

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

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

The Committee on Education was called to order by Chair Bonnie Parnell at 3:54 p.m. on Monday, April 6, 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:

Assemblywoman Barbara E. Buckley, Clark County Assembly
District No. 8

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Laurie Richardson, Special Education Advocate Paralegal, Legal Aid Center of Southern Nevada, Las Vegas, Nevada
Anne H. Rhu, Special Education Advocate Paralegal, Legal Aid Center of Southern Nevada, Las Vegas, Nevada
Ed Guthrie, Executive Director, Opportunity Village, Las Vegas, Nevada
Jan Crandy, Chair, Strategic Plan Accountability Committee for Persons with Disabilities; member, Commission on Autism Spectrum Disorders, Las Vegas, Nevada
Nicole Rourke, Director, Intergovernmental Relations, Government Affairs, Clark County School District, Las Vegas, Nevada
Mark Coleman, Deputy Director, Clark County Association of School Administrators and Professional-technical Employees, Las Vegas, Nevada
Ruby Caliendo, Teacher, Clark County School District, Las Vegas, Nevada
Rob Benson, Special Education Teacher, Clark County School District, Las Vegas, Nevada
Keith Rheault, Ph.D., Superintendent of Public Instruction, Department of Education
Beth Howe, Executive Director, Student Support Services, Clark County School District, Las Vegas, Nevada
Lonnie Shields, Assistant Executive Director, Nevada Association of School Administrators, Reno, Nevada
Dotty Merrill, Executive Director, Nevada Association of School Boards, Reno, Nevada
Mark Coleman, Deputy Director, Clark County Association of School Administrators and Professional-technical Employees, Las Vegas, Nevada
Dana Huckaby, Teacher, Spanish Springs High School, Sparks, Nevada
Bart Mangino, representing Clark County School District, Las Vegas, Nevada
Bryn Lapenta, Senior Director, Public Policy, Accountability and Assessment, Washoe County School District, Reno, Nevada

Chair Parnell:

[Roll taken.] Please mark members present as they arrive.

We are delighted to have Speaker Buckley and Assemblywoman Mastroluca. We will shift the agenda and begin with Assembly Bill 56. I will open the hearing on Assembly Bill 56 and welcome you both to the Assembly Committee on Education.

Assembly Bill 56: Revises provisions governing pupils with disabilities.
(BDR 34-635)

Assemblywoman Barbara E. Buckley, Clark County Assembly District No. 8:

I am pleased and proud to be the Speaker of the Nevada State Assembly. To give you some background, in 1999 I sponsored a bill regarding the use of aversive techniques and restraints with regard to individuals with disabilities. A portion of it dealt with schools, and a portion of it dealt with our centers for the treatment of the mentally ill and mentally retarded. The first part had to do with the use of aversive techniques. Aversive techniques are things like spraying children in the face with water when they fail to respond quickly enough or making children walk on treadmills to tire them out. For individuals with cognitive disabilities, it involved putting lemon on the fingertips of an individual who chewed his fingers to keep him from chewing his fingers.

The way I described it is if any of these techniques were ever "in," they were only "in" for five minutes 30 years ago. In today's society, with everything we know, we know how to treat individuals and children with disabilities—it is called positive behavioral supports. Whether you are in the Assembly Committee on Ways and Means in the morning, or the Assembly Committee on Education in the afternoon, we see progress from the use of positive behavioral supports. Assemblyman Denis and I see the films of therapists working with autistic children over and over again. We see the progress. When children and individuals do not have that kind of treatment and instead are taught through restraint and aversive techniques, they go backwards.

In 1999 I sponsored Assembly Bill No. 280 of the 70th Session. It basically outlawed the use of aversive techniques. It said, when children or adults were restrained, there had to be a record of it. The goal was to try to discover patterns, and to make sure the use of restraints was the last resort as it involves teaching and helping individuals with disabilities.

Here we are, fast-forward ten years; the good news is that things are better. We do not have a policy manual in the Clark County School District which outlines aversive techniques in any school. In general there is a greater

awareness. Children with disabilities are treated better. Our mental health and mental retardation institutes do not use these techniques. They took them out of their policy manuals. We saw years of positive behavioral support training take place. Like all things, it is hard to change behavior by passing statute, even though we try.

Today, we still see some problems. We see children who are restrained many, many times, yet the school is not provided assistance. Obviously when the child is restrained over and over again, what you want is help—help for the teacher, help for the aide, help for the school, and help for the child. Some schools and some regions around the state are great. There are no problems in this regard. Children thrive, people get it, and life is good. In other schools in other regions, not so much; we have children over-restrained; we have teachers who are out of their element, who need help and do not get it. We have dumping and not inclusion—they are two different things. Yet in some schools we have dumping and no resources to go with that student. As a result, you see over-restraint. That is not the way for a child to learn, they end up regressing, and what progress is gained at home is lost at school.

Assembly Bill 56 was proposed by the Clark County School District, and I hijacked it. What I am proposing here is that we more or less got what was in the bill, and we have a mock-up with suggestions for alternatives.

I am pleased that Assemblywoman Mastroluca has agreed to work on this measure with me because I am preoccupied with the budget. She has agreed to jump in, meet with the advocates, meet with the school districts, come up with language, and continue to work it out to make sure it really benefits our schools and our children. She has learned ten-years worth of history and will help present the bill and help work on it as it goes through the process.

Chair Parnell:

Is the intent in your mock-up to know if there is a problem? We would know that through the reports you are requesting? If we see restraining and aversive behavior happening on a frequent scale, then we would first see if the teacher was having particular difficulties. I like the language requiring a new Individual Education Plan (IEP) to analyze why this was needed. That is pretty much the core of the mock-up language.

Assemblywoman Buckley:

Probably two things are core. The first is just as you say. When there are frequent incidents, it requires someone, at the district level, to note that there is a problem and to reach out to that school to see what additional resources are needed.

The second is to convene the IEP team when it reaches a certain threshold of, I believe, five instances, to get the team back together and say "Things are not working well. What additional supports can we put into place?"

The other portion that has been really core for many years is, what do you do if your child is a victim of outright abuse or corporal punishment that is currently illegal? We have had some high profile incidents in Clark County. We had a teacher, or possibly it was an aide, go on trial. It was horrible. Right now it is difficult for a parent to feel satisfied that an independent investigation was done because, who gets involved when there is an allegation? For instance, a child was intentionally hit, which is obviously already an illegal corporal punishment; it is outlawed in our statutes. Who investigates? The police department? It does not rise to a major level of a felony; they do not have time. Child Protective Services (CPS) does not have specific authority. Who ends up investigating are the schools themselves, or the school police. If you are the parent of a child, and your child was locked in a room and hit, that is not going to give you a lot of comfort.

So the second major portion of the amendment is to say that when there is an allegation of corporal punishment, as defined by the law, CPS can investigate. If they substantiate it, they then refer it to the State Department of Education and to the proper law enforcement authorities.

