

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

**Seventy-Sixth Session  
June 1, 2011**

The Committee on Education was called to order by Chair David P. Bobzien at 4:47 p.m. on Wednesday, June 1, 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](#)), 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/](http://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](mailto: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  
Assemblywoman Melissa Woodbury

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

Senator David R. Parks, Clark County Senatorial District No. 7  
Senator Sheila Leslie, Washoe Senatorial District No. 1

**STAFF MEMBERS PRESENT:**

Mindy Martini, Committee Policy Analyst  
Kristin Roberts, Committee Counsel  
Taylor Anderson, Committee Manager  
Sharon McCallen, Committee Secretary  
Sherwood Howard, Committee Assistant

**OTHERS PRESENT:**

Bobbie Gang, representing Nevada Women's Lobby  
Elvira Diaz, Private Citizen, Reno, Nevada  
Jan Gilbert, representing Progressive Leadership Alliance of Nevada  
Bart Mangino, Legislative Representative, Community and Government  
Relations, Clark County School District  
Craig Hulse, Director, Department of Government Affairs, Washoe County  
School District

**Chair Bobzien:**

[Roll was called. Committee protocol and rules were explained.] We will open the hearing with Senate Bill 276 (1st Reprint).

**Senate Bill 276 (1st Reprint):** Revises provisions governing safe and respectful learning environments in public schools. (BDR 34-643)

[Chair Bobzien turned the gavel over to Vice Chair Dondero Loop and left the room.]

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

Over the last decade a number of bills have been brought forward addressing the issue of safe and respectful learning environments. Those bills were Assembly Bill No. 459 of the 71st Session in 2001, Assembly Bill No. 202 of the 73rd Session in 2005, and Senate Bill No. 163 of the 75th Session in 2009. That is the bill our former colleague, Assemblywoman Parnell, and Senator Wiener brought before us dealing with cyber-bullying.

Existing law provides for a safe and respectful learning environment in public schools which includes, without limitation, a prohibition on bullying,

cyber-bullying, harassment, and intimidation in public schools. Current statutes provide for training of school personnel and the reporting of incidents of bullying, cyber-bullying, harassment, and intimidation.

Various revisions are made by S.B. 276 (R1) to those provisions and they are modeled after the Anti-Bullying Bill of Rights enacted by the state of New Jersey earlier this year. One of the documents I found is from a nonprofit watchdog organization called Bully Police USA who has given Nevada, under its existing statutes, a "B+ ". As a result of New Jersey's new legislation, the same watchdog organization gave New Jersey an "A+ + " rating. Senate Bill 276 (1st Reprint) is modeled after New Jersey's law. Unfortunately we are all aware of the difficulties in funding programs this year. Therefore, my somewhat larger bill became a somewhat smaller bill as a result of removing those issues that had a fiscal impact. The bill has been revised and it strengthens what is currently in statute without creating additional costs for local school districts.

It also creates a bully prevention fund in the State General Fund. This allows school districts to receive contributions and grants toward implementing these programs. It requires the board of trustees of each school district to appoint a person to act as the anti-bullying school district coordinator. This is a position most schools already have. It also requires the principal in each public school to appoint an employee who would serve as that school's specialist and to direct the school's safety team.

Something I consider very important is it also stipulates that the Governor would annually proclaim the first week in October to be "Week of Respect." We are all aware of the numerous suicides that have taken place in recent years regarding students who have been severely bullied. It turns out that roughly the third or fourth week of school each year is the one week that seems to have the greatest number of suicides.

**Senator Sheila Leslie, Washoe Senatorial District No. 1:**

As Senator Parks said, we did cosponsor two bills. Sadly, Senate Bill 275 is not before you, but I am certainly hearing support for S.B. 276 (R1). When we heard these bills together in the Senate Committee on Education, the hearing went long into the evening and what you are missing today, as is often the case late in the session, is the testimony that we were able to hear from parents and students who have actually experienced bullying. The testimony that evening was extremely compelling. There were a lot of tears in the room. Many of those people could not come back here tonight. I would like to read you a statement that came over the Legislative Counsel Bureau (LCB) opinion page

after that hearing. It reflects a lot of the public testimony that was heard when the two bully bills were heard in the Senate. [Read the following opinion.]

