

**MINUTES OF THE
SENATE COMMITTEE ON HEALTH AND EDUCATION**

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

The Senate Committee on Health and Education was called to order by Chair Valerie Wiener at 3:30 p.m. on Wednesday, April 22, 2009, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412E, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Valerie Wiener, Chair
Senator Joyce Woodhouse, Vice Chair
Senator Steven A. Horsford
Senator Shirley A. Breeden
Senator Maurice E. Washington
Senator Barbara K. Cegavske

COMMITTEE MEMBERS ABSENT:

Senator Dennis Nolan (Excused)

GUEST LEGISLATORS PRESENT:

Assemblywoman April Mastroluca, Assembly District No. 29
Assemblyman Harvey J. Munford, Assembly District No. 6
Assemblyman Tick Segerblom, Assembly District No. 9
Assemblyman Lynn D. Stewart, Assembly District No. 22

STAFF MEMBERS PRESENT:

Marsheilah D. Lyons, Committee Policy Analyst
Mindy Martini, Committee Policy Analyst
Sara Partida, Committee Counsel
Patricia Devereux, Committee Secretary

OTHERS PRESENT:

Jodi Stephens, Legislative Director, Office of the Governor
Crystal Abba, Assistant Vice Chancellor, Student and Academic Affairs, Nevada
System of Higher Education
Tim Tetz, Executive Director, Office of Veterans Services
John Hefner, Nevada Enlisted Association of the National Guard of the
United States
Bart Mangino, Principal, Bonanza High School; Community and Government
Relations, Clark County School District
Robert F. Joiner, AICP, Government Affairs Manager, City of Sparks
Vicenta Montoya, Si Se Puede Latino Democratic Caucus
Yvette Williams, Chair, Clark County Democratic Black Caucus
Henrietta Peterson, Clark County Democratic Black Caucus
Ellen Sue Ringer, Ph. D., Teacher, Clark County School District
Juanita Simpson, Education Chair, Clark County Democratic Black Caucus
Timothy M. Hicks
Julie Whitacre, Nevada State Education Association
Francisco Aguilar, Andre Agassi Foundation
David F. Kallas, Detective, Director of Governmental Affairs, Las Vegas Police
Protective Association Metro, Inc.; Southern Nevada Conference of Police
& Sheriffs
Sabra Smith Newby, Clark County
Keith M. Lyons Jr., Nevada Justice Association
Mary Jo Parise-Malloy, Nevadans for Quality Education
Michael Tanchek, Labor Commissioner, Office of the Labor Commissioner,
Department of Business and Industry
Teresa Thienhaus, Director, Department of Personnel
Shelley D. Blotter, CPM, SPHR, Division Administrator, Employee and
Management Services, Department of Personnel
Stephen W. Driscoll, CGFM, Assistant City Manager, City of Sparks
Anne Loring, Washoe County School District
Lonnie Shields, Assistant Executive Director, Nevada Association of School
Administrators
Christopher B. Reich, General Counsel, Legal Department, Washoe County
School District
Peggy Lear Bowen

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CHAIR WIENER:

We will open the hearing on Assembly Bill (A.B.) 96.

ASSEMBLY BILL 96 (1st Reprint): Clarifies eligibility for and the administration of Millennium Scholarships for students who are enrolled in more than one eligible institution. (BDR 34-441)

JODI STEPHENS (Legislative Director, Office of the Governor):

The purpose of A.B. 96 is to streamline the Millennium Scholarships application process for students co-enrolled in a community college and a four-year university in the same semester.

SENATOR CEGAVSKE:

Will the application process follow guidelines the Nevada System of Higher Education (NSHE) Board of Regents is going to establish? Have we given them any direction?

MS. STEPHENS:

I will defer that question to the NSHE representatives because they have worked on some language on that issue.

CRYSTAL ABBA (Assistant Vice Chancellor, Student and Academic Affairs, Nevada System of Higher Education):

The Board of Regents' policy does provide for this situation to some extent. The policy is modeled after Federal Pell Grants, in which a home institution designates and tracks a student's progress with respect to co-enrollment. It is at the school's discretion whether the student can be co-enrolled for purposes of eligibility for the Millennium Scholarship. This bill will encourage full-time enrollment so students graduate faster, and it clearly deals with the common issue of co-enrolled students.

SENATOR CEGAVSKE:

Is the issue whoever was administering the Scholarships did not understand it could be done? Was that the breakdown?

MS. ABBA:

Initially, the law and Board policy were silent on this. After the 74th Legislative Session, Board policy was amended to provide for it; however, the way that policy was written, enforcement was discretionary for the home institution,

which was following federal guidelines for Pell Grants by tracking students' progress. If a student was co-enrolled, the school made the determination whether he was eligible to apply for a Millennium Scholarship. This bill clarifies that the home institution would now be required to do so.

SENATOR CEGAVSKE MOVED TO DO PASS A.B. 96.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR WEINER:

We will close the hearing on A.B. 96. We will open the hearing on A.B. 188.

ASSEMBLY BILL 188 (1st Reprint): Authorizes the Board of Regents of the University of Nevada to waive certain fees and tuition for certain persons. (BDR 34-915)

ASSEMBLYMAN LYNN D. STEWART (Assembly District No. 22):

This bill authorizes the Board of Regents to grant a waiver of registration, tuition and laboratory fees to dependent children and surviving spouses of Nevada National Guard members killed in the line of duty. The student must maintain a 2.0 grade-point average, and benefits would last up to 10 years after the guardsman's death.

