leagues, the nonprofits, and all the different groups. Is that where you would like to go, Assemblyman Hambrick?

Assemblyman Hambrick:

You phrased that well; yes that is where I would like this to go.

Assemblyman Bobzien:

The Washoe County School District amendment almost sets up a situation where you have an incentive for the school district to sit down and come up with some sort of arrangement, because otherwise it is a much more unstructured environment and relationship. I believe it is a good way to go.

Assemblywoman Mastroluca:

I noticed in the Washoe County School District amendment you did not remove the "without charge," but Clark County's amendment did. Are you okay doing it without charge?

Anne Loring:

The reason we did not take out "without charge" is because we had already spoken with Assemblyman Hambrick who indicated that he had already spoken with Clark County School District who was going to do that. I realized that I should have taken out "without charge" in ours also. We were assuming the "without charge" would already be addressed. That is a critical issue, and all of our facilities are available to groups with a charge. The fields take quite a beating with from 600 to 800 children. And when you expand it to the community you get more use, so there has to be some way to help deal with their maintenance. We concur on removing the "without charge."

Chair Parnell:

We have an additional amendment brought forth by the Nevada State Elks Association.

Danny Coyle, representing Nevada State Elks Association, Carson City, Nevada:

We have a proposed amendment to A.B. 145 ([Exhibit E](#)) to (1) include gymnasium facilities in which basketball courts are situated, and (2) provide that any rental fees for the use of said facilities be based upon the actual costs of operation during the use thereof.

[Spoke from written testimony ([Exhibit E](#)).]

I have learned that we do not know of any other school district that charges for the use of their facilities, except the Clark County Unified School District. Assemblyman Carpenter signed on as a sponsor, so we are not sure whether Elko County does, and Jim Smolenski has indicated to me that he heard Douglas County may be looking towards this. Mr. Smolenski and I will be happy to answer any questions you may have.

Chair Parnell:

Thank you.

Jim Smolenski, representing Nevada State Elks Association, Carson City, Nevada:

The Elks lodges in southern Nevada are being charged an average of \$355 per event. The event typically will last no longer than two hours. I can go from my experience here in Carson City. We usually get there around 8:30 a.m., and registration is at 9:00 a.m., the shoot starts at 9:30 a.m., and we are usually out of the facilities at Carson Middle School by 10:30 a.m. There is no cleanup required since we have enough volunteers to put up the chairs and tables that we use. The bleachers are already set up in the gymnasium setting. Personally, I think \$355 is quite high to have someone open up the door when we do the setup, cleanup, and everything else of that nature. The Las Vegas Lodge will hold their local event, and there is no charge. Then, Las Vegas also hosts the regional tournament, which includes the winners from California, Arizona, Utah, and Nevada, and another fee is charged. As stated before, this is a program put on for the youth of our communities for which there is no charge. We take the time to solicit all the neighborhood schools, we put up flyers explaining what this is all about and what an opportunity it is. It is going to become cost prohibitive for us to continue doing this, especially as a nonprofit organization.

Chair Parnell:

Somebody mentioned to me that there is no charge, so no one is paying you to have that event through ticket sales or any other means?

Jim Smolenski:

No, there is no charge. Typically, every lodge, after the local, district, and state competitions, serves lunch to all the participants and their families with no charge to them in any way, shape, or form.

Chair Parnell:

As far as you know, out of the 17 school districts, only Clark County charges, is that correct?

Jim Smolenski:

That is correct.

Chair Parnell:

Are there any questions or comments?

Assemblywoman Dondero Loop:

Where is the food served?

Jim Smolenski:

Typically, it is held back at the lodge. There is no food service at the school facilities or anything of that nature. Most of the Elks lodges have kitchen facilities, and nine times out of ten it is hamburgers, hot dogs, chips, and soft drinks.

Assemblywoman Dondero Loop:

I was just curious whether they were served on the premises. Once again, I think one of the issues we have is the huge difference between the amount of children being served in Clark County versus Carson City and other smaller communities. Unfortunately, that happens in this state due to our population basis being so lopsided.

Chair Parnell:

Are there any further questions? In Clark County, when you have the events, do you regionalize them? Do you have different activities? You do not have all of the students eligible in Clark County go to one school do you?

Jim Smolenski:

No, each individual lodge sets up its own local Hoop Shoot. Las Vegas, North Las Vegas, Red Rock, Henderson, Green Valley, and Boulder City all have

separate lodges where they set up their own competitions, which have to be done prior to the districts. There are three districts: North, South, and Central. All of the local shoots have to be done prior to the districts, and that is done prior to the state tournament.

Chair Parnell:

Do all the districts in Clark County run into that charge? The charge is uniform?

Jim Smolenski:

At the district level, yes. There are six winners from each lodge that will go to the district, and the winners from the district then go to the state competition. For example, the North district is comprised of Reno, Sparks, Carson City, Minden, Douglas, and Gardnerville, while the South district comprises all the ones in southern Nevada, and the Central district comprises of Pahrump, Hawthorne, Ely, and Tonopah.

Chair Parnell:

Are there any further questions or comments? We now have three amendments to the bill. Anyone wishing to testify in support of A.B. 145 please come to the table and give your testimony.