The consequences of bullying affect the victim's self esteem at a critical time in their development. As a successful business owner, I can testify first hand that what many see as harmless teasing, or rites of passage, affects its victims for a lifetime. The pain never leaves. To this day, despite all of my accomplishments, I carry the shame of being bullied. While the wounds may heal, the scars remain forever. While some victims lash out at society, others bear the pain and shame in private. Still others take their own lives. Let me say it again—our children are actually killing themselves over this. It actually brings this grown man to tears every time I read about a beautiful child or teen that takes the permanent step of ending their lives because those who were supposed to protect them, looked the other way, or did not notice or take it seriously.

I can strive and accomplish so much in life but it will never be good enough because of the torment I received as a child. Let us make it better for our children.

That will conclude my comments.

**Vice Chair Dondero Loop:**

Are there questions from the Committee?

**Assemblywoman Neal:**

What are the current penalties for a student who does bully? Are there any?

**Senator Parks:**

There are certain penalties, but it is pretty much determined by the severity of the incident. Some issues rise to the criminal level. The majority of incidents are of a much lesser degree and normally handled administratively at the school level.

We found early on that some schools were not taking bullying seriously. Teachers who wanted to take action found that the administration was less than desirous of creating further incident or workload. That was the genesis for our initial legislation in 2001. There were incidents that occurred around that time that brought to light the severity of the issue—students who were being transferred from one school to another to move them around so they might settle in and not cause problems. In many of those cases, the problems seemed to follow the student.

**Assemblywoman Neal:**

Is there a provision in the bill to penalize staff if the school does not respond within a certain time? I like the bill, but my daughter is in a magnet program that is held to a particular standard. You are not allowed to fight so if you are being bullied, you cannot defend yourself. The only thing you can do is go to someone at the school; which she has done. I have called the school and it has taken no action. My daughter has even gone to the deans and they have taken no action on the students who have acted up on the school bus or who have called her profane names. I want to penalize the staff for not handling their business.

**Senator Parks:**

Those have been the reports in the incidents we have seen over a considerable period of time. The hope of this legislation is first to educate, and then secondly, to get teachers and school administrators to be responsive.

Also, this bill sets up a process for a family member of someone who has been bullied to have a more structured process in how the incident will be handled and documented. We have found that sometimes there is absolutely no documentation created or taken at all. It was resolved verbally and nothing was put in writing.

**Assemblyman Anderson:**

I am very supportive of the concept; I would just like to find out a little more about the intent. At what point would you envision policies being made by the school district to say something had crossed the line? What action would be considered crossing the line versus playing around? I am trying to contextualize what you think would be the line that could be crossed.

**Senator Parks:**

Most school districts have sets of procedures they have developed themselves or have borrowed from or modeled after other school districts. Nothing in this legislation and nothing in the *Nevada Revised Statutes* (NRS) for previous bills tries to convert all schools to any specific procedure. The procedures are all general in nature and, as such, the bill itself tries to strengthen the concept that schools need to include these key issues in the policies that they have to develop and implement.

**Assemblyman Kirner:**

I have several questions. The bill mentions accepting funds in typical language. Do you know if the federal government has grants or matching grants or a catch-all phrase just in case?

**Senator Parks:**

It is somewhat of a catch-all as far as programs go. The federal government has had programs in the past. There was a program that came through the Department of Justice through the United States Office of the Attorney General where there was money provided some years ago. Whether or not Nevada availed itself of those funds I am not certain.

The MGM Mirage Corporation put a great effort into the elementary school at the third- and fourth-grade level to educate students at the lowest grades. They distributed guidebooks and pamphlets and other printed materials throughout Clark County's third- and fourth-grade classes. That was a one-time effort. We know that there are corporate sponsors who are very interested in this issue and they may have funds. This would not stop the state from pursuing a program with major corporate sponsors here in Nevada. It is pretty much all inclusive.

