

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

**Seventy-Sixth Session
May 2, 2011**

The Committee on Education was called to order by Chair David P. Bobzien at 3:20 p.m. on Monday, May 2, 2011, 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/76th2011/committees/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman David P. Bobzien, Chair
Assemblywoman Marilyn Dondero Loop, Vice Chair
Assemblyman Paul Aizley
Assemblyman Elliot T. Anderson
Assemblywoman Olivia Diaz
Assemblywoman Lucy Flores
Assemblyman Ira Hansen
Assemblyman Randy Kirner
Assemblywoman April Mastroluca
Assemblyman Richard McArthur
Assemblyman Harvey J. Munford
Assemblywoman Dina Neal
Assemblyman Lynn D. Stewart

COMMITTEE MEMBERS ABSENT:

Assemblywoman Melissa Woodbury (excused)

GUEST LEGISLATORS PRESENT:

Senator David R. Parks, Clark County Senatorial District No. 7

STAFF MEMBERS PRESENT:

Mindy Martini, Committee Policy Analyst
Kristin Roberts, Committee Counsel
Taylor Anderson, Committee Manager
Janel Davis, Committee Secretary
Gianna Shirk, Committee Assistant

OTHERS PRESENT:

Joyce Woodhouse, Chair, 2009-2010 Interim Legislative Committee on Education
Bart Mangino, Legislative Representative, Community and Government Relations, Clark County School District
Dane R. Watson, Deputy Executive Director, Field Services, Clark County Education Association
Carolyn A. Stewart, Private Citizen, Las Vegas, Nevada
Samuel P. McMullen, representing Citizens for Fire Safety, Sacramento, California
Keith Rheault, Ph.D., Superintendent of Public Instruction, Department of Education

Chair Bobzien:

[Roll was called. Rules and protocol were stated.] We will be hearing two bills today. I will open the hearing on Senate Bill 196 (1st Reprint). I would like to welcome former Senator Joyce Woodhouse.

Senate Bill 196 (1st Reprint): Revises provisions governing empowerment schools. (BDR 34-86)

Joyce Woodhouse, Chair, 2009-2010 Interim Legislative Committee on Education:

During the 2009-2010 Interim, I served as Chair of the Legislative Committee on Education. I am here today to introduce S.B. 196 (R1). [Continued to read from written testimony ([Exhibit C](#)).]

The Legislative Counsel Bureau has produced a Research Brief on the History of Empowerment Schools Program in Nevada ([Exhibit D](#)).

As amended, the bill contains two significant provisions concerning empowerment schools. Section 1, page 2, lines 7 through 10, remove the statutory cap of 100 empowerment schools statewide. Section 3, page 3,

removes the sunset on the empowerment schools' statutes adopted in the 74th Legislative Session. [Continued to read from [Exhibit C.](#)]

Chair Bobzien:

Are there any questions from the Committee members?

Assemblyman Stewart:

Ms. Woodhouse, it is good to see you still involved in the education process. This is a good bill. We have gone a long way in keeping our empowerment program going by removing the sunset and cap on the bill. How many schools are under the empowerment program statewide?

Joyce Woodhouse:

In the Clark County School District (CCSD), there are 17 schools. The Washoe County School District (WCSD) has not yet identified a school, but has put forth policies in a strategic plan that provide the opportunity to move in that direction. Some of their representatives may be able to add to that answer.

Assemblyman McArthur:

Do we have funding for this program? Is it still \$400 per pupil? I had heard it was \$600 per pupil for empowerment schools.

Joyce Woodhouse:

The original \$600 per student was what CCSD was using with its first four empowerment schools. If you look at [Exhibit D](#), it identifies that. This bill had \$400 in it, but, you are right—there is no funding. That is why this bill now only allows the concept to continue forward. It gives us the opportunity to keep the issue in front of schools. We have found the positive ramifications of these empowerment schools is shown through attendance, achievement, and parental support for the program. We want to keep this program going, but there is currently no money.

Assemblyman McArthur:

Do we have to have more money in order to have an empowerment school?

Joyce Woodhouse:

That question would be better answered by CCSD. My understanding, however, is that they have a couple different models. I do not have that information, but some of the programs are funded by grants.

Assemblyman Stewart:

It is my understanding that there are two parts to the empowerment program: flexibility and autonomy. Funding is important to those two parts.