The reason I thought the corporal punishment chapter was appropriate is because it is already in the law. The law already makes exceptions for getting between two kids who are fighting and trying to maintain order; we already have all those exceptions as set forth in the law. It has been working well; there have been no complaints or misunderstandings about what it means. That way, you do not open up the floodgates to every parent who is mad at a teacher, which happens. It is very limited in terms of what is already illegal. Those are probably the two linchpins of the bill.

Assemblywoman April Mastroluca, Clark County Assembly District No. 29:

I would like to go through some of the sections in the mock-up of the bill and explain what we have done to change them ([Exhibit C](#)).

Looking at section 1, that creates the reporting piece. Currently there is no mechanism in place that requires any kind of yearly reporting to the state, to the State Department of Education, and to the Legislature as to how many times these different techniques are being used. This bill would create that reporting requirement.

Chair Parnell:

I would assume the members need to be focusing on the mock-up, not the original bill.

Assemblywoman Mastroluca:

Yes, we are only looking at the mock-up. In this section, we will ask that the school district record the number of instances of physical and mechanical restraint at the school. It will be recorded by the student and the teacher, and that information will be kept confidential. Nothing will be disclosed concerning exactly who it was, but we will have the mechanism to report those numbers.

The next section to look at is section 2, subsection 4. The reason for this is currently the district records complaints, and it is up to each individual district to determine at what point they take another look at that child or issue. This is putting into place a piece that would require that if there are three reports of physical or mechanical restraint in one school year, the school district or whoever is compiling the reports will contact the school to notify them that they are at three reports. At five reports, the IEP team will be reconvened, and the teacher will be brought back in to look at that IEP and determine if it has been applied correctly, or if there are changes that need to be made.

We also added that it does reflect the federal Individuals with Disabilities Education Act (IDEA) law that already exists.

If you go to page 5, section 5, subsection 3, this is the piece the Speaker just spoke about regarding the reporting of a belief that corporal punishment has been used on a student by someone at a school. You can contact Child Welfare Services in the county that the district is located in and ask them to do an investigation. If that complaint is substantiated, it will be forwarded to the local law enforcement agency or the district attorney's office for further investigation. That gives the parents peace of mind that the school district is not investigating itself. There is a third party investigating.

Section 6 adds the same information for private schools. That is the overview.

Assemblywoman Woodbury:

This question is regarding section 2, subsection 4. If there are students with obviously severe emotional or other types of disabilities who have a history of aggressive behaviors and who have frequent need for restraints because of possible injury to other children or even the teacher or themselves, more than one report a day could be required, so five reports could happen in less than a week in severe instances. I am not sure that reconvening an IEP team would be the best way to solve this problem. Would we be spending excessive time on

continually reconvening IEPs, perhaps weekly for some children? Maybe there are other ways of addressing behavior, maybe a mentor and working directly with that teacher without the extra IEP meetings. This is more of a statement than a question.

Assemblywoman Buckley:

I see your point, and certainly, I think part of the bill is to trigger at the district level that they need to assign a mentor or they need to assign a team; something is not working. If you are restraining a child day after day and week after week, you want to try something else for the sake of everyone involved. The intent is not to reconvene multiple IEPs. I am sure one of the other witnesses, who may be testifying and who has some familiarity with the IEP process, might say that perhaps you just build that in that as long as you are collecting data, and trying this technique for the next three months, you will not need to reconvene. You can write into the IEP what you are going to track, what you are going to try, and when you might reconvene. I think through legislative record we can establish the goal of getting positive behavioral support in place. The process will also reduce the stress on the teacher as these problems are just as stressful on the teacher as on the child and the family.

Assemblywoman Woodbury:

So in other words, it could be written into an IEP that these measures are going to be taken and can override the continual IEPs in those exceptional cases?

Assemblywoman Buckley:

Consider the example of a child who is often restrained, and you are going to try an observation period with a positive behavioral support plan, for three weeks and then get back together. If you continued to restrain that child while you were trying to have a good observation and experimentation period to try something different, and you wrote that into the IEP, there would be no violation because that would have been your plan. You would still have to document it, of course, as required by law. You would not have to continually reconvene the IEP if the team decided this was the plan. As you know, sometimes you have to try things. You cannot judge from one day's experiences. Maybe the child is having an off day or an off week; it is not going to be enough time. It allows the team that knows the child the best to come up with that plan.

Chair Parnell:

Are there any comments? I do not see any. We have Ms. Richardson and Ms. Rhu in Las Vegas.

Assemblywoman Buckley:

Yes, they work out of my legal aid office in the off time, helping children with disabilities and their parents. We also have Jan Crandy and Ed Guthrie who both worked on the original legislation with me in 1999.

Laurie Richardson, Special Education Advocate Paralegal, Legal Aid Center of Southern Nevada, Las Vegas, Nevada:

I work at Legal Aid Center of Southern Nevada, and I am an advocate there in special education. I have advocated for children for about 20 years and was a foster parent for 29 years, and most of those foster children had special needs. This is an area of passion for me. I would like to say that in the past ten years, there has been a significant improvement in the Clark County School District with regard to restraints. I do appreciate all that they have done. We still have some holes to fill, and I think this bill can cover those holes. I would like to address the two concerns that have been spoken about today.

[Spoke non-verbatim from prepared testimony ([Exhibit D](#)).] I have a current case, a parent who would have loved to come today. She has literally used all of her vacation time working with a foster child and could not come. She asked me to please be her voice. The child is emotionally disturbed and in a self-contained classroom. She is seven-years-old, and in the month of March, she was restrained nine times. The foster mother, not knowing much about her legal rights, knew she had to get to an IEP. She asked repeatedly for an IEP and was denied. She finally put her foot down and said she was bringing in a team of social workers and me. We got to the meeting only to find out that they still refused to make it an IEP. The comment was made by a teacher, "What do you think you can get out of an IEP that I am not already doing for your child?" As we speak, we still have not had that IEP. We set a date, and even still the parent has received calls saying there is nothing more they can do.

This is of great concern. We understand that there are some children put on a behavior plan whose behavior may get worse before it gets better. We needed, as a team, to talk, especially with foster children, where you have clinical psychologists who want to collaborate with the school district and come up with a plan. The positive reinforcements they were using were not working. We feel very strongly that the reporting process in this bill would make it possible that by the fifth report, there would be no question that we would have an IEP meeting. Unfortunately, I get many calls from parents who have difficulty scheduling these meetings to discuss behaviors.

We spoke with Clark County School District, and they said they already had a system. Reports have come in from all over the state, the teachers and the staff are filling out the reports, but what are we doing with them? It was

reported to us that they already have a database. It should cost us no money, which we are always concerned about, to push a button and get the information on which schools need that help. By the way, at this particular school, the administrators came into the room, and both said to me, "Good luck, I hope that with your help we will get some services down here because no one has come to our call."