**Assemblyman Kirner:**

There is a substantial fiscal note in the bill. Do you know if that is going to be modified?

**Senator Parks:**

That has been totally removed. That is why the bill languished in the Senate Committee on Finance for a considerable period of time. The bill went from a 38-page document to a 30-page document and we have taken out anything that had a substantial financial impact. That is not to say that there is not a minimal impact as a result of this bill; however, the school districts have indicated that would be a cost they could absorb.

**Assemblyman Hansen:**

Section 21, subsection 2 of the bill defines bullying as, "Places a person in reasonable fear of harm or serious emotional distress." How do you define serious emotional distress? As I read through these definitions I cannot think of a single time when one of my eight children did not come home crying about someone being mean to him. This is so broad in so many respects. Can you give me some idea of what serious emotional distress might be?

**Senator Parks:**

It is a fairly broad term, but it is a fairly widely and generally used term. It is also in previous legislation that has been enacted here in Nevada. It tends to be not the one-time incident, but the repetitive incident that takes place that is of a hostile nature. The bill tries to address that.

**Assemblyman Hansen:**

Section 32, subsection 2(a)(2) of the bill says, "The methods to identify and assist pupils who are at risk of bullying, cyber-bullying, harassment or intimidation." Who would not fit into that category of being a bully or having been bullied? These are so broad and so vague; I am wondering how you define some of that?

**Senator Parks:**

I think that it is somewhat intentionally broad, and leaves it for the various programs being implemented by the school districts to spell out the specifics of the language.

**Vice Chair Dondero Loop:**

As a classroom teacher, I think the reason the descriptions would be broad is because teasing, or just doing what kids do is one thing, but continuously doing it and being hurtful and mean, in my estimation, is another. That is plain common sense and I am sure that is why it is not more specific. There are laws about reporting abuse for all educators.

**Assemblyman Hansen:**

That would be my next question. During those years you were a teacher, did you let this stuff slide by? I assume there are already policies in place that deal with most of this kind of behavior.

**Vice Chair Dondero Loop:**

There are, but there are always students who go to another level. Another level is where there needs to be awareness and I think that is what this bill is asking us to do—create that awareness.

**Assemblyman Munford:**

I see zero tolerance in the schools, so sometimes when a student is being bullied, he has to defend himself, then who is the bad guy in this case? When a student is constantly being bullied, intimidated, or threatened, many parents teach their child to not be afraid and to stand up and defend himself. Then both students can be expelled. In the classroom, you, as a teacher, try to manage and control that as much as possible, but it is sometimes a difficult thing to identify.

**Assemblywoman Flores:**

I want to address my colleague's question regarding reasonable fear of harm or serious emotional distress. That is a term that is generally accepted and has the meaning of an objective reasonable person's standard. What that means is something we, as objective and reasonable people, would consider resulting in

serious emotional distress at a generally accepted level is what constitutes that behavior. Basically, what it does not mean is that it is not subjective. It has to be something an ordinary person would say is not acceptable. Just because I felt that something was causing me serious emotional distress, the person observing what was happening to me might not consider it the same way.

[Chair Bobzien returned to the room.]

**Assemblyman Hansen:**

I would assume that reasonable standard is currently the law.

**Assemblywoman Neal:**

I would like to comment on that because I am assuming that the language of distress goes with the tort—intentional infliction of mental distress—meaning there is extreme conduct by a person and it is a direct cause of that conduct.

I had a student who was very overweight and she literally did not eat or go into the lunchroom for an entire month. I watched this and I asked her why. She said if she ate, people made fun of her. That fits into some level of bullying because although a child can be obese, being harassed every day for 30 days and prevented from eating her lunch in peace, which she has a right to do in the school cafeteria, is something we need to deal with. That is not average behavior when it creates a behavior in another child and she becomes isolated and secluded in the school and unable to function in a normal way.

**Senator Parks:**

I agree with you that this is a behavior that rises to the level that it creates a dysfunctional situation.