This bill is supported by the veterans in attendance today. The Nevada National Guard has been very busy in the last few years in the State, Iraq and Afghanistan. I have given you a letter of support from Daniel J. Klaich, Executive Vice Chancellor, NSHE ([Exhibit C](#)). He notes this bill will not have a significant fiscal impact of the State.

TIM TETZ (Executive Director, Office of Veterans Services):

The veterans community and our office unanimously support A.B. 188. The bill puts into law an existing higher-education policy. It also applies to the families of armed forces members who are prisoners of war (POWs) or deemed missing in action (MIAs). More than 1,500 Nevada National Guard troops have been

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deployed from September 11, 2001, through June 2008. Their survivors deserve this benefit.

CHAIR WEINER:

This bill would statutorily codify an ongoing policy. Is the ten-year limit part of existing higher-education policy?

MR. TETZ:

I am not certain, but that was included to close a loophole.

MS. ABBAS:

Title 4, chapter 18, section 8 of Board policy provides for an aid grant for up to 128 credits—essentially a bachelor's degree. It does not have the time limitation specified as per the student's major.

JOHN HEFNER (Nevada Enlisted Association of the National Guard of the United States):

We requested this bill in the 74th Session. Assemblyman Stewart put it forward, but it died at the last hour. We ask for your support of this bill on behalf of all enlisted personnel in the Guard and particularly in memory of Chief Warrant Officer John M. Flynn of the City of Sparks and Sergeant Patrick D. Stewart of the City of Reno.

CHAIR WEINER:

This bill says it is the first reprint. What were the changes provided by the Assembly Committee on Health and Human Services?

ASSEMBLYMAN STEWART:

We added the ten-year limit and included dependent children and families of POWs.

CHAIR WIENER:

Did the bill originally include MIAs' survivors?

ASSEMBLYMAN STEWART:

That is another addition.

SENATOR WOODHOUSE MOVED TO DO PASS
A.B. 188.

SENATOR CEGAVSKE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR WEINER:

We will close the hearing on A.B. 188. We will open the hearing on A.B. 154.

ASSEMBLY BILL 154: Revises provisions governing the policies of school districts relating to criminal gang activity. (BDR 34-143)

ASSEMBLYMAN HARVEY J. MUNFORD (Assembly District No. 6):

Assembly Bill 154 addresses a critical problem in our schools that is only getting worse. *Nevada Revised Statutes* (NRS) 392.4635 authorizes school district boards of trustees to establish policies to prohibit criminal gangs' activities on school property. A board's policy may include provisions to prohibit gang-related clothing and activities related to criminal gangs and suspend or expel policy violators.

Assembly Bill (A.B.) 154, the proposed amendment to NRS 392.4635, would mandate, rather than authorize, every school board to establish a policy to discourage criminal gangs through a gang-prevention training program and to designate the grade levels and personnel that must receive such training. The bill would add the words "without limitation" to the actions boards may use to combat gang activity.

Gangs have more money and power now, making them attractive to younger children. Speaking from my 36-year teaching experience, gangs, left unchecked, can claim entire schools as their territory. Every district must have appropriate policies to prevent this. This bill would place this obligation squarely on the agenda of every State school board and give them the necessary flexibility to deal with specific challenges. Gangs are no longer just an inner-city problem, and they are in virtually every area of the State.

CHAIR WIENER:

I have written a couple of books on youth gangs. Was law enforcement included in the Assembly dialogue and asked to help develop this training?

ASSEMBLYMAN MUNFORD:

They did speak to me, but not in terms of being directly involved in school programs. Law enforcement has been involved in many other State programs to ensure school safety, such as Drug Abuse Resistance Education (D.A.R.E.).

CHAIR WIENER:

There is a longstanding anti-gang coalition with a strong law enforcement presence in southern Nevada. Although this bill focuses on schools—the primary environment for young people—the problem has reached the rest of the community. I would like this bill to include some kind of work with local law enforcement and school police to establish a more broad-based training program.

ASSEMBLYMAN MUNFORD:

When I taught, staff had very limited anti-gang training presented by Clark County law enforcement. Many young teachers lack a background in urban-core areas where gangs are concentrated.

CHAIR WIENER:

There are many types of gangs: youth, street, economic, ideological and hate groups. They are not exclusive to any particular type of Nevada community. We could also look more deeply at how law enforcement can recruit youth-gang members who want to turn their lives around, help others and to present their perspectives. I wrote the book *Winning the War Against Youth Gangs*, so I have the knowledge to help you strengthen this bill.

SENATOR CEGAVSKE:

This is not so much a policy debate, other than the “may” was changed to “shall” in section 1: “The board of trustees of each school district shall establish a policy that prohibits the activities of criminal gangs on school property.” What was the course that produced this change? I notice in the fiscal note for A.B. 154 ([Exhibit D](#)) small counties will be most heavily impacted. Is that because they must establish new policies?

ASSEMBLYMAN MUNFORD:

I would want the small counties to do something because not all youth gangs are in urban-core areas and concentrated among minorities.

SENATOR CEGAVSKE:

My concern is Lincoln, Nye and Pershing Counties will need to spend a disproportionately large amount to implement this training. Could large districts share with smaller counties what they have learned from existing programs, in order to eliminate these costs? Are Nevada Department of Education (NDE) grants available for small counties? By making the program mandatory, do districts have to report their findings?