I think her story is a good example of why it is so important that we have a red flag at three reports and have the IEP at five reports of physical restraints used. I also agree that if it was written in the plan, we would have to extend that time, and the data would be collected, and that would be okay.

To cut to the chase regarding the corporal punishment investigation—few calls come in to Legal Aid Center but if it is your child, one call is one too many. The calls seem to always come to me, and each year there have been one or two that have been very disturbing. One mother, who I have lost contact with, has actually taken her child and moved out of the State of Nevada. Her child was also seven, with a disability, and said that he was being locked up in a dark room and a teacher would sit on a chair outside the locked door. I thought it sounded a little unusual, but finally a teacher called me from the school and gave me the exact same information. The school district did their investigation. I was happy to hear they went right out and started to investigate, but soon the information came back that it was unsubstantiated. The teacher was transferred to another school, and the mother chose to move her son to the south where she felt the schools were smaller and perhaps would take better care of her son.

Having an independent agency that could, in these unique cases, come in would relieve the school district. I am sure that whoever performed the investigation felt they were doing a very fine job, but to parents, it is like auditors auditing themselves when they come in to do the investigation.

I would like to report that there are many times, when I send parents to the district, they are very happy with the investigation that takes place. Changes are made and children are moved to other schools. This bill would really help those who are very unsatisfied or involved in more dramatic instances.

I suggest and hope that you really consider this bill because it means a lot to the parents whom I have represented all these years.

**Anne H. Rhu, Special Education Advocate Paralegal, Legal Aid Center of
Southern Nevada, Las Vegas, Nevada:**
[Read from prepared testimony ([Exhibit E](#)).]

Ed Guthrie, Executive Director, Opportunity Village, Las Vegas, Nevada:

Opportunity Village is a community rehabilitation program which serves almost 1,200 people a year. Many people who have severe disabilities come to Opportunity Village. Over half of people with autism also have severe intellectual disabilities; when they graduate from a school district, they have to go to another program, and that is often a program like Opportunity Village. I am speaking from that perspective, and I am also speaking from the perspective of having served adults with severe disabilities for about 35 years.

I want to support the amendments, but I also want to support the efforts of the Clark County School District. As Speaker Buckley and Assemblywoman Mastroluca said, as well as the two people who gave prior testimony, there has been a great change in the services that are provided to the people with the most extreme disabilities. I think the intention of this bill is to help further that change by trying to track the trends so the school district can better target the limited resources it has available. We all know this is a time of very limited resources, and we want to work with the schools to make sure they have the ability to target those resources to the students who have the most difficult needs.

We are also very supportive of the fact that the positive behavioral support program can do a lot to change behavior. The prior testimony went into one case, and we have another case involving the chairwoman of my board who has a son in our program. He was a 6-foot 2-inch, 210-pound individual; when he wanted to go somewhere or when he wanted to beat his head, it was difficult for our staff to stop him from doing what he wanted to do. Through the use of positive behavioral supports, he is to the point now where he is able to go out into the community and participate in all of the activities that are in Opportunity Village.

Again, speaking as a professional who works with the adults and echoing the Speaker's intention that this is designed to hopefully help the teachers, help the aide, help the child, and help the parents, we support this bill as amended.

Jan Crandy, Chair, Strategic Plan Accountability Committee for Persons with Disabilities; member, Commission on Autism Spectrum Disorders, Las Vegas, Nevada:

[Read from prepared text ([Exhibit F](#)).]

I was actually involved in the case of the child who Anne referred to. I brought a team of three people to work with this child, and within three hours we had taught her how to use a break card. When I first heard about this little girl, I was afraid of how it would be when we brought the team together; but we

had no violent behavior from her; nor did we ever have to physically restrain her. I think it is just a matter of teaching these children an alternative way to get out of a situation.

[Continued to read from prepared text ([Exhibit F](#)).]

Chair Parnell:

I would like someone from Clark County School District to come to the table as Clark County was the original sponsor. If there is someone prepared to speak to the bill as amended, I would appreciate it.

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

First of all we would like to thank the Speaker for her time and energy on this bill, as well as the advocates who have worked with us on behalf of our special education students.

The original intent in bringing this bill forward was to find a way to alleviate the reporting burden on teachers. Last year 91 teachers transferred out of special education; half into other positions and half transferred into regular education positions. Special education teachers are required to complete additional paperwork above that of a regular education teacher. The District is seeking to find nonfinancial ways to attract and retain staff for these positions.

While we support changes that will provide for the improved safety and learning of special education students, we have some questions regarding the additional reporting requirements.

Section 1 requires an annual report to be filed reporting the number of physical and mechanical restraints used by each teacher and for each student. We have no problem with the additional reporting requirements designed to identify trends either with individual students, teachers, or schools. Our concern with this report is that it is not necessarily reflective of a problem, but rather of classrooms that may contain more special education students with higher needs.

Currently, a report is filed when a restraint is used as an allowed procedure to help a student who is emotional or has physical needs or to prevent them from hurting themselves or others.

Our second question pertains to the purpose of reconvening the IEP, after five reports as indicated in section 2, subsection 4 of the amended language. Again, these reports are merely to indicate that the child was lawfully restrained in

order to prevent harm to self or others. Reconvening the IEP upon every five reports requires an inordinate amount of staff time and will require additional staff to meet this requirement. This is especially true when we are discussing children in special schools who have been identified through the IEP process as needing this placement to address severe disabilities. We are concerned about adding requirements to staff who already serve on numerous IEP committees, complete additional paperwork, and face safety issues beyond that of the regular education teacher.

The Clark County School District's top priority is to provide a learning environment that is safe and fosters academic achievement for all students. We look forward to continuing to work with the bill sponsor and interested parties to achieve that end.

Chair Parnell:

I have one concern with your number two issue and that is, to me reconvening seems like such a win-win for everybody. I know it takes more time, but if it is going to solve a situation for a student, a teacher, a classroom aide, or for parents because their students are in that situation, then that is well worth the time to reconvene. I am a little surprised by that one. I know reporting is always an issue, but maybe the triggered reconvening and a more appropriate placement would supersede any concern anyone would have about reconvening.

Nicole Rourke:

We understand your concern and also want to identify issues and find solutions. As indicated by the advocates, we have come a long way in ten years—on the reporting, training—and work diligently to solve issues and to make sure that staff has the tools they need in order to address the needs of their students.

We would like to look at other alternatives such as contacting a behavior mentor, as indicated by Assemblywoman Woodbury. We would like to look at another avenue because of the time frame that is involved, for special education classroom teachers as well as regular education classroom teachers, in pulling them out for after school time.

Yes. We want to address concerns always, and also look at additional training.