Without the funding, parts of the empowerment program can be carried out by having more flexibility and autonomy in the school itself which is part of the improvement. The money helps, but it is not the only factor. Is that your understanding?

Joyce Woodhouse:

That is correct. The concept of the empowerment schools is that school-based decision making involves staff and parents and what is best for the student population. Money makes things easier, but the most important thing about the empowerment school philosophy is that most of the decisions are being made at the lowest level, which is really the highest level, and that is the school.

Chair Bobzien:

Are there any additional questions? [There were none.]

Bart Mangino, Legislative Representative, Community and Government Relations, Clark County School District:

We are in support of S.B. 196 (R1). The bill allows for flexibility by providing a sunset clause for the cap, and the statute allows us to adopt additional empowerment schools. It also provides flexibility for superintendents. We have had a very successful run at empowerment schools in CCSD. Currently, we have 30 empowerment schools, 17 of which are receiving some sort of grant or additional funding.

Assemblyman Kirner:

Why are all schools not empowerment schools? Do they need the additional funding to be an empowerment school?

Bart Mangino:

You were on the trip where we visited the schools in CCSD. You saw smattering of the various school models that we have. Some were empowerment schools and some were Title I schools. The last school we visited, Halle Hewetson Elementary School, was not an empowerment school. We feel that the empowerment model may work for some schools, but in a case like Halle Hewetson Elementary School, it designed its program around what was existing in CCSD.

To say that empowerment is the "end all" would not be completely accurate. We think it needs to be a model that has been researched. We need to take a look at what studies are showing, for instance, the study conducted by the University of Nevada, Las Vegas. Decisions would be made at the school level as far as what the process would be for rolling out empowerment schools.

Assemblyman Kirner:

It sounds like you are saying we can make good decisions at the district level, and do not need the state to make these decisions. I am thinking about other bills, like class-size reduction. What do you think of that?

Bart Mangino:

Some of what you say is accurate. The Clark County School District is not in 100 percent agreement with that because when schools are faced with choices, they are forced to make a decision versus being enabled to make a choice. The choice of full-day kindergarten versus class-size reduction is a two-edged sword. "What do we give up?" In our opinion, both of those programs are very successful; to eliminate one at the cost of another puts the school in a position where the blame for taking away a program that was successful falls on the individual school district instead of where the blame needs to be placed.

Assemblyman Munford:

In Clark County, how many of the high schools are classified as empowerment schools?

Bart Mangino:

There are approximately five high schools that are currently empowerment schools. They range from Moapa Valley Empowerment High School, which is a small high school, to Rancho High School, Cheyenne High School, Chaparral High School, and Mojave High School.

Assemblyman Munford:

Usually the schools that qualify for empowerment are those that did not make their adequate yearly progress. Is it up to the administrator of the school to be considered as an empowerment school? Is that how the process works?

Bart Mangino:

That is accurate. At the end of each school year, a call goes out to school districts interested in becoming empowerment schools. This time around, one of the key issues was that there was no additional funding. As you read the CCSD results, each one of the studies that came back from the parents to the teachers to the administrators said that the reason for their success was primarily based on flexibility and the opportunity for time in providing additional opportunities for students. For example, when you visited Kirk L. Adams Elementary School, you saw that it was able to extend the school day. They did so by having the flexibility of providing additional support staff to assist in remediation and interventions as far as reading and math were concerned.

Chair Bobzien:

Are there any additional questions? [There were none.]

Dane R. Watson, Deputy Executive Director, Field Services, Clark County Education Association:

We are in support of S.B. 196 (R1). Since 2005, we have long embraced empowerment models. We believe that when parents, teachers, and the community come together to collaborate on improving student achievement, it is a good thing.

Chair Bobzien:

Are there any closing comments?

Joyce Woodhouse:

I do not have any closing comments. There is an individual in Las Vegas who would like to testify on this bill.

Carolyn A. Stewart, Private Citizen, Las Vegas, Nevada:

I am in opposition to Amendment No. 159, which seems to remove all of the autonomies from the empowerment schools. I am, however, in favor of S.B. 196 (R1).

Chair Bobzien:

To clarify, are you against the current version of the bill?

Carolyn Stewart:

I am against the amendment.

Chair Bobzien:

The amendment has already been adopted and is no longer open for consideration. Are you against the bill as it is reprinted now?

Carolyn Stewart:

That is correct.