ASSEMBLYMAN MUNFORD:

Districts are required to submit an annual report to the State on gang-related incidents, and how many students were caught on campus with weapons.

BART MANGINO (Principal, Bonanza High School; Community and Government Relations, Clark County School District):

The Clark County School District has adopted policies and the regulation 5141.1 to address most of the language in A.B. 154. We do have strict consequences, from parent conferences to expulsion, for participation in gang activities and wearing gang-related clothing.

Our concern with the bill's mandate is the implementation costs, specifically the training component. This must be an ongoing educational effort for staff and students starting in the primary grades. Districts will have to rethink how to do that. Clark County has surface coverage of gang awareness and access to school police and Las Vegas Metropolitan Police Department (Metro) gang units. Our concern is the time limit and overall costs to implement the mandate.

SENATOR CEGAVSKE:

The fiscal analysis says there is no impact on any of the other counties' districts, but you indicate differently. Can you give us a fiscal note for Clark County?

MR. MANGINO:

I could give you a rough estimate from my last conversation with the financial officer for the District. In order for us to have a robust staff-development plan, particularly training teachers and implementing classroom strategies, we need

about \$1,500 per school. However, given our current budgetary concerns, we may have fewer staff-development days, which would include this.

SENATOR CEGAVSKE:

Do you have an existing plan? When I looked at the fiscal note, I assumed you did. When the word "shall" was added, did that cause a fiscal note for Clark County? If the bill still said "may," or something in between, would that help the fiscal note?

ASSEMBLYMAN MUNFORD:

This issue is so critical and necessary, I am almost ready to say it needs to be a "shall," but your suggestion is good. If a district really wanted to get involved in this, there are funding sources.

Mr. Mangino just quoted a rough figure. Most Clark County high schools have large staffs, including maybe 125 or 150 teachers, so \$1,500 per school is not that high. To implement programs on an elementary level would probably be even less due to fewer staff.

SENATOR CEGAVSKE:

Does the NDE have any guidelines? Is there model language from national organizations such as the National Conference of State Legislatures or the American Legislative Exchange Council? Perhaps the NDE could craft something for all the districts.

CHAIR WIENER:

I need some clarification: you are saying "language," but do you really mean a model plan instead of legislation?

SENATOR CEGAVSKE:

Yes, there may be model legislation or programs from the national legislative committees for the NDE to adapt for statewide use. That would be less expensive for smaller districts.

CHAIR WIENER:

Juvenile-justice administrators are a phenomenal resource because they attempt to turn gang members into productive citizens. Mr. Mangino, if we could see what Clark County is doing, cash-strapped smaller counties could replicate that.

The "may" could remain in the bill so particular districts could adapt your program. We can also work on the training aspect.

SENATOR CEGAVSKE:

What if the Committee recommended retaining the "may" then added a requirement that districts report back to the next Session what their plans are and how they have been implemented? There would be a two-year frame, but maybe during the interim we could look at how to help facilitate the plans. Clark County has a plan, but I do not know how fresh it is.

ASSEMBLYMAN MUNFORD:

I think I can work with that, and I like the idea of a two-year study.

CHAIR WIENER:

We could determine who the participants should be and what resources need to be developed.

ASSEMBLYMAN MUNFORD:

It is not an easy thing to implement, depending how extensively and deeply a district wants to be involved. Yet we cannot get complacent either. We can build upon what we already have in place.

CHAIR WIENER:

The school community is integrated into the greater community, and that also needs to be addressed.

SENATOR CEGAVSKE:

On page 2, line 22, of the bill, why was the word "provide" added to "Provide for the suspension or expulsion of pupils who violate the policy"? Do not schools already provide for that? What was the rationale behind using that word? We can already suspend or expel students. Is it because you deleted lines 20 and 21: "Each policy that prohibits the activities of criminal gangs on school property may provide ..."

ASSEMBLYMAN MUNFORD:

Yes.

ROBERT F. JOINER, AICP (Government Affairs Manager, City of Sparks):

The City of Sparks supports A.B. 154. We have an anti-gang task force for the three local governments of Washoe County. Sparks Police Department Chief Steven D. Asher had a question as to how the school training would take place, but Assemblyman Munford answered it. We have community policing, including officers assigned to schools, and support this bill because it would be a great step forward for our gang-prevention efforts.

CHAIR WIENER:

As I listen to this dialogue, possibly the National Association of Counties and the Nevada League of Cities could get involved.

VICENTA MONTOYA (Si Se Puede Latino Democratic Caucus):

We support A.B. 154. It is necessary to have this type of training for both personnel and students because an objective of gang members is to make children who lack a family find one within a gang-type presence. These children are very vulnerable and need to understand this is not acceptable behavior. Gang members will reach out to them, but children need to know other people, schools and the community love and are concerned about them. This bill provides a very effective way to demonstrate concern for children who are vulnerable and susceptible to becoming part of a gang. As Assemblyman Munford said, gang activity is everywhere within our State, not just in urban areas.

CHAIR WIENER:

We will close the hearing on A.B. 154. We will open the hearing on A.B. 348.