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

We support this bill. On a personal note, having served in the district for 11 years as a special needs teacher working with special needs students who are severely emotionally disturbed or have severe learning disabilities, the IEP teams always have a tremendous amount of flexibility. If you have an

effectively written IEP, you would be able to address the plan that would allow you, if it were necessary, to meet on a weekly basis. If you had to bring that group back together, an effectively written plan probably could allow you to meet when you needed to.

Chair Parnell:

I would ask if there is a teacher here to testify?

Ruby Caliendo, Teacher, Clark County School District, Las Vegas, Nevada:

I am a regular education school teacher, science classroom, and I deal with special education children everyday, day in and day out. Some who are self-contained, are taken out of their room and allowed to come to my room for science, because special education teachers are not trained in science. Sometimes, they are just out in the regular education population.

My concern is, when there are IEPs, I cannot attend them. They have to be scheduled for 20 minutes before or after school; or for an annual or longer IEP meeting, they schedule them at 8 a.m. I am in my classroom teaching. They cannot get coverage for me to come out of my classroom and attend an IEP.

An IEP reconvened every three, four, or five weeks is almost impossible to attend. Who will cover the special education teacher's classroom? That is my concern; you are not going to have the necessary input.

Assemblyman Stewart:

The concern of the Clark County School District regarding the reports—do you have that same concern?

Ruby Caliendo:

As a regular classroom teacher, no, I do not have to report constraints or anything like that. As a regular education teacher, I would not be responsible for that. If a child with those needs were in my classroom, I would demand an aide or someone who is much better trained to handle that kind of situation. I am not trained to handle it in my regular classroom with 40 other children.

Assemblyman Stewart:

What do your colleagues in special education say about the reports?

Ruby Caliendo:

Based on the amount of paperwork they presently have, they spend a great many hours at home working on reports because they do not have any extra

prep time. It is insane what a special education teacher goes through. I am amazed that we can even keep teachers in special education.

Chair Parnell:

I would clarify that the additional reporting is not done by the teacher. It is done at the district level.

Rob Benson, Special Education Teacher, Clark County School District, Las Vegas, Nevada:

I have taught special education for 31 years. I have been a facilitator, and a resource teacher. I have been any teacher in special education that was needed.

Doing IEPs and writing IEPs takes a lot of effort. Then if you have to schedule one every five times that you have attended to a special needs child, that adds to the burden. You can write anything into an IEP that you want, but if you do not have the services and support for those things, it is useless. When I was a teacher and had a child who was very violent, the resources and support needed were limited. You have to evaluate a six-week period, document it, and do different things at different stages to be able to recommend, and have the district recommend, services for that child.

If you add another burden of doing more IEPs, on top of what teachers have to do already, you are actually creating more of a problem. As a facilitator, I had to oversee 365 IEPs. That was once a year. If you had to schedule more than that, I do not know when you would have the time to do it. Time is of the essence to children with special needs.

Chair Parnell:

I think it is important to remind everyone that the purpose of this bill is to help the students in our classrooms.

Assemblywoman Buckley:

We all want the same thing. We all want the student to succeed, and we want the teacher to have the resources they need. We know what it is like to have an overcrowded classroom, and we know what it is like to have a child with special needs put into a classroom without appropriate support. Keep in mind the goal of the IEP is not to have an IEP every week. The bill requires an IEP when you have more than five restraints. It is an opportunity to look at what else will work. Then you can write into the behavior plan that this is what we are going to try for two months. It is an opportunity to help that teacher have time to teach instead of having to worry about a difficult child who is in crisis.

I see it as a win-win. We can certainly make it very clear that is the legislative intent. It is not to have a weekly IEP meeting. No one would benefit from that. The intent is to say, if it has hit five—we probably have a problem and need someone from the district to get another aide in that classroom. Who can teach with 40 children in a classroom if you have a child that needs to be restrained five times? It is to get the help the teacher needs.

Assemblyman McArthur:

I may have missed this in the bill, but I do not see anyplace, except for one place, where the parents are informed right away. The only place I found it was on page 3 of the mock-up where it says the report is going to be given to the parents, but it does not say when that report has to be given. I think it is important for the parent to know every day that a child is restrained.

Assemblywoman Buckley:

That is the existing law. They are required to be notified that day. A preprinted form that is standardized throughout the state is required to be filled out. It lets the parent know that it is either aversive techniques or restraint, and details it. This portion of the bill says: the district, at some point, should make sure that if a child is restrained numerous times, they are using the data to determine that more resources are needed at that school.

Chair Parnell:

I will close the hearing on Assembly Bill 56, and Ms. Dondero Loop will present the next two bills. I will open the hearing on Assembly Bill 425.

[Assembly Bill 425](#): Revises provisions governing the licensure of certain educational personnel. (BDR 34-817)

Assemblywoman Marilyn Dondero Loop, Clark County Assembly District No. 5:
[Read from prepared testimony ([Exhibit G](#)).] I urge your support for A.B. 425, and I will be happy to answer any questions.

Chair Parnell:

Great job presenting, and I personally think it is a great bill.

Assemblyman McArthur:

I am not sure I understand what you are trying to do. In the very first paragraph it looks like you are trying to give someone another license so they can teach through all of the different grades. Is that correct?

Assemblywoman Dondero Loop:

When the Chair and I spoke about this, we had similar experiences. When you are a teacher in elementary school, for example, if you want to move to middle school you cannot just do that. You have to have certain course requirements. I believe the Chair had a similar situation when she was teaching middle school social studies and wanted to move to high school social studies, but could not do that without further licensure. This would allow those teachers who have specific coursework to move more seamlessly between the grade levels.

Assemblyman McArthur:

That is what I thought you meant. The part that bothered me was on lines 8 and 9 where it says "education, other than for teaching pupils with disabilities." It looks as though, the way this was written, that was the difference. Why is that even in there?

Assemblywoman Dondero Loop:

Elementary school, middle school, junior high school, and secondary school would be regular education. Teaching students with disabilities would fall under special education requirements, and those requirements are different for teachers.

Assemblyman McArthur:

So this is just an add-on to that?

Assemblywoman Dondero Loop:

Yes.

Chair Parnell:

I will tell everyone my funny story, because it really does clarify why what we have been doing for years seems a little crazy.

I had a K-8 license with a degree in history, so I was highly qualified in history and social studies for K-8. I gave it some thought and decided I would like to teach government at Carson High School if there was ever an opening. I would have had to go back and student teach and take additional coursework to teach at Carson High School—after teaching eighth-graders and serving in this Body for ten years. It has a bit of a government background.

It made me begin to see how we sometimes go on and on with the same system. Sometimes you look at it and say, "Why are we doing this? It makes no sense." I hear from teachers who have been at the same place for a long time. We all need changes in our lives. Some of you go from teaching to administration, some of you change a teaching level, but there are times we find

that we need that additional excitement; we need a change and something new. Yet we have so many restrictions in our K-12 system that prevent many people from making that exciting move, people who maybe want to stay in education another ten years, but in another area. It was one of those common-sense kind of things with teacher licensing.