Jennifer Stoll-Hadayia, Public Health Program Manager, Washoe County Health District, Reno, Nevada:

We are in support of A.B. 145. My role at the Health District is to oversee chronic disease prevention programs for the county, particularly for youth. Last fall, as a result of legislative action taken in the 2007 Session, height and weight data were collected on Washoe County school children for the first time for the purpose of calculating body mass index (BMI), which is our best measure for overweight and obesity. This data gave us some good news and some bad news for Washoe County. The good news is that the majority of our school children are at a healthy weight; the bad news, however, is that when school children are overweight or obese their rates are higher than the rest of the state, the rest of the nation, and even adults in our county. That gives the Health District some concern, and we are continually identifying effective strategies to reverse this trend.

One strategy that is garnering national attention right now is what is referred to as an open playgrounds policy, which A.B. 145 begins to do. With such a policy, school districts make their playgrounds, athletic fields, and other locations on their grounds available after school hours, for students to be engaged in organized sports or simply to be able to play. Schools are great locations because they are familiar, convenient, and safe. We know that when children are physically active on a regular basis it can help them maintain a

healthy weight, which in turn can help prevent lifelong health problems such as chronic disease. In order to increase opportunities for children to be physically active, we support A.B. 145 and efforts like it. I have also been empowered today to speak on behalf of the American Heart Association and they are also in support of this legislation for its similar impact on childhood obesity. I would be more than happy to answer any of your questions and thank you for your time.

Chair Parnell:

Thank you. Are there any questions or comments? Are there any other individuals wanting to testify in support of A.B. 145? Is there anyone wishing to speak in opposition?

Mark Coleman, representing Clark County Association of School Administrators and Professional-technical Employees, Las Vegas, Nevada:

I was not privy to the amendments discussed, but it does sound like maybe there will be resolution to this. We oppose the bill as it stands, but we may be able to support an agreement if one is reached. I want to answer a question that Chair Parnell asked earlier which was, why can we not come to a resolution? I retired from the Clark County School District as principal of one of the largest schools in the State of Nevada, Silverado High School; I worked as the principal at Indian Springs, which was the smallest school in the District. The challenge in finding a resolution is that the school districts have their agreements with the local entities like Henderson Parks and Recreation, you have your youth groups, and you simply have that group of people who show up on any given day with their group of kids to use the fields. The challenge is to ensure that you keep your fields in the type of condition suitable for children to be playing on. For example, you would never ask a teacher to have a student sit in their class with a three-legged chair since that child would fall over and get hurt. When you have fields that children are using on a pretty regular basis, like elementary school fields which are ground up on a regular basis on Saturdays and Sundays, you begin to get the turf, stones, rocks, and divots in the field, and pretty soon it is not considered a safe place to play. When students return to school on Monday and play on the field, it can be dangerous. Yet because you have so many entities, not all of which can be scheduled, it is a challenge to address those needs.

When our organization first read the bill, our concern was that the District was going to be saddled with having to pay for all the upkeep which did not seem fair. They would have to pay for the usage when they were not doing all the activities. That is the reason we could not support the bill. Now it looks like there could potentially be an amendment that would take care of our concern. When I was principal at Indian Springs, or in the rural areas, it is entirely different. As principal of a school in a rural community, we encouraged

everyone in the community to use the entire facility—the school, the gym and the fields—because that is what the schools in the smaller areas of Nevada survive on. They need to use those schools as the center of the activity. As principal of Silverado High School, although I do realize that this bill does not include high schools, if you allowed everyone to use the facilities at will without any guidelines or restrictions, you would not have the kind of facilities you want for safety purposes.

While it helps to have people pay as they go, part of the problem is that there still needs to be a time during the course of the year where you keep the fields from being used. I have fertilized every field at Green Valley, Silverado, and Indian Springs with my two boys when they were growing up. I have done the watering by myself since our landscapers were not able to do that, and we did not get the help we needed nor the funds we needed from the district to make those fields good for everybody. It takes a lot of time, and part of it is just keeping people off in order to bring those fields back so they are safe to be used.

Chair Parnell:

Thank you for your comments. Are there any questions? Is there anyone else to speak in opposition to A.B. 145? Is there anyone neutral on the bill? We certainly had all the amendments presented. Would Assemblyman Hambrick like to come up and give a closing comment? I would ask that you meet with the three individuals who presented the amendments and see if there is a way to find some common ground on this.

Assemblyman Hambrick:

Absolutely. I appreciate the Committee's time and efforts on this, and we will get back to you forthwith.

Chair Parnell:

I should have said common green ground. Thank you very much. I will close the hearing on A.B. 145 and open the hearing on Assembly Bill 211.

Assembly Bill 211: Makes various changes concerning the meetings of boards of trustees of school districts. (BDR 34-144)

Assemblyman Harvey J. Munford, Clark County Assembly District No. 6:

I am here to introduce Assembly Bill 211 to the Committee. This legislation addresses the unfortunate behavior of some trustees of school boards and behavior that violates the intent of representative democracy and the fundamental responsibility of elected officials. Existing law, *Nevada Revised Statutes* (NRS) 386.350, gives school boards such reasonable and necessary

powers requisite to attain the ends for which the public schools are established and to promote the welfare of school children. To temper this substantial power, subsection 2 of NRS 386.365 provides that, in counties with a population of 100,000 or more, all persons interested in a proposed school board policy or regulation or change in that policy must be afforded a reasonable opportunity to submit data, views, or arguments either orally or in writing. The board of trustees shall consider all written and oral submissions respecting the proposals or changes before taking final action. I would like to explain the provisions of A.B. 211 and why I think the changes are necessary.