ASSEMBLY BILL 348 (1st Reprint): Requires public schools to post a notice of certain information concerning educational programs and services available within the school district. (BDR 34-621)

ASSEMBLYMAN HARVEY J. MUNFORD (Assembly District No. 6):

This legislation addresses a gap in school-parent communication that must be closed. In many families, it is a foregone conclusion that children will attend college. These parents know a college-preparatory program is necessary, and they know about honors and advanced-placement (AP) classes. These parents know about learning disabilities and the programs that can help children with them succeed.

In other families, such knowledge and expectations do not exist. Parents who did not attend college may not know about honors and AP classes that could boost their children's chances to get a higher education. In low-income families, the daily financial struggle can be so overwhelming that researching a child's course schedule may be impossible. The result is many bright students from disadvantaged families are left behind or thrown by the wayside.

This bill will require each school district board of trustees to prepare a written notice identifying all honors, AP and international baccalaureate courses, special education services and other educational programs that help advance pupils. The bill would also require posting where such help is available elsewhere in the district and the grade levels for which they are available. This information must also be posted on a Website maintained by each district and on a list given to parents and legal guardians at the beginning of each school year or when a child is enrolled.

I would like to propose an amendment to A.B. 348 that would make it less onerous for public schools to comply with its provisions. The amendment would clarify that the list provided to parents and guardians enumerate only the courses and programs available at their children's particular schools.

Teachers presenting honors and AP courses tend to develop better content and instruction skills. According to the American Federation of Teachers, access to AP courses prepares students for the rigors of college. Even if the student does not pass the AP exam, simply participating in the course is beneficial.

When I was teaching high school, classes were categorized from basic to honors levels, and students were channeled into them based on past performance. I only taught average-level classes, but many of the minority students in them had higher ability and could have qualified for college. When I asked why they had not signed up for AP classes, they told me their counselor had never told them about such classes. Parents also told me they were unaware of the classes. Many minority students were essentially stereotyped as incapable of taking challenging classes. I do not know if this was deliberate.

SENATOR HORSFORD:

Often, things are misconstrued so the public thinks the educational system does not support or is not pushing children hard or far enough. There is a perceived overall breakdown of standards, not just in schools but in the community at

large, enabling all children to learn. There is a push in communities that parents become better informed about opportunities for children.

We have a technological academy coming to my Senatorial District, but if parents do not understand the benefits of a program like that, it will not produce results like it could in other parts of the Las Vegas Valley or State. It may seem like a small gesture to post a notice of honors and AP classes, but we need to do whatever it takes to get people to understand students should take advantage of them. Many students are ignorant of their potential and are not being pushed to go further. We do not have enough counselors; there are 400 to 800 students per counselor in some schools. If the counselor's job is to advise students of which classes to take to graduate, he cannot meet with that many students. The very students who could benefit from that advice fall through the cracks. If classes are rigorous and relevant enough, and students have a relationship with a teacher they respect, children will excel.

Do you have a written proposed amendment to this bill?

ASSEMBLYMAN MUNFORD:

No, I would just like to make compliance less difficult for schools.

CHAIR WIENER:

Could you work with Committee Counsel Sara Partida on some language to that effect?

SENATOR HORSFORD:

If we enact this notice requirement, is there any provision for parents for whom English is not their primary language?

ASSEMBLYMAN MUNFORD:

That is something we will have to address. I am not sure how we would implement that.

YVETTE WILLIAMS (Chair, Clark County Democratic Black Caucus):

We support A.B. 154 and A.B. 348. The latter bill is not just about children understanding opportunities; parents also need to understand what is available. Where would the notices be posted? We want to ensure they are not just in school offices, where parents rarely venture. Parents get an annual enrollment packet in which we could include information about higher learning

opportunities. Many parents in my school district found out by accident about our excellent magnet school and Gifted and Talented Education (GATE) programs.

Clark County parents did a higher learning-disparity study in our community, and the District acknowledged there is a lack of participation, especially in GATE, by African-American children because they are not being properly tested. The District is looking at ways to implement a policy to rectify this.

We desperately need this bill in our community, and the District agrees. It helped us put together a magnet information night in west Las Vegas, attended by almost 500 parents of all ethnicities. This bill does not go far enough.

HENRIETTA PETERSON (Clark County Democratic Black Caucus):

I am raising two grandchildren in the District, and they have never brought anything home about AP classes or other high-achiever programs. I favor this bill so children of color, who are not given the same opportunities as other children, can take advantage of these programs. It is a shame that this bill has had to be put forward to offer every child this opportunity.

ELLEN SUE RINGER, PH.D. (Teacher, Clark County School District):

I have witnessed many children in our District going through Grades 3 to 4, which is a critical time. Children in kindergarten to Grade 3 do not have enough teachers who believe in or enforce higher achievement. This creates a generational passing in which the child does not get the necessary message that he can achieve or exceed his range.

Clark County has a young school system compared to others in the nation. Parents who graduate from our schools often lack self-esteem. A teen parent with low self-esteem will not take the time to push her child academically. We will have more gangs if we do not start pushing higher achievement.

We are recruiting young teachers unfamiliar with the district or community. When a teacher is ignorant of what the residents and parents are going through and their socioeconomic status, he will be ignorant of what is really going on. Our children do not believe in themselves. When we do issue educational information, it may be ignored, but we must emphasize building self-esteem in schools. Gangs build self-esteem by tearing a child down and then building him up. Through that buildup, the notion is becoming more and more prevalent that

a child does not need an education to survive because he will spend more time in the outside world than in the educated world. Students who do achieve and meet higher levels of expectations are becoming a minority.