Chair Bobzien:

Did you want to speak to specific points about why you are opposed?

Carolyn Stewart:

The amendment seems to remove governance, instruction, staffing, budget, and time. Those are the items in empowerment schools which are the "heart" of what empowerment is all about, and that is sheer decision making at the site level.

Chair Bobzien:

I am going to have our policy analyst discuss the amendment to clarify what it did.

Mindy Martini, Committee Policy Analyst:

From staff's perspective, Amendment No. 159 looks like it deleted sections of the bill that would require the timetable and the plan, which had a fiscal note attached to the bill. It also deleted the provisions that would have exempted empowerment schools from reverting certain grants of money. All the other provisions remain the same.

Chair Bobzien:

Are there any questions?

Assemblyman Stewart:

I want to make clear that the provisions Ms. Stewart enumerated are still in the bill. Those provisions are the intent of the empowerment school and I would hope we can keep those in the bill. Can someone verify that?

Mindy Martini:

That is correct. Even if you do not see those provisions, they still remain within the law. I am not sure if you are reading the amendment incorrectly, but the amendment only took out the reporting and planning section so that there was no longer a fiscal note attached to the bill.

Assemblyman Stewart:

The empowerment program will stand as it is with the exception of funding, the date, and cap being removed. Is that correct?

Mindy Martini:

From staff's perspective, that is correct.

Chair Bobzien:

Ms. Stewart, just because language comes out of bill does not mean that the language comes out of statute. The requirement for the reference of the language is removed. Does that make it clear as to what the amendment does?

Carolyn Stewart:

Yes. That is a huge relief to all of us. Thank you.

Chair Bobzien:

Are there any additional questions? [There were none.] We will close the hearing on S.B. 196 (R1) and bring it back at a future work session. We will

move to Senate Bill 318 (1st Reprint). I would like to welcome Senator David Parks.

Senate Bill 318 (1st Reprint): Establishes provisions governing permissible flammability of certain components in school buses. (BDR 34-781)

Senator David R. Parks, Clark County Senatorial District No. 7:

Today I come before you to address S.B. 318 (R1), which speaks to school bus safety. This bill establishes provisions governing permissible flammability of occupant seating in school buses and plastic components contained within the engine compartments of school buses.

Fires aboard school buses occur more often than people think. They are caused by a wide variety of reasons. Some are internal to the bus such as engine compartment fires or electrical circuit component malfunctions. Others are caused externally such as an accident to the vehicle. Senate Bill 318 (R1) puts minimum fire safety standards for school buses in Nevada's law. Currently, there are no minimum flammability standards that apply to the plastic components within the engine compartments of school buses in the State of Nevada.

Since the bill only applies to buses purchased after January 1, 2014, it gives school districts ample time to comply and allow them to revisit the issue in the upcoming 2013 Legislative Session should any complication arise between now and the effective date of this bill. This bill has been discussed with the various school districts and I believe that they are in support of the bill. I would also like to add that two minutes or less is the time that has been established to evacuate a burning school bus. Within three minutes, a bus can be fully engulfed in flames.

Assemblyman Kirner:

Would this bill require some re-engineering of school buses? If so, is technology already in place and available? I would like to know the status.

Senator Parks:

The way that buses are typically purchased is a school district will develop its own components and requirements, then shop that to various bus manufacturers for the buses it would like to have designed. Within the mass transit industry, there have been a lot of advances over the last 20 to 30 years where it has managed to greatly refine the specifications that would limit or greatly reduce the number of fires.

My experience dealing with buses goes to the Regional Transportation Commission of Southern Nevada. The first task I was given was to develop specifications for transit buses. In the process of evaluating various components, we did a number of things, one of which was to put fire suppression equipment inside the engine compartment of all buses. If there was a fire, the equipment, in effect, sucks the oxygen out of the air and stops the fire.

There have been great advances in wire harnesses and electronic equipment that have been known to be a substantial cause of fires in buses. The other components are those that are internal to the coach, which include seating and flammability resistance. Apparently there are several different organizations that provide fire suppression certification of these materials. This bill would simply state consideration of the acquisition of certain components that have a tendency to burn. Those components have flammability standards that comply with those requirements.

Assemblyman Kirner:

The answer is, yes, technology exists?

Senator Parks:

Yes.

Assemblyman McArthur:

It looks like this is going to be in effect for buses bought after the year 2014. Are all used buses up to that time not to be retrofitted?