We sat down and brainstormed with Dr. Rheault and came up with some ideas that are in this bill that really can be an exciting cleanup of the way we are doing things at this time.

Assemblyman Stewart:

I think this is a great idea, and I heartily support it.

Keith Rheault, Ph.D. Superintendent of Public Instruction, Department of Education:

I am here to support Assembly Bill 425. As Assemblywoman Dondero Loop mentioned, the three main changes to the bill will help in all cases for licensing teachers.

Section 1, which allows the teacher to move a little more easily from elementary to high school, will not affect a lot of teachers at this time, but maybe if it passes, more teachers will do that. I probably see 25 cases of this in a year, maximum. The reason for that may be because they have to student teach.

I did provide an amendment that may clean up a little of the language and make it more clear that the coursework requirements for the teachers must be met, but the student teaching is waived ([Exhibit H](#)). That was the only issue I had from some of the districts: to make sure they were highly qualified or met that requirement without saying it in the bill.

The second piece, in sections 4 and 5, is probably the most critical and will affect thousands of teachers in the state. That is where the bill waives the experience requirement for reciprocity. I was around when they first passed the reciprocity provisions about 15 years ago. I think at the time, the Legislature was a little skeptical that any other state could have as good a licensing requirement as Nevada, so they put on the experience requirement. Over the years all of the states have pretty much come on board with testing their teachers in basic skills, pedagogy, and subject matter.

Just to give you an example of how it might affect teachers who we try to recruit and get into the state, I looked up school year 2008. We had 2,750 new teachers hired in Nevada, and of those, 2,190 had zero experience.

That meant they did not qualify for reciprocity if they were from out of state. When I looked up how many of those 2,190 with no experience were hired from out of state, it was 1,514. They chose to come here even though we had put additional testing requirements on their license. They may have come from a state that already had them obtain the license. I know we have lost countless teachers who looked at our licensing requirements, and maybe were offered a job, and said, "You are going to make me take these tests?" Then they found a state that does not require them, or makes it easier for them, to get into the state.

The data was similar for fiscal year 2009. We hired fewer teachers, 1,797, but of those, 875 were out-of-state. We do not have the same concern for teachers who graduated from our own Nevada state-approved programs, because they finished the program and have taken all the tests, so they are highly qualified and meet all of the requirements. It is really the out-of-state teachers with reciprocity who we are concerned about. We already have the list of states that are equivalent or provide the same type of testing, and it is on our website if anyone is interested. Currently, there are only four states that do not require basic skills tests, for example. They are Iowa, South Dakota, Utah, and Wyoming. For all of the other 46 states, we recognize their basic skills test, and if they hold a valid license for Texas and come here, we can waive those tests.

There are only five states that do not require subject matter tests. Again, if they come from Texas or any state that offers them, we will be able to waive it even though they do not have the experience. That part is a great expansion.

I really support the final piece of the bill that concerns the review. The Commission needs to review those regulations, and it is the proper way to go about it. Special education licensure is a touchy issue, and I do not think you can resolve it in a 30-minute discussion at the Legislature. To give you an example, there are 12 federal categories for special education and those are already quantified. There is a list by state that is prepared by the National Association of State Directors of Special Education and we know what those categories are. But, when we say "a non-categorical special education," what does that mean? There are states like Montana that give one special education license allowing teachers to teach everything from autism to severely emotionally disturbed. I think it has gone too far one way where one license covers everything. Then there are other states that have all 12 specific categories. We are closer to that end. It does limit the flexibility at the school district level depending on how specific you are with the license. This would be a good chance and opportunity to review the licensure for special education teachers in the state.

Chair Parnell:

As someone who administers a lot of this, in general, do you think this is something that is long overdue and that you would be comfortable with looking at a little differently?

Keith Rheault:

Yes, Chair Parnell. In fact, I do not know why I did not bring it forward sooner or ask someone to bring it forward. We ran into similar problems with the original bill six years ago. We did get regulations lowered from three years to one year for testing even though reciprocity is still three of the last five years. The reason we did not go below one year for some of the tests was because of the word "experience" and the attorney general who sits with the commission said you have to have some experience. I did not know if the Legislature was willing to consider dropping that at the time.

Chair Parnell:

Thank you. I think that is important to have on the record.

Beth Howe, Executive Director, Student Support Services, Clark County School District, Las Vegas, Nevada:

That is a pretty fancy title to say I am over all of the instructional programs and support for special education.

[Read from prepared testimony ([Exhibit I](#)).]

Chair Parnell:

Thank you, and you bring up one extremely important point which is that we do have a lot of long-term substitutes in our special education classes. Of all the classes, in special education, long-term substitutes who do not have training in either a specific subject or area really is a disservice. There is not much we can do about it, but when you put an untrained person in a special education class for a long period of time, that truly is a disservice to everyone in that room. This hopefully will begin to lessen the numbers of long-term substitutes particularly in those classes.

Lonnie Shields, Assistant Executive Director, Nevada Association of School Administrators, Reno, Nevada:

This is long overdue. Thank you.

Dotty Merrill, Executive Director, Nevada Association of School Boards, Reno, Nevada:

We certainly appreciate Assemblywoman Dondero Loop bringing this forward and believe that this will perhaps help alleviate some of the problems our rural districts are facing. I strongly urge your support of this measure.

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

With regard to Mr. Shields' words, "ditto." With regard to the question Assemblyman McArthur asked earlier, in the special education world, when you are certified, you are certified k-12 which allows the ability to seamlessly teach from elementary to middle school, to high school, and back. We definitely support the idea of letting regular education teachers have some of the same abilities to help principals and teachers to work together in schools.

Chair Parnell:

I will close the hearing on Assembly Bill 425.

ASSEMBLYMAN HARDY MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 425.

ASSEMBLYMAN DENIS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I will open the hearing on Assembly Bill 428.

[Assembly Bill 428](#): Revises provisions governing the licensure of certain educational personnel. (BDR 34-985)

Assemblywoman Marily Dondero Loop, Clark County Assembly District No. 5:

[Read from prepared text ([Exhibit J](#)).]

Chair Parnell:

As background for new members of the Committee, an example used when the legislation was passed on the special qualifications license, is someone who maybe owned an auto shop for 20 to 25 years, got close to retirement, and thought they would like to teach auto at a high school. Maybe they were 55 or 60 years old and did not want to student teach. For this very small group of people, it brings expertise into the classroom; someone who truly wants to come into the classroom and share a profession.

Assemblywoman Dondero Loop:

Additionally, one of the important pieces to the exact example you just used is career and technology in our students' lives. If you have someone come in to teach, like an auto body shop person, or a finance person from a bank, you are giving students real-life examples of how they can use their education from a teacher who has lived it.