The school system is 50 years old. When the district says it does not have enough money, what was happening 45 or 25 years ago? Why are we still sitting back, saying we cannot build self-esteem because we do not have the money? You cannot tear a child down and then expect him to find information on how to excel.

JUANITA SIMPSON (Education Chair, Clark County Democratic Black Caucus):
We hosted the parent-information night, held the day after President Barack Obama's inauguration, when a lot of people were gone. The district helped us advertise the event. Parents were surprised such programs existed and wished they had had them when they were students. Parents were so eager for information, they wanted to fill out applications and turn them in that night.

TIMOTHY M. HICKS:

I am a general contractor. I was part of the Clark County School District's elementary school special education program. It helped me to get where I am today. At one point, a teacher named Miss McGuire took the time to ask me about what goals I would like to attain. By doing so, she built a desire and inspiration that made me want to not give up.

Today's public school students are not being educated about careers nor given a proper education to be effective in mainstream society. Children graduate without knowing about career options and what it takes to accomplish their goals. I am a general contractor, but I have never been invited to talk to students about the construction field. It is one of the leading industries in the United States; without contractors, no hospitals, hotels or factories can be built. There are so many careers within construction to which young people can apply then become successful.

If we lack a system willing to find out what are a child's strong points, we will lose that child. All children have different scholastic talents, and we need a system that concentrates on each individual's talents and gifts. America could produce some of the world's greatest students, and that is part of what

capitalism is all about. Had it not been for Miss McGuire and the special education program, I would not be where I am today.

MS. MONTOKA:

I support A.B. 348. I am a product of the Clark County School District and graduated in the top 10 percent of my class. I had a counselor who was more interested in talking to me about tennis than scholastic opportunities. Parents need to know what opportunities exist for their children in a language they can read in information posted at the school and in packets sent home.

When I was pursuing my master's degree in education, I found out that if my children were in AP classes and took the final tests, they could get early college credit. My daughter passed four AP tests, saving me \$5,000 in college tuition. She said being in AP classes was one of her best experiences. She had friends who should have been in AP classes but did not believe they had the capability nor even know they had the opportunity to take them.

Advanced-placement students get an entirely different educational experience, forced to reach beyond where they are—and that is what education is all about. Young students with terrible counselors like I had need to see a notice about AP classes. This is a very minimal thing that can be done that has a huge impact. This bill will help level the playing field for all young people.

MR. MANGINO:

We support A.B. 348 and appreciate Assemblyman Munford's recognition of school districts' limits for sending information to every parent. We suggested placing notices on the district Website plus distributing them in face-to-face meetings with parents.

SENATOR CEGAVSKE:

Section 1 of the bill uses the word "shall," yet there are no consequences if a district does not follow the mandate. If school administrations change, and the new personnel are ignorant of the law, how do we continue this? How many of our 17 districts do not have a Website, and if so, can they afford one? The information needs to be on the NDE's Website.

MR. MANGINO:

Personnel turnover is a problem, and it is a priority for districts to continually disseminate information on programs as they change. Clark County high schools

and most of its middle schools have Websites that provide current information. Paper material sent home with students often does not make it to parents. The notice effort is there, and A.B. 348 puts it out in front. Advanced classes are always emphasized at district and regional meetings and reinforced at individual schools.

SENATOR CEGAVSKE:

Many parents come to school board meetings, so that would be a perfect place to distribute the information. Also, we could pass it out at teacher-orientation meetings or back-to-school nights or post it permanently in schools' glass display cases and classrooms. Students are hesitant to take challenging classes in which they may not get the best grade. We need to help alleviate that fear so they realize they can gain more knowledge and have a better resume for college.

ASSEMBLYMAN MUNFORD:

Many high school seniors and juniors take average classes because they are working and the honors and AP classes require extra study. This is when parents could encourage the students to challenge themselves.

VICE CHAIR WOODHOUSE:

Senator Cegavske, I have made a note to check with the NDE to see if all school districts have Websites. We will close the hearing on A.B. 348. We will open the hearing on A.B. 243.

ASSEMBLY BILL 243 (2nd Reprint): Requires certain employers to grant leave to parents, guardians and custodians of children to participate in certain school activities. (BDR 34-670)

ASSEMBLYWOMAN APRIL MASTROLUCA (Assembly District No. 29):

Assembly Bill 243 would allow parents or guardians to take up to four hours per school year off from work to become involved in their students' education. This would be unpaid leave, and the law will only affect businesses with 50 or more employees. The time off must be mutually agreed upon; the original language of this bill states 48-hours' notice must be given to the employer, but we have amended that to 5 days ([Exhibit E](#)).

Research has proven that when parents are more involved in schools, students have higher grades, higher graduation rates, better attendance, are more likely

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to attend college and use drugs and alcohol less. I have given you some articles about the impact parental involvement in schools can have ([Exhibit F](#) and [Exhibit G](#)).

This bill gives Nevada an opportunity to be proactive instead of reactive about education. It will benefit business and education; studies show worker productivity and profits increase when employees feel they can balance work and family responsibilities. Section 4 of the bill extends the law to cover private schools.

CHAIR WIENER:

Is this the April 2, 2009, amendment? Will you walk us through it?

ASSEMBLYWOMAN MASTROLUCA:

Under the proposed amendment, [Exhibit E](#), section 1, subsection 3, would have new language: "If an employee has a work schedule in which he has one or more days off that are also regular school days, an employer may require the employee to schedule parent-teacher conferences or schedule volunteer time at the school on one of those days." This is intended to cover people who work 24-hour shifts and have a weekday off; it would be preferable if they took off that day instead of another.