This bill provides that during a meeting of the school board of trustees, a person may ask the trustees to consider and take action on a matter, as long as it is within the jurisdiction of the board. The bill states that such a request could include an oral request made during the public comment period of the meeting. Assembly Bill 211 would require the board of trustees to carry out each of these requests for action. If the board declined to carry out a request for action within 60 days of the submission, the board would be required to take the following steps: issue a written explanation during a public board meeting stating why it declined to take the requested action and provide the requestor a written notice containing (1) the reasons the board declined to take the requested action, and (2) the contact information of the school, district employee, or office qualified to assist a requestor.

Furthermore, I want to address the question of why this bill is so important. School boards are powerful because they need to be. The trustees are responsible for establishing a framework and a climate within which all children in the district can get a quality education. As elected officials, the trustees are not just tasked with representing the most successful schools or the strongest defenders of the status quo or those best versed in navigating the system. As elected officials, trustees also owe the public the respect they deserve. This is also essential to good government.

I regret to say I have been disappointed by some of the behavior I have witnessed during my visits with the Clark County School District Board. For example, I have seen trustees seem impassive or stoic, or ignore people who have taken the time to voice their views. Often the people are describing inequities, voicing frustrations, and making suggestions. In my experience, the pleas of citizens tend to become shouts and anger when their statements go unanswered. This is no way for elected officials to treat the public. This is no way to benefit from feedback on how board policies are working in all of our communities. This is no way to meet the needs of our children.

I recognize that school boards have a lot of work to do, and I do not think trustees should be expected to interrupt their meetings to debate with members of the public.

I also do not think boards should rubber-stamp every suggestion. This is why A.B. 211 would allow boards a generous time limit of 60 days or less for a response and would also offer boards alternatives to take action on requests immediately. In conclusion, the school boards are responsible for setting the vision and goals for school districts and holding the district accountable for results. The school board meeting is a place for the public to interact with public education. Research on school district governments has found that the processes by which school boards engage the community and make decisions are as important as the decisions they make. Assembly Bill 211 would improve these processes. It would ensure that boards are responsive; it would make clear that, at a minimum, trustees owe respect to people who come forward with criticisms or ideas. These people deserve to be heard and to receive a response and respect. Thank you for your time and attention. I encourage you to support this important bill, and I will be happy to answer any questions.

Chair Parnell:

Are there any questions for Mr. Munford? Has anyone come to you with any amendments?

Assemblyman Munford:

Some people have come and spoken with me about the bill.

Chair Parnell:

But nobody has presented an amendment to you?

Assemblyman Munford:

No, there has not been a written amendment. There has been some verbal discussion.

Chair Parnell:

Assembly Bill 211 says that if a member of the public asks a question of the board or board member, they need to come back with information. Last night during a school board meeting, there would be a specific question asked of the board or the superintendent as to cost savings, as an example, and what your bill would do is make sure that question was answered in a timely fashion?

Assemblyman Munford:

Yes. But most of the questions posed last night were more opinions and just expressing how they felt. I do not think they were necessarily asking for change.

Chair Parnell:

I am asking whether your bill pertains to a specific question asked of the board or board member.

Assemblyman Munford:

Yes, in my observation of sitting in on some of the school board meetings, I saw the public being treated unacceptably by an elected official. I thought that was disturbing. I felt that some people expressed concern, and they were not being addressed appropriately. I understand that public comment can be difficult under time constraints, but I believe they should still be given consideration.

Assemblyman Hardy:

One of the things we struggle with in local government is this concept of public comment. We do not get exposed to it in the same way as the city council would. A very difficult thing to do is to not engage a person in conversation in public comment. If I were a city councilman and someone came in with either a good or not-so-good idea and questioned me, and I engaged the person in verbal debate and then had a discussion with my fellow councilmen, I would then be in violation of the open meeting law. It is a very difficult position to be in but does not excuse the public official from having respect for the person who is doing it.

As to your observation about the Carson City School Board, if you are going to respond to someone you need to have their name and address, otherwise you would not be able to respond. To clean this up, even if the question is oral, it needs to be followed up in writing so the person who is going to respond knows who to respond to and where to respond. Otherwise there is no mechanism to respond. Those are my observations.

Assemblyman Munford:

Sometimes in public comment, when the person asking the question does not get the reaction or satisfactory answer they want, the members of the particular board sit up there very stoically. If they want feedback from the general public, their next step should be to have a town hall meeting to face issues and go toe-to-toe. A town hall meeting is the next step to being straightforward and direct. In my experience, sometimes the representatives of certain districts will conduct a town hall meeting to get direct input from their constituents. Sometimes, that is what it takes.

Assemblyman Hardy:

Besides the town hall meeting, you can put the issue on the agenda for actual discussion and/or action at a future meeting.

Chair Parnell:

Those who are in support of A.B. 211 are now able to testify.

Karen Gray, Private Citizen, Henderson, Nevada:

I am in support of A.B. 211. I would like to preface this bill by acknowledging there is a trend among Nevada school boards towards a hands-off governing style. That trend is not only in Clark County but throughout the state. Carson City School District is starting to face some of the same issues we have in Clark County regarding the distancing of the public, the school board, and the school district officials.

Chair Parnell:

I think that is a very general statement that you just made, particularly about Carson City School District. At their last few meetings they have had over 100 people at each meeting, and it has been very open and more of a town-hall-style meeting. If you are familiar with Clark County, I would like you to just address the situation there.