Chair Parnell:

Four years ago, in the 2005 session, Dr. Hardy sponsored a bill and used as an example: what if he wanted to work in a biology class with his medical background?

Assemblyman Hardy:

Does our Assembly colleague like the amendment that has been proposed that I like too?

Chair Parnell:

Yes, there is an amendment and yes.

Assemblyman Hardy:

I am ready for the second motion.

Chair Parnell:

Is the amendment from the Washoe County School District ([Exhibit K](#)) the only amendment?

Assemblywoman Dondero Loop:

Yes.

Keith Rheault, Ph.D., Superintendent of Public Instruction, Department of Education:

We do support the bill. I worked closely with Assemblyman Mabey at the time, and it was actually a little worse than that. He came to the Department of Education to get a license to help teach health at the middle school where his daughter was a teacher, and we would not license him. He held a medical degree. We worked with him to see if we could get him licensed. Since that time, the way it works is we currently allow an individual with a master's degree or Ph.D., based on those degrees, to apply to get a license. When we get a new master's area, we look at it at the Department of Education and look at the endorsement requirements and figure out what endorsements we could give them based on those degrees.

Since then, although I did not make a large list, I have seen nuclear physicists, aeronautical engineers, medical doctors, and chiropractors come through the system to apply to teach. When we look at a medical doctor's license, for example, we have a specific license for physiology, for life science, and one for health. All of those are eligible if a medical doctor who holds a valid license came to us; we could put on an endorsement. Each one of those areas has a list that we maintain, and there is always a new major coming in that we have to examine and add to our list.

What this bill would do is move the requirement from a master's degree to a bachelor's degree and I think that is the most controversial piece, mainly because we do not require these individuals go back and get any teacher education coursework to qualify. They can keep renewing the special qualifications license based on their expertise in the subject matter. That is the reason, although we currently require one year of mentoring with a master's degree, in the original bill we upped that to two years with a bachelor's degree just to make sure they had that piece.

One thing I will point out is that it does require five years of experience in their field, so it does eliminate individuals who come straight out of college with no experience. They could not get this license. They would need five years experience in the subject area that they got their bachelor's in. So there are some limitations that will preclude providing a license to anyone who just graduated from college, they still need some expertise in the area they got their degree in.

The advantage of the special qualifications license is that we can issue the license then the applicant can see if there are positions available in the districts. The district just needs to know they have to provide a mentor.

I did see the amendment that was provided by the Washoe County School District ([Exhibit K](#)), which added "or pedagogy coursework." The only reason we require the mentor is because the applicants do not have the teacher education coursework. If they had a combination and agreed to take the teacher coursework, we could limit or reduce the mentoring requirement—which is an expense to the district.

Chair Parnell:

Is this an example? Cory King is the new librarian at Carson High School. He had his master's in Children's Library Sciences and had worked in the field for 12 years. The job was open, and he started calling the Department of Education wanting to know how he could get that job and was told "no way." Is that how he finally got hired with a special qualifications license?

Keith Rheault:

I believe that is how he got licensed, because he did have a master's. The problem is we have a lot of people in banking and other areas who never received their master's, so they are ineligible to apply. In this case the person had a master's, and we were able to put it under the special qualifications license.

Chair Parnell:

So he is probably getting the mentoring? This is his second and last year.

Keith Rheault:

Currently, we only require one year, so he is probably off the hook.

Assemblyman Hardy:

If we look at the amendment, and we had a combination of mentoring and/or the courses in pedagogy, that would be even more inclusive of people who probably could not qualify otherwise. You would have an opportunity to do coursework as well as mentoring.

Assemblywoman Dondero Loop:

After conferring with the expert next to me, I believe that is already in place, Dr. Hardy, because it says, "participate in a program of mentoring or to participate in courses in pedagogy for the first 2 years." That could be two years of mentoring, courses in pedagogy, or a combination thereof. It does not say that, but that is how we are reading it.

Keith Rheault:

We would probably develop some regulations to clarify that, if this were to pass the way it is worded.

There is another bill on the Senate side that I testified to last week that was trying to put into place another program, the American Board for Certification of Teacher Excellence (ABCTE) license from the federal level. There is also a need for getting Teach for America graduates licensed. You could have specific legislation for both of those, but my response was they should qualify for the special qualifications license that we already have in place.

Under the ABCTE program, they do take coursework and have some mentoring, so they could actually get a waiver if they qualify and come to Nevada. We do not need specific legislation just for that type of license. They need to support this bill and work toward meeting the requirements of the special qualifications license no matter what program they go to. If they meet these requirements we will agree to license them.

Chair Parnell:

I think it is important for everyone to know that once these people are hired, they can join the Teachers Association. They are evaluated by their principal; they fall under all the same restrictions and compliance, and governance that all other teachers do. They do not just stand alone with this special halo over them and a special place among the teachers. They then become one. Is that correct?

Keith Rheault:

Yes. A district still has to agree to hire them, and if the district prefers someone with the subject matter who went through a teacher education program, that is their decision if there are enough applicants available. This is a good alternative in especially hard-to-fill areas like math and science, if they are available.

Chair Parnell:

That is important to note for the record.

Assemblyman Munford:

Is there any data or statistics on how well special qualifications teachers have done? Has it been successful? Do they turn out to be good teachers? To be a good teacher, you have to be around a while. You learn as you stay on the job.

Keith Rheault:

I do not have any data on it. I do not think we have licensed more than 200 because of the limitations on the master's and the Ph.D. It was only implemented in 2005, and the first license we issued was in the spring of 2006. I did not follow up, although we could, because we have special qualifications licenses earmarked in our teacher licensure files to see if they are still employed. I do not usually see the evaluations, but if they are not good teachers, they probably would not make probation.

Assemblywoman Dondero Loop:

As a mentor teacher for the Clark County School District, it was my experience that anytime I worked with special qualifications teachers, the ones who decided it was not for them, left. The ones who loved it were great teachers.

Assemblyman Munford:

That is what it takes. You have to really enjoy working with children in that environment.

Assemblyman Stewart:

Would it be appropriate to put a number of credits on the coursework? Or would that cause more problems?

Keith Rheault:

It probably would be good: a minimum of six semester credits in pedagogy. Although, if it does not get included in this bill we would have to put it in regulation to make sure we were consistent and that it was equivalent to the mentoring.

Dana Huckaby, Teacher, Spanish Springs High School, Sparks, Nevada:

I have been invited to speak and share my experiences with you as they pertain to licensure. [Read prepared testimony ([Exhibit L](#)).]

Lonnie Shields, Assistant Executive Director, Nevada Association of School Administrators, Reno, Nevada:

As an administrator I see this bill as being very important simply because it broadens the field when we are looking for very qualified people to fill positions in the classroom. The fact that they have to go through the same evaluation process and all of the other rules we set up makes it a winner in my estimation. Having more people to interview for a position in my school gives me a better choice to reach the best candidate. I am in full support of this bill, and the Nevada Association of School Administrators (NASA) is in full support of this bill.