To answer the question relative to private schools, in section 30 of the original bill it encouraged private schools within the state to adopt policies and programs consistent with this legislation. However, it was removed because someone thought there was a fiscal impact in establishing such a program and then following up on the program.

**Vice Chair Dondero Loop:**

I would add that a good part of this bill is establishing criteria for the schools to follow, as well as awareness. When we have programs that have training and information for students as well as adults, it is a really important piece to stop bullying.



**Assemblywoman Diaz:**

I too, being a teacher, see bullying and I also get questions from friends who have children and they do not know how to address the bullying of their second-grade or middle school child. It is great that this is saying parents should also be in the know on how to remedy these situations and what steps need to be taken and what the school and school board policies are toward these acts. I appreciate this effort.

**Senator Parks:**

There are a number of organizations that already have programs and have taken their programs to the public schools and have tried to implement them. In looking at this, what works in the elementary school does not work well for a middle school, and would not work well in a high school setting. You have to gear the programs to the various school levels. To the extent that there have been a couple of programs, in the City of Las Vegas, one of which is called "Flip the Script" is geared to the high school level. The Anti-Defamation League has a program and it tends to be geared toward middle school students.

One of the programs that came about 12 years ago, here in the Legislature, was put together by Peter Yarrow, a member of the group Peter, Paul, and Mary. Mr. Yarrow put together a very inspirational program that included a song that dealt with bullying called "Don't Laugh At Me." I mentioned it to the Department of Justice and the state's Attorneys General, and they were very supportive of Mr. Yarrow's efforts.

**Bobbie Gang, representing Nevada Women's Lobby:**

The Nevada Women's Lobby believes that all people are worthy of dignity and respect and we actively work against any and all forms of discrimination.

We were here in 2001 and strongly supported the first bullying bill. We have been here every session where this law has been reinforced and we are here today to ask you to support S.B. 276 (R1) to further clarify, enforce, and educate about the problems of bullying in the schools.

I will mention Peter Yarrow for those of you who might be too young to remember him. He traveled all over the United States with a program that he called "Don't Laugh At Me" and many school districts did adopt that program. It was looked at by many of our legislators, school principals, and teachers when Peter Yarrow visited Las Vegas and was part of a huge presentation about safety in the schools. He sang that song along with many of his other very popular songs. His daughter is disabled and he became very interested in this program and supported it for many years because he saw what can happen in schools when people are discriminated against and bullied because of anything

that involves a difference—disabilities, race, religion, overweight, being too thin, tall, or short, and in many other things.

**Elvira Diaz, Private Citizen, Reno, Nevada:**

I am the mother of a six-year old transgender child. Other children have been bullying him, but one of my biggest fears is when he goes to high school because many transgender students commit suicide. When your child has something special, you worry.

**Jan Gilbert, representing Progressive Leadership Alliance of Nevada:**

We also support this bill and it is very important as cyber-bullying becomes a serious problem in our schools that it be a major part of this program. It is very difficult for teachers to deal with and it is an issue that children are experiencing at home and at school. Dealing with cyber-bullying needs to be taught because it is everywhere in our new environment.

I urge the support of this bill and someday maybe we will have the money to actually fund a program like this and implement it in every school in our state.

[Chair Bobzien reassumed the gavel.]

**Chair Bobzien:**

Do we have anyone else in support of S.B. 276 (R1)?

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

I am here in support of S.B. 276 (R1). I want to recognize the efforts of Senators Parks and Leslie as well as the Legislators in the past who have worked diligently to bring the negative impact that bullying can have to the attention of not only the school community, but the community as a whole. We appreciate the Senators' assistance as we work through this bill.

I would like to address one concern that was raised by Assemblywoman Neal. On page 29, Section 28, subsection 1, paragraph (t), it says, "An intentional failure to report a violation of NRS 388.135 if the teacher or administrator witnessed the violation." That could be grounds for disciplinary action. That was actually considered when this bill was originally developed.