The proposed amendment would add to section 1, a new paragraph (subsection) 7: "This section does not apply to employees included within the provisions of a collective bargaining agreement which provide otherwise for an unpaid leave of absence." This would prevent adding additional days off and competition with existing labor agreements.

MR. MANGINO:

The Clark County School District supports A.B. 243 because it expands the opportunity for parents to participate in their children's education. Participation has a positive impact on education, an impact that has the potential to alleviate parents' anxiety about the classroom. Schools should not be a place of secrets, and the more parental involvement we have, the better off the students will become.

JULIE WHITACRE (Nevada State Education Association):

We support A.B. 243, and echo the comments of Assemblywoman Mastroluca and Mr. Mangino.

FRANCISCO AGUILAR (Andre Agassi Foundation):

At Andre Agassi College Preparatory Academy, a public charter school, we encourage parent involvement, and we see A.B. 243 as great support for that effort. This is also extremely important to us because we are looking at including parents in our school leadership. We recently added a parent to our governing board, and that has proven successful.

DAVID F. KALLAS (Detective, Director of Governmental Affairs, Las Vegas Police Protective Association Metro, Inc.; Southern Nevada Conference of Police & Sheriffs):

We support A.B. 243. Given the type of shifts our officers work, we welcome the opportunity, if this statute were imposed, to be able to collectively bargain that same benefit into our agreements. Officers working the streets see the positive impact of parental involvement in schools. We come into less contact with those children in the juvenile justice or social services systems. From both a personal and professional standpoint, we feel it is important to provide the opportunity for parents to be involved in education.

CHAIR WIENER:

Is there research that shows limited involvement in school motivates parents to do more?

ASSEMBLYWOMAN MASTROLUCA:

I do not have concrete figures for you, but when parents get involved, that becomes an enjoyable habit. A national program called "Three for Me" asks parents to volunteer three hours a year in the classroom. Most of those parents continue to come back after they realize how easy it is to volunteer for small chunks of time.

SABRA SMITH NEWBY (Clark County):

One of the proposed amendments deals with employees on 24-hour cycles. We have worked with Assemblywoman Mastroluca to come to this agreement. Ms. Whitacre and I signed in as neutral on the bill, but with that amendment, we would support the bill.

KEITH M. LYONS JR. (Nevada Justice Association):

We support this bill because it is beneficial for both the parents and schools when parents are involved. I am an employment attorney in Las Vegas representing primarily individuals. In my 17-year practice, no one has consulted

with me on this issue. It is extremely important for parents to be able to visit their children's classrooms without fear of losing their jobs.

My only concern is the clause in the bill's section 2, subsection 3, in which the employee may request a hearing before the Labor Commissioner. I do not know if the Commissioner has the funding or staff to conduct a hearing nor how many staff members will be needed for this. The Commissioner would normally conduct an investigation before a hearing; the bill states it immediately goes to a hearing.

CHAIR WIENER:

Assemblywoman Mastroluca, did you talk to the Labor Commissioner or anyone representing that component of the legislation?

ASSEMBLYWOMAN MASTROLUCA:

We have had some conversations but not about this particular issue. I will look into it and get back to you.

MARY JO PARISE-MALLOY (Nevadans for Quality Education):

We fully support A.B. 243. We believe that engaged parents and quality teachers create the perfect formula for student success.

DR. RINGER:

I support this bill because when we have parental support, we have fewer student behavior problems. Often, parent volunteers have a lot of influence over students whose parents do not come to school. It demonstrates that people in the community do care.

Both fathers and mothers were among the more than 500 people attending our magnet school presentation. This bill would allow working fathers and male guardians to come to schools. So many fathers are not cognizant of what their children are doing in school or what the school is doing for their children. The bill supports the goals of the Clark County Democratic Black Caucus and promotes links with resources for which we do not have funding. Perhaps we can connect in other, better ways with our children.

MICHAEL TANCHEK (State Labor Commissioner, Office of the Labor Commissioner, Department of Business and Industry):

Mr. Lyons had a good point about the limited resources of my office. The bill specifies a person would go directly to a hearing, while normally we conduct investigations and make findings and determinations concerning complaints before the hearing phase. A hearing is a very expensive and time-consuming way to resolve this type of issue. We would like to find a way to rework this so complaints go through our normal process.

CHAIR WIENER:

Assemblywoman Mastroluca, the suggestion is rather than going straight to the hearing to work through the normal investigative process, which would be more cost-effective for the Commissioner.

ASSEMBLYWOMAN MASTROLUCA:

I spoke to Employment and Management Services Division Manager Shelley Blotter, and she will have some language to resolve this issue. I have talked to Mr. Tanchek and understand his problem. I think it is just a wording issue that can be worked out quickly.

MR. TANCHEK:

I have talked to the Legislative Counsel Bureau, Legal Division, about the issue. Another concern with resolving complaints is a language issue. There is no relief the Labor Commissioner can give to parents. If we cannot resolve it, then parents must go to court to get reinstatement and back wages. That is a drafting issue we can quickly resolve.

I also have a fiscal note that says this bill would have an impact, but we cannot gauge what it would be. As Mr. Lyons pointed out, this is a very rare legal matter, so we do not know if it is a big or occasional problem or how many resources to apply to it.