Bart Mangino, representing Clark County School District, Las Vegas, Nevada:

Clark County School District strongly supports Assembly Bill 428, and we want to thank and recognize Assemblywoman Dondero Loop for introducing the Legislation.

Assembly Bill 428 would expand recruitment and hiring options to individuals with degrees in fields such as engineering, finance, business, and medicine. Also, if they like to teach as this has been a good field for many people, it would also fill some of the critical shortage areas that we experience particularly at the high school level. As a high school principal, I would definitely benefit and so would the school from the legislation.

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

We support this bill.

Chair Parnell:

I will close the hearing on Assembly Bill 428. We do have a couple of questions, so I will not be calling for a motion on this bill today. We will take a short recess and then come back to work session on Assembly Bill 487, and Assembly Bill 505, and action on Assembly Bill 488 [5:41 p.m.].

[Reconvened 5:51 p.m.] Before we begin the official work session, I would like to make a couple of comments regarding one bill in particular. Given that today is April 6 and this is the last week we have to complete Committee action, and get bills to the floor or get them exempted, I would like to propose that we vote Assembly Bill 488 out of Committee without recommendation.

Assembly Bill 488: Revises provisions governing educational personnel.
(BDR 34-782)

It is a Public Employees Retirement System (PERS) bill. It is the critical shortage bill. It would allow teachers who are teaching, who fill a critical need, after their retirement to continue to do so. When the bill was first passed in maybe 2003 or 2005, it had a sunset provision. What this bill would do is remove the sunset. This bill was written particularly for school teachers. When the original bill was passed, it involved all public employees who retire. If there was a critical need somewhere in public service, retired employees could go back and fill that need but continue to accept their retirement. Since it does have a fiscal note, obviously, and is involved with the other PERS bills that are before us this session, it makes sense, rather than have the policy discussion here, that we just move it on again without recommendation to the Ways and Means Committee. If everyone is comfortable with that I will accept a motion to do so.

ASSEMBLYMAN DENIS MOVED TO REREFER TO WAYS AND
MEANS WITHOUT RECOMMENDATION.

ASSEMBLYMAN HARDY SECONDED THE MOTION.

There is a question from Ms. Dondero Loop that would include Ms. Dondero Loop, Mr. Stewart, Mr. Munford, and me—we could all be affected by the outcome of Assembly Bill 488. On the record, under Assembly Rule 23, again, the aforementioned members could all be affected by the outcome of Assembly Bill 488. As Mrs. Woodbury is not retired yet, it probably would not affect her for a while to come.

Are there questions or remarks on A.B. 488?

THE MOTION PASSED UNANIMOUSLY.

With that I will turn our official work session over to Carol Stonefield.

Carol M. Stonefield, Committee Policy Analyst:

I believe although your work session document includes a page on Assembly Bill 155, that bill has been held over until Wednesday's work session. We will proceed to Assembly Bill 487 which is behind the bill number tab.

Assembly Bill 487: Revises provisions governing pupils enrolled in middle school and junior high school. (BDR 34-780)

[Read prepared text on Assembly Bill 487 ([Exhibit M](#)), including an amendment from the Nevada Association of School Administrators ([Exhibit N](#)), and an amendment from Washoe County School District ([Exhibit O](#)).]

Chair Parnell:

In the second amendment, it was my understanding that it would read, "to provide that the program of mentoring shall include peer and may include adult mentoring." That is A.B. 505. I had a discussion with the Washoe County School District. This was the middle school bill, and I will be referencing, in a minute, the high school bill. I had said I was comfortable with mandating the peer mentoring, but making the adult mentoring "may" language and not "shall" language. I am getting a nod that that was the intent. We would make that uniform with both the middle school bill and Assembly Bill 505, the high school bill.

Bryn Lapenta, would you like to come up just for the record and agree that was your intent?

Bryn Lapenta, Senior Director, Public Policy, Accountability and Assessment, Washoe County School District, Reno, Nevada:

Yes, it was our intent it would look like the amendment for Assembly Bill 505 which would say, "shall provide a program of peer mentoring which may contain a component of adult mentoring."

Chair Parnell:

I was pretty adamant about the peer mentoring. I think that has been so successful in the high schools and, I think, will be every bit as successful in our middle schools and junior high schools.

I would like to defer to Mrs. Mastroluca on the second amendment offered by Washoe County since it was the input from you that brought us to the

student-led conferences. I would like to know if you are comfortable with the way it has been proposed to be amended.

Assemblywoman Mastroluca:

Yes, I had conversations with Washoe and Clark County School Districts, and we did agree to that, but I thought in a previous discussion, we added the words "student-led conference," so the intent would be clear. I do not see that.

Chair Parnell:

So it needs to say "may require a student-led." This says "may require a pupil to conduct a conference," but you would like the term "student-led conference?"

Assemblywoman Mastroluca:

On line 31 in front of the word conference, just the word "student-led."

Chair Parnell:

So you are not referring to the amendment, you are referring to the actual bill?

Assemblywoman Mastroluca:

I am actually referring to the amendment. I am looking at Washoe's amendment under section 6, line 31: "a pupil enrolled in middle school or junior high school in the school district to conduct a [student-led] conference between the pupil, his parent or legal guardian and one of his teachers."

Chair Parnell:

After "a", put in "student-led?"

Assemblywoman Mastroluca:

Correct.

Chair Parnell:

That is the only change that would be necessary?

Assemblywoman Mastroluca:

Yes.

Chair Parnell:

Is there any concern from Washoe County since you submitted the amendment? Do you have any problem with inserting "student-led" prior to "conference" on line 31?

Bryn Lapenta:

We think that is a great idea to add "student-led conference" on line 31.

Chair Parnell:

So we have Assembly Bill 487 with three amendments. One is being changed to "shall include a program of peer mentoring which may have adult." Hopefully Ms. Roberts got that language. Then add "student-led" on line 31.

Assemblyman Hardy:

Looking at that same section on Washoe County's amendment, section 6, line 30 or 31, if a parent does not choose to be involved with the conference, does that put us crosswise with the language? We can lead a parent to water, but we cannot make them do a conference.

Assemblywoman Mastroluca:

No, Dr. Hardy, the bill actually does specify that it will not prohibit a student from graduating if the conference is not attended by a parent. It is in section 6, subsection 2, lines 44 and 45, and also in lines 1 and 2 on page 5.

Assemblywoman Dondero Loop:

I believe the word "may" takes care of that because it does not make it mandatory.

Chair Parnell:

Are there any additional questions or concerns on Assembly Bill 487?

ASSEMBLYMAN HARDY MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 487.