Karen Gray:

I support this bill 100 percent. The bill has a great balance of allowing school boards to keep their authority and to keep the ability to decide what is going to be on their agenda, while at the same time giving the public the ability to be part of the process. I did find, as the testimony was going on, that there seems to be an important issue on how the open meeting law plays into this bill. I do not necessarily think that if a member of the public expresses their desire for something to be acted upon that evening, it is compulsory for the board to immediately act upon it. I think the 60 days the board is allowed to hear the item and discuss it would be appropriate because then you would have public notice. Having that issue raised today, I would like to make the note that the bill may need to be clarified in order to be sure that there is sufficient public notice. I do not think actions should be taken without public notice in any circumstance.

We do have issues in Clark County with attitudes, and the school board should be responsive to the public. The government policy training in 2006 was that the board was to stop responding to the public. If you look at the first handout ([Exhibit F](#)) regarding board meetings, on the front page at the second paragraph, the last sentence says, "Policies may be proposed by any Board member, lay groups and organizations, or by any citizen of a district." That is how the

school board has run its meetings in the past. Having attended meetings in the past, I know that they were not swamped with a bunch of people demanding to put items on the agenda. There may have been a few proposals throughout the year, and whether they actually got on the agenda I do not know. I know I have asked, and it has happened. In 2006, after the training session, the Board went in and revised this policy. The first handout ([Exhibit F](#)) was from 2005. In 2006, the Board removed their ability and the public's ability to propose policy ([Exhibit G](#)). They did not even have the ability to do it. In 2007, there was an issue on the Board where they were reviewing movie ratings and what could be viewed. One of the trustees said that they would do this for now and if it did not work then the Board would bring it back. I pointed out to the Board that their policy prevented them from doing that; the Board cannot propose policy. As a result, in 2007 the Board revised this policy again ([Exhibit H](#)).

Chair Parnell:

I need you to speak just to A.B. 211 which is talking about when a member asks a question and if there should be a mandated time frame for when they get back to you? You are not relating to the bill before us, and we have to talk just to A.B. 211. Do you have anything in your comments pertaining directly to Mr. Munford's bill?

Karen Gray:

I apologize. My interpretation of the bill was that someone could come to the Board and ask to place an item on the agenda. I was trying to say it has been removed from policy; that it was not just whether you wanted an answer to a question. Maybe I am confused about what I am reading in the bill.

Chair Parnell:

Can you show me where that is in the bill? I am going to go to Mr. Munford for clarification. Are you asking about an agenda item? Is that your intent in section 1? I think we are all on different wavelengths.

Assemblyman Munford:

I was not exactly referring to agenda items. I was referring to if they had a grievance or complaint, I believe they should have the opportunity to speak or have questions answered.

Chair Parnell:

Assemblyman Bobzien will provide further clarification, and then we will come back to Karen Gray.

Assemblyman Bobzien:

I appreciate seeing the policy, but the policy from Clark County School District is only a small percentage of the intent that Mr. Munford has in this bill. Certainly if a citizen wants to make a request for a policy to be considered at a future meeting, it is important to see that there is a policy in place to make sure that the Clark County School District is properly agendaizing and following the open meeting law. I think what Mr. Munford is really getting at, in line 6, is including an oral request submitted during a period of the meeting. The heart of this is that someone has a question and they simply want an answer. To box that in with a fairly necessary but bureaucratic policy that deals specifically with agendas and what gets agendaized does not really get to the heart of the bill. I am frustrated since the bill is just trying to get some sort of process in place to make sure that a citizen's concern is taken care of. I understand sometimes those concerns are not well-founded, they may not be well-articulated, they may even be impossible to respond to, but I would like to see some attempt for the sponsor to come up with a system that can provide us with something that is a little more responsive.

Assemblyman Munford:

I can see that Karen Gray is addressing policy. Maybe they could make some reference to that, and then it could be a part of the agenda at a later date. I think she has every right to be able to speak about that, but maybe it is not appropriate at this point in time. I was primarily focusing on when a person in attendance comes up to make a public comment that it be addressed.

Chair Parnell:

I see you and I are on the same page. Ms. Gray, as you finish your testimony could you just focus on that area since we do have to just hear testimony that pertains specifically to the legislation before us.

Assemblyman Munford:

If Ms. Gray wants to make an amendment, could she do that if she wanted to?

Chair Parnell:

She could propose it, but we would have to see it in writing.

Assemblyman Munford:

That is what I was referring to.

Assemblyman Bobzien:

I think part of the confusion is the language "that a request be made" and the phrase "take action." I can see how that would seem to speak to the policy consideration and whether or not something is agendaized. We certainly would

not want to do anything that conflicts with the established protocols for the open meeting law. I hope there can be some more discussion on trying to find some sort of process that gives some confidence, on the part of the public, that when they take the time to go to a public meeting and they make a request, there is some attempt made to get back to them.

Assemblyman Denis:

Ms. Gray is your concern that you want to bring something up, and you want resolution? Would that require a policy change? Is that the reason you are sharing that with us?

Karen Gray:

The reason I shared the policy was to show how the Board has removed the public from being able to present items. For me, the open meeting law being what it is, when you go to the Board meeting and ask a simple question, the Board does not respond. As I read this bill, having the open meeting law in mind, what would happen is that when someone came to the Board, they would, in essence, be asking that an agenda item be placed on the agenda in order for the Board to give their response. It would seem to me that the open meeting law would prevent them from doing it at the moment. So now, in actuality, you would ask for an agenda item which the Board would respond to. Certainly, that would be good, however, because of the open meeting law the response or question by a person attending the meeting would have to be an agenda item.