ASSEMBLYWOMAN MASTROLUCA:

A law on the books for 20 years allows parents to leave work in an emergency if children are ill or there is a summons to a parent-teacher conference when the child cannot be readmitted to school. No one has ever said they have lost their job because of that. This bill adds a new piece to the law. Businesses and labor unions do not anticipate a problem, but we want to make sure all of our bases are covered.

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TERESA THIENHAUS (Director, Department of Personnel):

I am speaking from Las Vegas. My Division Administrator of Employee and Management Services, Shelley Blotter, is in Carson City to provide testimony.

SHELLEY D. BLOTTER, CPM, SPHR (Division Administrator, Employee and Management Services, Department of Personnel):

I am requesting clarification on how this applies to the State's Executive Branch ([Exhibit H](#)). I have given you our proposed amendments ([Exhibit I](#)). In the Assembly, sections 2 and 5 of A.B. 243 were amended to state a person who is discriminated against may request a hearing before the Labor Commissioner. While the hearing process may be appropriate for private employers, the Commissioner does not have a role in adopting regulations or hearing disputes between employees and the Executive Branch. Classified employees may bring grievances to the Employee-Management Committee and certain disciplinary actions to a hearings officer for determination. If the employee is dissatisfied, he can appeal to the district court for judicial review.

Nonclassified and unclassified employees hired at-will do not have access to those processes. If they have complaints, they would file a civil lawsuit directly with district court. Full-time State employees can earn up to 15 days of annual leave and have flextime with which to visit schools. I am not certain this bill needs to include employees of the Executive Branch. We will work with the bill's sponsor to resolve these issues.

SENATOR CEGAVSKE:

My concerns are with the consequences for employers on page 3 of the bill. Would State employees be amenable to the bill if there were no consequences? Please consider that as you talk to others. Most employers are reasonable about granting leave to parents. Have you had a parent testify he was unable to go to a school? The part about penalties for employers gives me angst. Did the business community come forward on this issue at all?

ASSEMBLYWOMAN MASTROLUCA:

The Las Vegas Chamber of Commerce supported this bill in the Assembly. The penalties, except the part regarding the Labor Commissioner, have been the law for 20 years. We did not make them more severe.

The key to this legislation is that time off has to be mutually agreed upon. An employee should never get to the point you mention; it has to be done in writing

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and mutually agreed upon. We tried to put in as many parts as we could to prevent this issue. I had some concern from other Legislators about taking out the penalties because they were part of existing law.

SENATOR CEGAVSKE:

On section 2, subsection 3, line 29, of the bill, you added "demoted, suspended or otherwise discriminated against"

ASSEMBLYWOMAN MASTROLUCA:

Yes, but that does not change the penalties.

SENATOR CEGAVSKE:

Does it not cause more areas to engender a penalty? I am concerned about adding that language when we have not heard any testimony about employees being denied leave, demoted or discriminated against. Did any of that come forward?

ASSEMBLYWOMAN MASTROLUCA:

No. I believe that language is similar to "whistleblower"-type language.

SENATOR CEGAVSKE:

I hate to add it if we do not need it. The language I just mentioned and the penalties will cause concern for the business community.

ASSEMBLYWOMAN MASTROLUCA:

I will take a look at it.

STEPHEN W. DRISCOLL, CGFM (Assistant City Manager, City of Sparks):

I am the chief labor negotiator for the City of Sparks. I originally signed in as opposed to A.B. 243 because several elements were in direct conflict with NRS 288, the mandatory collective bargaining imposed on local governments by the Legislature. After talking to the bill's sponsor, her amendment to essentially exempt local governments, because they have collective bargaining, has now put us in a neutral position.

MS. BLOTTER:

Our only concern with this bill is about the Labor Commissioner's role in relation to the Executive Branch. We are unconcerned with the penalties and see a value in our employees being able to meet with teachers and go to school functions.

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CHAIR WIENER:

We have some work to do on the bill. We will close the hearing on A.B. 243. We will open the hearing on A.B. 319.

ASSEMBLY BILL 319 (1st Reprint): Makes various changes relating to school employees. (BDR 34-50)

ASSEMBLYMAN TICK SEGERBLOM (Assembly District No. 9):

This is the second time the Committee has heard this bill. Representatives from school districts here today have basically agreed in principle on the entire bill. This grants a floor for school district employees as to when and how they are given notice of discipline or investigation. The floor would be determined in statute or increased by union contracts; the bill says if any contract deals with specifics of the bill's language, the contract supersedes the law. School administrators have told me they are concerned whether the provisions include their transfers. Senate Bill 154, which passed April 21, would allow administrators to collectively bargain that issue, so maybe we should keep in this language.

SENATE BILL 154: Revises provisions governing mandatory bargaining with employees of local government employers. (BDR 23-779)

CHAIR WIENER:

Was not the action to meet and confer on the language of S.B. 154?

ASSEMBLYMAN SEGERBLOM:

Yes, to meet about making part of contracts' collective-bargaining agreements. The bill's sponsors may not want to take the bill out of this Committee because it would grant leverage with respect to contracts. This is a simple bill. Mr. Kallas will testify that police officers have had this type of thing for a long time: a floor in statute.

SENATOR CEGAVSKE:

The bill is now amended; does the original fiscal note still apply? Has the bill been sent to the Assembly Committee on Ways and Means, given its fiscal impact on both the State and local governments?