Senator Parks:

There is no requirement in this bill to do any retrofitting of existing vehicle fleets.

Chair Bobzien:

It is my understanding that surplus buses purchased by outlying school districts would not be impacted by this either because they are used buses. Is that correct?

Senator Parks:

That is my reading of the bill. To retrofit, especially if dealing with electronic components or seating, could make it prohibitive to put a vehicle back in to service. That was not my intent.

Assemblyman Hansen:

Does Clark County currently use a standard when it buys its buses? I looked up the V-0 classification on the Underwriters Laboratories Inc. Standard 94, the "Standard for Safety of Flammability of Plastic Materials for Parts in Devices and Appliances" testing. It is a very high standard with a 10-second requirement for plastic burning. I am curious if that is an industry standard now? What is the genesis of the bill? I wonder how they are currently handling these things.

Senator Parks:

First, standards have improved over a number of years. The availability of improved electronics and improved circuitry make it cost effective. Secondly, I am not aware of any set standards; there may be voluntary standards that school districts have put in place. I am not aware of any requirement for such standards.

Assemblyman Hansen:

In the past, has the State of Nevada not been involved in bus safety for individual school districts?

Senator Parks:

I may not have the answer to that question. As far as I am concerned, I have no knowledge that it has been involved.

Chair Bobzien:

Mr. McMullen is shaking his head no. When he comes to the table, he can have a chance to answer that. Are there any additional questions? [There were none.]

Samuel P. McMullen, representing Citizens for Fire Safety, Sacramento, California:

There is currently a standard that had been utilized by CCSD. For bus interiors, we were able to validate the standards in S.B. 318 (R1)—the School Bus Seat Upholstery Fire Block Test or the ASTM test—as being equivalent. All school buses use that interior standard right now, and that will not change. This bill is basically setting it as a statutory minimum standard. You are correct in that plastics are an upgrade. Part of the Citizens for Fire Safety's theory—participating in a number of states to try and support these standards—is this is a way of setting a standard for manufacturers to understand standards are rising.

The current standard inside the engine compartment is automotive plastic. For those of you who have seen an engine burn, you know that some of the

components rubberize and vaporize. The vapors smell and easily light up. The reason for trying to go to a higher standard on electronics is because they do not flame as easily. Consequently, if fuel leaks or other causes inside the engine compartment start a fire, we want to retard it—that is the theory with electronic plastics. An increase in the standard is done to make sure that we are upgrading the safety standards. The cost is projected to be in the \$200 range. We figured that was appropriate and would give school districts a chance to look through it and find out if it is workable. If it was not appropriate, we would bring it back to the 2013 Legislative Session.

Assemblywoman Mastroluca:

The requirements for school buses in school districts also apply to buses in private schools. At what point is it a bus for a school versus a bus for a preschool? For example, my kids took a bus in the morning to a day-care center. Would this apply to that?

Sam McMullen:

I do not have an answer for you at the moment.

Chair Bobzien:

Dr. Keith Rheault, would you like to clarify?

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

The Department of Education regulates school bus standards. We have out-of-service criteria, but it only applies to preschools if they have kindergarten and above. If they do not have kindergarten, we do not regulate them. I am sure they fall under Nevada Highway Patrol inspections. They would not fall under Nevada school bus standards that we have set for all other buses.

Assemblyman Hansen:

Has the State of Nevada ever been involved in setting minimum bus safety standards?

Keith Rheault:

The State Board of Education/State Board for Career and Technical Education is required to set all the school bus standards in the state. We set the school bus driver standards and the out-of-service criteria for certain parts identified during annual school bus inspections. We have been doing this ever since I have been in the Department, about 25 years.

I have not heard the question yet: "Have we had problems with fires in the past?" It came up in the Senate side. I have a half-time person who works

with all the school districts and the Nevada Highway Patrol in setting the standards before they are adopted by the Board. In the last ten years, she said there have been a handful of engine fires and she could recall only one time when they had to evacuate a bus. That was an incident in Clark County with about 20 kids on the bus. Other than that, we have been fortunate not to have any major fires in the state.

Assemblyman Hansen:

Why does the Nevada State Legislature have to get involved in something you guys are already doing?

Keith Rheault:

The reason we have the standards is because the Nevada State Legislature got involved many years ago, declared that we would have them, and the Department and the State Board would adopt those standards. It is already required by the Nevada State Legislature. As Mr. McMullen said, the new ground that is not yet covered would be the plastic pieces of the engine components that are not in current standards.