Assemblyman Denis:

The way I see the bill is that if you have a concern about something, they just want to be able to have resolution and be able to get something back in answer to their question or comment. I know sometimes they never get back to those people. The intent of the bill is, if there is some concern, that they have some mechanism to be able to respond.

Karen Gray:

I think maybe I have overanalyzed what the bill could be. When asking for a response, it will not necessarily be an agenda item. If you ask the board something, they would have to respond to you within 60 days or give you an immediate response. I would support that. However, I still have a problem with the open meeting law. I think there has to be notice.

Chair Parnell:

That will have to be added into another bill at another time, since that is not part of this.

Kevinn Donovan, Private Citizen, Henderson, Nevada:

I am in shock and disbelief about what is transpiring here at this meeting, during the public input session. There are two-way conversations between the public and public officials that represent us. At Clark County School District, that never occurs at a public meeting. I am here today to support A.B. 211. I am an active parent who has children in the Clark County School District. Over the last two years, I have attempted to make an impact at Clark County School District with respect to zoning, building, construction, budgeting, and policy decisions. I spent a lot of my own personal time ensuring that my children receive the best education that our tax dollars contribute to the system. The result of my involvement has been very disappointing with respect to the Clark County School District. Questions are merely answered with more questions. Suggestions, even if they save money, are disregarded. I keep track of how many times I have asked each question to the Clark County School District. The Clark County School District does not care and puts staff over the voters and the taxpayers.

If you request something and keep track of your requests and compound them, you get an invoice from Clark County School District. I recently received a bill from Clark County School District for \$3,500 to answer such questions as: did the Board just approve a contract without reading it? Did the Board just approve change orders without reviewing the actual physical change order from the general contractor? In fact, at the last meeting, Trustee Moulton voiced and physically expressed her disgust at my request after I spoke at a meeting. Assemblyman Munford is right, and I commend him for presenting this bill. Clark County School District needs more transparency and needs more avenues for parents, such as myself, to become involved in our children's' education. Assembly Bill 211 is a great start at doing that. Clark County School District constantly sends letters home with my children to support Nevadans for Quality Education, but do not want you to question why you should support it. This bill allows citizens to question Clark County School District, and they will be required to address them and not just brush off citizens, as they do with me.

Chair Parnell:

Thank you. Is there anyone else in support of A.B. 211? We will now go to those in opposition.

Carolyn Edwards, Legislative Chairwoman, Nevada Association of School Boards; Trustee, Clark County School District, Las Vegas, Nevada:

I am here in opposition to A.B. 211 for the precedent that it sets, and the local control it removes, from local school districts. I originally also thought that this bill was intended to allow the public to bring any agenda item forward and ask for it to be put on our agenda. I do not know of any other governmental agency

that allows the public to be able to do that. My opposition would be to the precedent that it sets and the burden it puts on the school district. There are many avenues for the public to request items to be placed on the agenda, and those avenues are still currently available.

At the Clark County School District Board meetings, as public members bring issues forward during public comment, we direct staff to immediately try to address those questions to the extent that they are immediately addressable.

Chair Parnell:

Before we continue on this policy versus communication, we are going to assume that the intent is communication back. Ms. Roberts, our legal staff, cannot be here today, but I will have that clarified following the meeting. For most of us, that scope is beyond how we initially read it; if we talk about communication we may be closer to resolving the issue.

Sheila Moulton, Trustee, Clark County School District, Las Vegas, Nevada:

I am a School Board member in Clark County School District and have been for ten years. I came to address my concerns with A.B. 211 as it relates to requiring boards of trustees of school districts to carry out certain actions requested by the general public. I wanted to begin by sharing the process that the Clark County School Board currently uses to address public input and concerns, and how we work to keep our community involved in improving student achievement.

First, at each board meeting, we have staff and cabinet members who are available for anything that a member comes and speaks about, and they can immediately retire out of the room and discuss that with cabinet members. The open meeting law is such that the board members cannot often respond to items, and I appreciate your recognizing that.

Second, each board member works with regional leadership to have monthly parent-community input and informational meetings. Several board members have a separate board meeting that we conduct to hear concerns from the areas that we represent.

Third, the community linkage meetings are held three to four times a year to connect with varying groups to gain insight and input on policy changes. During the recent budget crisis, we have held two town hall meetings with parents, staff, students, and communities to get their ideas about how to cut the budget.

Fourth, two years ago, we began a call-in television program called *School Matters*, which is focused on topics that we hear from all corners of our county. They can call in and we can respond; we have staff to help us as well.

Fifth, for the last eight months we have been video streaming all of our regular board meetings. For the last meeting on February 26th, 132 people viewed the meeting in the comfort of their own home.

Sixth, we also allow speakers three minutes to address items on the agenda, which may not seem like much, but it is necessary to keep our meetings at a manageable length. At the conclusion of our meetings, we will listen to any unagendized item. We have to be very careful, because of the open meeting law, in addressing those concerns. At the request of any Board member, an additional two minutes may be given.