ASSEMBLYMAN SEGERBLOM:

It will not have a fiscal impact on the State.

SENATOR CEGAVSKE:

Superintendent of Public Instruction Keith Rheault said the bill would have noted fiscal impact on the NDE. It would also significantly impact each school district.

ASSEMBLYMAN SEGERBLOM:

I do not know why it did not go to Ways and Means, nor where they came up with numbers like that. I did not see the fiscal note. The bill simply says districts must notify employees before certain actions. A fiscal note should apply to that. The Nevada Association of School Boards has worked on the fiscal note with Assembly Committee on Education Chair Bonnie Parnell and agreed to this language.

SENATOR CEGAVSKE:

Have all of the districts said they support the bill? That was not my impression.

ASSEMBLYMAN SEGERBLOM:

Yes.

MR. KALLAS:

I will speak on the bill's provisions about officers, the State and NRS 289—the "Peace Officers' Bill of Rights"—in relation to compliance and investigations made against officers externally or even internally. I am surprised by the fiscal note mentioned by Senator Cegavske. From our perspective, having operated under the provisions of a similar statute for more than 25 years, we recognize it has provided for an orderly and efficient process for resolution relevant to both employees and employers.

Existing statute has provided an objective standard for how employers react to an allegation of misconduct or policy violation against an employee. Both sides have the opportunity to air their grievances in an efficient and effective process. It would be beneficial to the school districts to have that standard in place, and it would be more effective when dealing with employee issues. From that perspective, we wholeheartedly support this legislation.

MS. WHITACRE:

We support A.B. 319 because recruiting and retaining educators in the State is a serious problem. Setting this standard into law will go a long way to decrease intimidation, make employees feel more protected, improve working conditions and treat staff more like the professionals they are.

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An issue that did not get enough attention in the Assembly is A.B. 319 does not just affect teachers and licensed professionals. It also affects support staff who often feel the brunt of intimidation and have more difficulty negotiating contracts. This bill will go a long way to help a segment of our population that is often forgotten. I am working with the school districts on problems with how the bill is written to craft an amendment with which we can all move forward.

SENATOR CEGAVSKE:

Do you not think this would be a perfect bill to add an amendment concerning contracts for yearlong or nine-month teachers?

ANNE LORING (Washoe County School District):

I will defer to Christopher Reich, on behalf of my district.

LONNIE SHIELDS (Assistant Executive Director, Nevada Association of School Administrators):

We have one small difference concerning this bill but are very close to resolving it.

CHRISTOPHER B. REICH (General Counsel, Legal Department, Washoe County School District):

The areas in the bill about which the District has concerns are the proposed language in section 5; section 7, subsections 1 and 5; section 8; section 11 and section 12, subsection 1 ([Exhibit J](#)). We will continue to work to resolve these differences.

SENATOR CEGAVSKE:

Do you have an implementation-cost estimate?

MR. REICH:

Not with the revised bill. I can eventually provide that to you.

MR. MANGINO:

Clark County School District's position is similar to that of Washoe County School District in regard to section 5; section 7, subparagraphs (1) and (5); section 11 and section 12. We are hopeful an agreement can be reached.

MS. PARISE-MALLOY:

Nevadans for Quality Education opposes A.B. 319 for many reasons. Specifically, we believe district employees are already protected by contracts or collective bargaining. This legislation will slow the education process and problem solving for students. If an employee needs to have 48 hours' notice for a meeting that involves something regarding children, that may be too long.

We are also concerned about section 7, subsection (5), which prohibits an employee from bringing up additional discussion topics during a meeting. If a conversation between an administrator and employee referencing children reaches a point at which other items are mentioned that will help students, but the employee cannot talk about them, we are concerned. If that meeting has to stop for 48 hours so proper notice can be given, that will slow things down for solving classroom problems. We focus on children, and think this legislation is good for adults, not students.

DR. RINGER:

I am concerned about the 48-hour notice. If the notice is not delivered to the licensed or unlicensed personnel, what rights does the employee have? Where are we going to go with this once the person is deemed innocent? On what does he have to stand? There are many salient harassments of teachers; we are under the gun, not knowing we are being investigated for something that could be unpunishable by anything other than a verbal warning.

CHAIR WIENER:

I am sure that will be part of the bill sponsor's conversation as he works on the measure.

PEGGY LEAR BOWEN:

I am retired from 35 years of teaching in Nevada and am a retired member of the State Board of Education. I fully support A.B. 319, but I have a suggestion regarding section 5, where it states, "'School employee' means any licensed or unlicensed person employed by the board of trustees of a school district." Due to other statutes concerning workers' compensation insurance, this can be interpreted as board members themselves being district employees.

I hope the section's language means a person who is directly employed by the board—those who apply to the district for work and are accepted for a licensed or unlicensed position. This should not include people elected to boards of

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trustees as district employees. I am talking about people who can be hired and fired by boards, not elected officials.

CHAIR WIENER:

Assemblyman Segerblom, there is work to be done. Will you keep us informed if you need any Committee members to join you in conversations? I will volunteer. We will close the hearing on A.B. 319.

There being no other business to come before the Senate Committee on Health and Education, this meeting is adjourned at 5:59 p.m.

RESPECTFULLY SUBMITTED:

Patricia Devereux,
Committee Secretary

APPROVED BY:

Senator Valerie Wiener, Chair

DATE: _____