Assemblywoman Diaz:

In section 1, subsection 1, why is there an "or" between paragraph (a) and (b)? Why not adopt both?

Sam McMullen:

We had started with a preferred standard that the Citizens for Fire Safety had utilized, which was paragraph (a), the ASTM International Standard. We found out the existing standard is equivalent to the proposed standard. Without causing any problems, we thought it was fine to add that and did so with an "or." It seemed to satisfy everyone.

From our point of view, the hope was to send a clear legislative message in numerous states including New York, Maryland, and Illinois. Because Senator Parks' interest is in Nevada, we wanted to make it clear that there was a set of standards based on the manufacturers' understanding that they would start building to those standards.

Chair Bobzien:

Having been involved in other legislation related to product standards in the past, the issue is, as state laboratories take up these different topics when it comes to product standards, there is a market that is being driven as a result. As I understand it, there are four states currently considering this legislation. Is that correct?

Sam McMullen:

That is correct.

Chair Bobzien:

In terms of what specification is chosen, the approach is consistency in the legislation. Is that accurate?

Sam McMullen:

I was recently informed that the Maryland test was adapted, and included the School Bus Seat Upholstery Fire Block Test as an equivalent standard. We are trying to make sure that there is a consistent message on what the standard should be.

Chair Bobzien:

Ultimately, the concern I would have is that this bill does not put us on a trajectory, or puts us, the State of Nevada, in a situation where we are in a "box" later on. For instance, when a large neighbor state to the west of us adopts such a standard, and thereby drives what school bus offerings are available to the school districts, we are, more or less, going to be in that same realm of what can reasonably be purchased. In other words, we would not want to make a standard that is unique and so idiosyncratic that Nevada is a niche market, and school buses cost way more because of it. Instead, we want to know that Nevada is in line with what other states are doing.

Sam McMullen:

The whole point of this bill is not to create outlying states; it is to create consistency and a standard that will be utilized. At the most recent National Congress on School Transportation, the National School Transportation Specifications and Procedures was adopted as the national standard. The language is on page 2, lines 12 through 15, which is the current standard in Nevada, and, more and more, is being adopted as the national standard.

Unfortunately, I do not have the answer on California. The reference to new schools was a way of making sure that surplus buses handed down to the rural districts from the larger urban districts were exempt. That would mean that the standards in effect at the time—the upholstery standard—ultimately, will be upgraded to include engine components. That would not restrict or cause retrofitting. Surplus buses are sometimes bought out of the California market, but purchasing practices would not change. We did a lot of things to "manicure" the fiscal impact and make sure it was as minimal as possible.

I wanted to take a point of personal privilege. I was also involved in the empowerment schools and wanted to tell you that it is an excellent program.

I sat on the first empowerment committee. The excitement and ability of these people to control their own destiny and the pieces that mattered is a plus in itself and extending that is an excellent thing.

Bart Mangino, Legislative Representative, Community and Government Relations, Clark County School District:

The Clark County School District appreciates the opportunity of working with the bill sponsor and is neutral on the language with regard to lead time and implementation of the standards for the engine components. That would provide the school districts with ample opportunity to fall in line with the national standards as they come on board.

Chair Bobzien:

Pushing the date to January 1, 2014 gives the school districts a chance to look around, assess the offer, see the feasibility, and if there are any issues, get another "bite of the apple" next Legislative Session. Do you feel comfortable with that approach?

Bart Mangino:

That is correct.

Assemblywoman Diaz:

Have we ever had a bus in our school district set on fire?

Bart Mangino:

As alluded, we had one thermal incident in the Clark County School District.
[Laughter.]

Chair Bobzien:

I will close the hearing on S.B. 318 (R1). Is there any public comment? [There was none.] Senator Parks, did you have any closing comments? [Senator Parks acknowledged he had none.]

The meeting is adjourned [at 4:13 p.m.].

RESPECTFULLY SUBMITTED:

Janel Davis
Committee Secretary

APPROVED BY:

Assemblyman David P. Bobzien, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Education

Date: May 2, 2011

Time of Meeting: 3:20 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B.196 (R1)	C	Joyce Woodhouse	Written Testimony
S.B.196 (R1)	D	Joyce Woodhouse	Research Brief