Beginning with our meeting tomorrow night, we are going to try a pilot program that would allow the Board to discuss an item and then for individuals to come and discuss how they feel about what the Board is reacting to and address as many items as they want ([Exhibit J](#)). This is a pilot process, and we will evaluate and see if this helps the public better engage with the Board during our regular meetings. We are trying to work with our policies and make some changes. Per our policy, any one Board member can make that request to put an item on the agenda. Several of our other local entities require two board members to make that request. Any one person can make a request, and one of your constituents who wants to have an item addressed can do so. The superintendent may also place an item on the agenda. This would allow a member of the public to approach and work with either a Board member or the superintendent. Many of the requests we have concern personnel matters, and we do not address those as we have to be very careful of personnel issues and they can be acted on in another fashion.

One of the things that I wanted to share with you was all of the steps to provide a variety of opportunities for public input and reply by the Board. In Clark County, we have well over 2 million constituents, 311,000 students and their parents, and over 38,000 staff members, and I am sure we can all agree that we are not going to please all of the people all of the time. We have had several people, some of which you have heard from today, who come very often to meetings. One gentleman has presented three pages of, not only the questions he stated there, but other things and requests that he has submitted to our staff. He is right; we did send him a bill. Interestingly enough, the comment that I responded to was that he felt that he should also be paid for the work he did. He submitted an invoice to us for almost \$11,000 for the work he had done. That elicited my response. We have had several people come who

are very satisfied with the Board, and we will continue to work with all members of our public. The Board and the superintendent try to assign a staff member to address these concerns at every meeting. If we receive correspondence, a staff member is delegated and the Board member is noticed of that correspondence. One of the concerns that we have with A.B. 211 is that it certainly could have the opportunity to absolutely hamstring our work.

In preparation for this, our lobbyist had asked our staff to go through and itemize all of the requests that we have had over the last year. I will share some of them with you briefly. We had one individual who asked that his volunteer application, which was recently denied, be looked at again. He was not acceptable as someone who would be working with children. We have also been questioned as to why we have to pay taxes for illegal immigrants to attend school in Clark County. Another request was that the legislators find a way to rectify the funding crisis in education. We said that we are certainly trying to communicate and work together with you in doing that. The Board has been asked to review the school name policy, which we readily did. We looked at that policy and made some changes. Maybe we did not make all of the changes that this person wanted, but we did make several improvements.

I want to summarize that I feel the School Board in Clark County is working hard. As a Board member, I have worked to be as accommodating as I can be to all public members and will continue to do so. I would hope that we would work together to satisfy the makers of this bill. The Clark County School District will work within current policies and procedures that I have shared with you today, to meet the expectations of our community. Thank you for your time and service to our state, and I would be glad to answer any questions.

Assemblyman Denis:

I want to understand the opportunities parents have to come and talk. As to the Board meetings, you mentioned that you have to specifically cater to the parents, when are these meetings held?

Sheila Moulton:

They are held at different times, some are held in the evening, and some are held during the day. I had one this morning that went from 9:15 a.m. to 11:00 a.m. with Dr. Ruffles. He did a brief presentation, and the rest of the time was a question and answer setup. They are held at varied times. Our town hall meetings were held in the evening, so we try to accommodate different opportunities for engagement.

Assemblyman Denis:

I think that is important. Many times, I have heard about these meetings which are being held during the day when most parents work. During the day, the only parents who can attend are the parents who do not work. I think addressing that issue is important. Do you feel that you could do better in responding to questions?

Sheila Moulton:

I certainly always feel there is room for improvement. The article ([Exhibit I](#)) describes the pilot program which is beginning tomorrow evening and is another step towards improvement. The public rarely makes demands that are so challenging and expensive that we do have the opportunity to ask them to pay a fee, as we did in this case. In the case that was presented today, we are mocked for doing that. I think it is important for our staff to focus on the things that are really accountable to our children. If individuals want these kinds of answers, perhaps they have to pay if they are that extensive.

Assemblyman Denis:

How do you track when somebody asks a question and whether you have responded to them or not? I get the feeling that sometimes people feel like they ask a question, but they never get a response back.

Sheila Moulton:

When a question is asked, the superintendent is often asked to work with that person, and the Board receives a follow-up. Individually, my goal is to respond to any question or concern that I have within 24 hours. Each individual Board member may have their own direction or standard, but many of them try very diligently to respond. Most of the time, the superintendent will respond in a Friday follow-up message answering the question or concern of a citizen. We do not often hear of a problem of not receiving a response. Often, they continue with the same questions, and we give the same response back, and they are not happy.

Assemblyman Denis:

I think the other side to this is sometimes people ask a question and there may be others in the room who have the same question. So, if the response is not voiced publicly somehow, they do not know whether it was ever answered. Some people just assume that it was not answered, when maybe it was answered to the individual who asked the question. Not everyone wants to come up and ask the same question that has already been asked.

Sheila Moulton

Your point is well taken.

Assemblywoman Dondero Loop:

How many hours do you typically work a week?

Sheila Moulton:

Personally, I work between 20-30 hours. During the years that I served as president my work week was easily over 40 hours. Right now we have been in reading week. I am also committed to other organizations, and I doubled the responsibilities that I have before the Board. This is easily a 60-hour week. I certainly appreciate this Committee, and others, who gave us a pay raise. I do receive \$750 a month, which I appreciate. I think other board members are right in that range as well.

Assemblywoman Dondero Loop:

I was just thinking about your bill, thank you.

Assemblywoman Mastroluca:

You mentioned how you tried to get back to people within 24 hours and you are not quite sure how others do it. I take it there is no written policy as to responding to requests made at Board meetings.

Sheila Moulton:

No, there is not a policy. We do have a policy of conduct, which we have developed ourselves and follow. For the most part, other Board members try diligently to respond as I do. So often the individuals do not care for the response that we offer them.