ASSEMBLYMAN DENIS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Carol M. Stonefield, Committee Policy Analyst:

[Assembly Bill 505](#): Revises provisions governing pupils enrolled in high school.
(BDR 34-784)

[Read from prepared text on Assembly Bill 505 ([Exhibit P](#)), including an amendment submitted by Academy for Career Education ([Exhibit Q](#)), a second amendment submitted by the Washoe County School District ([Exhibit R](#)), and a third amendment presented as a mock-up submitted by Assemblywoman Parnell ([Exhibit S](#)).]

Chair Parnell:

I would like to ask Mrs. Roberts to explain the last two bullets on the first page ([Exhibit P](#)). It says, "Boards of trustees may excuse a child who is employed in the entertainment industry from full-time attendance" The second bullet says, "Sections of the *Nevada Revised Statutes* that allow a child to leave school upon completion of Grade 8 or upon reaching age 14 are repealed." We are actually repealing those. The way that is repealed...Mrs. Roberts.

Kristin Roberts, Committee Counsel:

Pursuant to testimony from Dr. Rheault, the three sections we are repealing, which are *Nevada Revised Statutes* (NRS) 392.090, 392.100, and 392.110, are cleanup of sections that are not used anymore. One of those, NRS 392.100, is if the child is excused to support himself or others. That section is currently referenced in another section that requires tutoring of children employed in the entertainment industry. Just to maintain the part on children employed in the entertainment industry, I had to authorize their excusal from full-time attendance.

Chair Parnell:

Are there questions regarding that? Then let us look at the amendment offered by the Academy for Career Education on the next page of the work session document ([Exhibit P](#)): "Amend the provisions of section 5, relating to information about educational opportunities that must be provided to ninth-graders and parents or guardians to include information on charter school programs within the district." I do not know if we need to list magnet schools. I imagine Clark County would list the magnet high schools, and if you consider that the charter schools are also public schools, it should know the intent is to give information about all public school opportunities within that school district. I want that on the record.

Continuing on page 2 of the work session document offered by Washoe County School District is to "Amend the provisions of section 9 relating to mentoring programs to permit programs of adult mentoring" That would be the exact same language that we just put in Assembly Bill 487. The work session document continues, "Amend the provisions of section 10, relating to programs of credit recovery during the school day, to provide that the opportunities for remediation must not be limited to the school day." The question came up, what if they were more credit deficient than they actually would have time to recover during the school day? They might need to take a supplemental recovery course outside of the school day. That is the issue with that amendment.

The third amendment was the one I talked about when I presented this bill and that is: I would like to have information on the State Board of Education website and in the Accountability Report to show the numbers of all the students who have reached the end of their high school education—be it an adjusted diploma, a certificate of attendance, a General Educational Development (GED), or an adult diploma. We need to have more factual numbers regarding the students in our state who are completing the high school experience and not just have a narrow definition that we also will be using from the National Governors Association. As I said in my testimony, oftentimes those students who chose to come back to school or who do graduate under extremely difficult circumstances certainly should be accounted for. I have asked for that to be made part of this bill.

Are there any questions or concerns? Hopefully, for those of you in the audience who have submitted those amendments, I have accounted for them in a proper way.

Another item I would like to point out, the second bullet under the comments ([Exhibit P](#)), concerns the adjusted adult diploma. I am sorry Julie Whitaker is not here. She is the one who had the friend with a concern about an older son who had been a special education student and had an Individual Education Plan (IEP) all through school and decided later to go back and get a GED or other kind of diploma. How could he do that and still abide by the regulations of his IEP? When I was discussing this with staff, we realized the confusion came about because we have not defined "adjusted adult diploma". This bill will actually create a new definition for this particular population and give them a way to go back and complete their education. That worked out well. That is why everyone was confused about that language, because currently it does not exist. Hopefully that will work for Julie. I did email her, so she is aware of what we are doing.

ASSEMBLYMAN DENIS MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 505.

This is an Amend and Do Pass with the clarification that the bill will have the common language from the previous bill regarding adult and peer mentoring. Everything else is good to go.

ASSEMBLYMAN HARDY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I presented both A.B. 487, the middle school bill, and A.B. 489, the high school bill, but if there is anyone who is passionate about one of these bills, feel free to offer. Mrs. Dondero Loop will take Assembly Bill 425 on the floor. Mrs. Dondero Loop will take Assembly Bill 505 as well.

We have five or six bills in work session on Wednesday. We are not hearing any bills so we should be out of here in no time at all on Wednesday.

Is there any additional public comment at this time? Seeing none, we are adjourned [at 6:17 p.m.].

RESPECTFULLY SUBMITTED:

Sharon McCallen
Committee Secretary

APPROVED BY:

Assemblywoman Bonnie Parnell, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Education

Date: April 6, 2009

Time of Meeting: 3:54 p.m.

| Bill | Exhibit | Witness / Agency | Description |
|----------|---------|-------------------------------|--|
| | A | | Agenda |
| | B | | Attendance Roster |
| A.B. 56 | C | Assemblywoman Mastroluca | Mock-up of proposed amendment to <u>Assembly Bill 56</u> |
| A.B. 56 | D | Laurie Richardson | Prepared testimony in favor of A.B. 56 |
| A.B. 56 | E | Anne H. Rhu | Prepared testimony in favor of A.B. 56 |
| A.B. 56 | F | Jan Crandy | Prepared testimony in favor of A.B. 56 |
| A.B. 425 | G | Assemblywoman Dondero Loop | Introduction to <u>A.B. 425</u> |
| A.B. 425 | H | Dr. Keith Rheault | Proposed amendment for Assembly Bill 425 |
| A.B. 425 | I | Dr. Beth Howe | Prepared testimony in favor of A.B. 425 |
| A.B. 428 | J | Assemblywoman Dondero Loop | Introduction to <u>Assembly Bill 428</u> |
| A.B. 428 | K | Washoe County School District | Proposed amendment to A.B. 428 |
| A.B. 428 | L | Dana Huckaby | Prepared testimony in favor of A.B. 428 |
| A.B. 487 | M | Carol Stonefield | Read Work Session Document on <u>Assembly Bill 487</u> |
| A.B. 487 | N | Carol Stonefield | Proposed amendment to <u>A.B. 487</u> submitted by Nevada Association of School Administrators |
| A.B. 487 | O | Carol Stonefield | Proposed amendment to <u>A.B. 487</u> submitted by Washoe County School District |
| A.B. 505 | P | Carol Stonefield | Read Work Session Document on <u>Assembly Bill 505</u> |

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| A.B. 505 | Q | Carol Stonefield | Proposed amendment to <u>A.B. 505</u> submitted by Academy for Career Education |
| A.B. 505 | R | Carol Stonefield | Proposed amendment to <u>A.B. 505</u> submitted by Washoe County School District |
| A.B. 505 | S | Carol Stonefield | Mock-up of proposed amendment to <u>A.B. 505</u> submitted by Assemblywoman Parnell |