Assemblywoman Mastroluca:

I can appreciate that; I am used to people asking the same question in a different way to try to solicit a different response. I am wondering if it would help to have written policy to refer back to. I like the policy Washoe County has since they have a direct way of stating how to address questions and how to get back to people. It is a no-fault thing; if someone comes back and says they did not get the answer, the member can say that he followed the policy and did provide that individual with the answer. Everyone will get the same treatment.

Sheila Moulton:

Your point is well taken, thank you.

Chair Parnell:

Are there any further questions? Thank you for being here. I would like to apologize to you, since I usually try to stop anyone in this committee room from using somebody's name in vain or otherwise.

Assemblyman Stewart:

As a parent, teacher, grandparent, and Assemblyman, Mrs. Moulton has always responded to me in a timely and positive way, and I thank her for that.

Chair Parnell:

Are there any questions or comments?

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

Yesterday evening, our Board of Trustees considered this bill and asked that we come before you today in opposition. We have spoken with Mr. Munford, and we absolutely share his concern about effective communication with our constituents. Our trustees have been working for several years to try to improve two-way communication with the residents of our district, going beyond the traditional one-way communication that so many of us are familiar with, to try to encourage give-and-take response. As it has been pointed out, it is challenging within the confines of the open meeting law. Although I was not at our trustees meeting yesterday evening, it is my understanding that when the bill was brought forward, our Board president said that the bill represents what we are doing with Listen to Learn, which is what prompted us to provide the handout we have given you today ([Exhibit J](#)). This is our Board's program of actively listening to the community. We distributed a copy of it to you, as well as an example of our Board minutes, specifically related to email responses. It indicates there was an agreement among the Board that for Board-type questions, as opposed to an individual request to a Board member, the Board president would send a response within 48 hours and copy all of the Board members on that response. As Mrs. Moulton has indicated with Clark County School District, we have a number of avenues and ways that we meet with our public to try to encourage two-way communication.

We also have town hall meetings, and it seems now that we have more town hall meetings than you have meetings because we are in a superintendent-search process and also a budget crisis. We also have the Listen to Learn sessions that provide an opportunity for Board members and staff members to meet with small groups of people and respond immediately to questions. If you need to get back to them, then you can respond to them as soon as you can get the answers back.

I will be happy to answer any questions you may have. We believe there is always room for improvement. I do not think any public body would feel that they have yet come to perfection on how they converse with their community and get responses back in a timely manner. We believe that in our district we are working towards an effective way to address community concerns. We feel this bill is too restrictive, and this is a case where it is a continually evolving

process to try to improve communication. With that, I will be glad to respond to any questions.

Chair Parnell:

Thank you. Are there any questions or comments?

Assemblyman Hardy:

I am looking at your minutes of the work session, February 11, 2009, regarding email communications ([Exhibit J](#)). Please walk me through the concept of emails and responses where all Board members get an email, but they get it through the superintendent so it does not violate the open meeting law. How do you copy everybody? Is that what is happening?

Anne Loring:

I believe the issue is that you have to be very careful in terms of not discussing among Board members, via email, because then it is not in a public setting. The discussion was, if a Board member received an email, he would respond and then copy the email and response so there would be a record of it. If it was something that was addressed to the whole Board it would be sent to the Board president who would respond on behalf of the Board, because he is the Board spokesperson, with a copy of the response to the trustees. Did I answer what you addressed?

Assemblyman Hardy:

That is exactly where I was going. Have we had an opinion on that? I have a little discomfort, as it is written, so I will go on the record with that and drop the subject for the moment.

Chair Parnell:

Thank you. Are there any further questions?

Dotty Merrill, representing Nevada Association of School Boards, Reno, Nevada:

I have been in this position for 2.5 years, and in that period I have attended school board meetings in 14 different school districts, and in some cases, I have been to a single board several times for meetings. I think that perhaps I can share a broad picture of what our school boards are doing around the state, with regard to communication. Most of our school boards have multiple opportunities during meetings for members of the public to address the board. Typically, there is an opportunity at the beginning of the meeting. Often, this is an opportunity to voice unagendized items, so if a member of the public wishes to make a comment about something, they can do that. Also, there is a time at the end of the meeting. Many boards have an opportunity for public comment in connection to a specific agenda item. That is another practice that is used.

There is typically a procedure in place for the public to know how public comment is going to be received. Before the public comment, the board chair reviews whatever the procedure is in that board. If there is a time limit, the member of the public who wishes to comment knows it is two or three minutes and knows when it is most appropriate for the comments to be made, whether they are related to an agenda item or not. Through the Association, we have provided some best practices for public comment to our school boards, and our boards have adopted best practices for public comment in a number of places.

Sometimes public comment represents, as Mr. Munford noted, a need for knowledge. So, if an individual expresses a lack of knowledge about the process, the board member can address that concern as Mrs. Moulton described: the superintendent or another staff member will step outside and have a private conversation to tell him about the process in place to address that. As has been noted, members of the public can also work with a board member if there is an agenda item they want to have the board pursue and have agendized. In addition to the public comment process, all school districts also have a public complaint procedure. A member of the public who is concerned about an issue can get a public complaint form, which is typically at every single school and at the district office. There is an established procedure for dealing with public complaints.

One of the issues I would like to mention that concerned several different school boards is on page 2 of A.B. 211, in section 1, subsection 2, line 7, which reads, "Issue a written explanation during a regularly scheduled public meeting of the board setting forth the specific reasons for declining to take the requested action...." That might present real difficulties and challenges, not only because, perhaps, the issue raised was a personnel issue, but the issue may also involve an individual child or other students who are not the children of the person who was bringing forward the question or concern. In that case there would be further issues involved. To issue a written explanation during the regularly scheduled public meeting would be very difficult and challenging for the reasons mentioned. Certainly, all school boards can improve the process that they use and certainly we can work to do that. However, boards have processes in place, and if you would like for us to work with Mr. Munford to come up with something that is a little more specific, we would be pleased to do that.

Assemblyman Bobzien:

I am curious to know whether you have documents that you can share with us on best practices for public comment and public complaint procedures. We should be looking at whether or not school districts are adopting such policies and how they are adhering to them. Certainly, the points brought up about the

conflicts with personnel matters, and the potential conflicts with open meeting law, and all the mechanics of these are very real, and we appreciate hearing them. To try to help the bill sponsor with the problem he is seeking to address, I think there are a number of options for trying to move forward on some sort of a bill.

Dotty Merrill:

We certainly have some best practices for public comment. Unfortunately, I have never seen best practices for a public complaint procedure, but there are some in place so we could certainly gather those together and provide those to you.

Chair Parnell:

Just for clarification, I think the point that Mr. Bobzien was making is that if there is a public complaint form and most school districts have a "time certain" turnaround, then we need to make sure that all 17 school districts, if that is considered best practice, have that model.

Assemblyman Munford:

Another way you can look at this is, if a person with a personal complaint or a frustrated parent felt the answer that they received at the school level was not satisfactory, they were using the school board as the last resort. They felt like they did not get what they wanted from the school. Sometimes you can turn this around, and the school board could use its power. When I was giving my testimony, I mentioned that the school board has power it can use to ensure that principals, deans, and even regional superintendents respond similarly. They are the last resort. Parents have probably addressed their concerns at the "building" level and did not feel satisfied and might have gone to the regional officer and also not felt satisfied. The school board is the last resort, and they have the power. If there was a way to address these problems, issues, and concerns correctly, fairly, and professionally, a lot of these things might not even get to the school board. I think there needs to be some teeth put behind the policy that is currently in place to make sure the schools are doing what they are supposed to do.

Assemblywoman Dondero Loop:

How many ways can one contact a school board member?

Sheila Moulton:

There are about seven or eight that we have specifically, and we are also accessible through emails, letters, and phone calls. Our office gives me those phone calls, and I respond as quickly as I can. We do not hear a lot about not getting the response.

Assemblywoman Dondero Loop:

Is it more about not getting the response you want?

Sheila Moulton:

Yes. I can appreciate Assemblyman Munford's comments about making sure there are teeth in the policy because answers and solutions should be solved at the school level. I represent over 40 schools; we have one trustee that has over 60 schools, which includes tens of thousands of students. The means that I gave: phone, email, and personal letters, they are all forms of communication we receive.

Anne Loring:

We have very similar ways, by means of telephone, email, letters, board secretary, and the website which lists all of the trustees' contact information. I believe we even have one school trustee who has a *MySpace* page [www.myspace.com]. There are a huge variety of ways to contact us. I would also like to comment on the complaint procedure. Washoe County School District has also had a complaint procedure for at least ten years. If a parent were to come to a school board meeting, specifically talking about a complaint of an event at a school site, the first question would always be, have you filed a complaint procedure? That is starting at the closest level to the problem. Mr. Munford is absolutely correct; the final stop on that procedure is the school board. In the eight years I served on the school board, I do not believe we ever had a complaint that came to the board; it was always resolved at a much lower level. We have other ways like town hall meetings to get additional comments.

Dotty Merrill:

The other school districts all have websites, and the school board members are shown on the website. And they each have an email address which is also available. There are some districts that do not put telephone numbers for board members on their websites, but those numbers could be obtained from the district office. I think there is consistency around the state with regard to the accessibility and the information for contact purposes. I would also like to respond to a question that Assemblyman Denis rose about board meetings. Board meetings around the state are typically held in the late afternoon or the evening. Sometimes boards have work sessions which are held during the day, or sometimes during the evening, but typically board meetings themselves are at a time when working parents are able to attend.

Chair Parnell:

Are there any further questions or comments? Thank you all for being here. Is there anyone else wishing to speak on A.B. 211? I will close the hearing on A.B. 211. Is there anyone wishing to make any public comment? Is there any additional business before the Committee?

[Meeting adjourned at 6:05 p.m.]

RESPECTFULLY SUBMITTED:

Scarlett Smith
Committee Secretary

APPROVED BY:

Assemblywoman Bonnie Parnell, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Education

Date: March 11, 2009

Time of Meeting: 3:51 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda.
	B		Attendance Roster.
A.B. 145	C	Nicole Rourke	Amendment to A.B. 145.
A.B. 145	D	Anne Loring	Amendment to A.B. 145.
A.B. 145	E	Danny Coyle	Amendment to A.B. 145.
A.B. 211	F	Karen Gray	GP-16: Policy Development 2005 Clark County School District.
A.B. 211	G	Karen Gray	GP-16: Policy Development 2006 Clark County School District.
A.B. 211	H	Karen Gray	GP-16: Policy Development 2007 Clark County School District.
A.B. 211	I	Sheila Moulton	"VP wants to let public speak on issues just before board votes."
A.B. 211	J	Anne Loring	Listen to Learn.