**Assemblyman Hansen:**

Do you not already have in place policies against bullying in schools and sensitivity training on different issues? I cannot imagine, as a principal, if there

was an overweight student being teased, that it would not be dealt with. Could you enlighten me as to what the current laws are and how you enforce them?

**Bart Mangino:**

That is absolutely correct. The district has policies and procedures that have been in place and they have continued to be refined in response to legislation as it is passed. The district does spend a good deal of time with its staff, not only at the beginning of the year, but in offering staff development opportunities.

One program is currently being implemented by a department within the Clark County School District (CCSD) that actually goes out and interviews students. They put together a profile as far as the building is concerned in identifying areas where behaviors that are not socially acceptable could be taking place, and where supervision is not as it should be. That comes back to the principals and from there, principals are able to refine their supervision and their monitoring of the behaviors taking place.

**Assemblyman Munford:**

Has not bullying really taken another step because of the cyber-bullying which is hard to monitor and hard to detect? Sometimes you can spot an incident or something that is occurring and can take action against it, but with technology it is hard to determine if something is going on. How do you detect that? How can I tell what a student is texting to someone and if he is constantly harassing another? How do you monitor that?

**Bart Mangino:**

There are a number of steps that we currently take. For example, we know that during instructional time, which includes hallway passing, cell phones are supposed to be off. If we see someone using his cell phone, we have it brought to the dean's office and at the end of the day the student is allowed to call his parent to come pick up the cell phone.

Speaking globally, when you start to look at legislation such as S.B. 276 (R1) and its primary purpose—which is heightening the awareness, bringing to people's attention, and starting the programs that are absolutely necessary—those are the things that turn the environment of the school around. That is the primary tool that we, as educators, would be building on—establishing that safe and respectful learning environment.

We will be as diligent as we possibly can to prevent these things from happening, and to encourage students to bring them to our attention. In previous testimony it was stated that over 40 of our middle schools and

some of our high schools have begun to report instances of bullying, cyber-bullying, harassment, intimidation, et cetera anonymously through the school's website. Again, those are actions that the districts are taking. We do take it seriously as we work to respond to it, but also to prevent it. That is the critical component that S.B. 276 (R1) does address.

**Assemblyman Kirner:**

What education training already takes place? Beginning at the board, is this incremental or something new?

**Bart Mangino:**

I can speak for CCSD; we have had a number of staff development trainings. In fact, we had a symposium where several of our legislators were presenters and participants. We had board members who attended. Additionally, all staff members within the CCSD are required to view videos to heighten awareness of bullying and to reinforce the district's policies and regulations.

**Assemblyman Aizley:**

I would like to speak in favor of the bill. Teasing is considered to be normal, but bullying, and excessive teasing are not normal. Without the law on the books, it gives people an excuse to say that a kid is just teasing someone. You need the law to protect the kids. I have met Mrs. Diaz' child; he is a great child—obedient, good looking, and sat with me on the floor of the Assembly. The notion that someone could destroy a child's self esteem by excessive bullying is wrong and we need a law to prevent that.

**Chair Bobzien:**

We will not process this bill today as we have more legislation coming over to us. My intention is to do one last work session before we are finished with everything. I want to thank Senator Parks for bringing this important legislation forward. We will be taking this up again.

**Craig Hulse, Director, Department of Government Affairs, Washoe County  
School District:**

Washoe County School District supports S.B. 276 (R1) in its amended form. There was a lot of good debate in the Senate Committee on Education when it first came forward. We had concerns, not with the policy behind the issue, but with the undue cost and the burden it would place on the school district. That was properly addressed in the amended version and we appreciate Senator Parks working with the school districts on those amendments.

**Chair Bobzien:**

I want to thank both school districts for working with Senator Parks on this matter. Be ready for another meeting as we are waiting for a couple more pieces of legislation to come over from the Senate.

The meeting is adjourned [at 5:37 p.m.].

RESPECTFULLY SUBMITTED:

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Sharon McCallen  
Committee Secretary

APPROVED BY:

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Assemblyman David P. Bobzien, Chair

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

**EXHIBITS**

**Committee Name:** Committee on Education

**Date:** June 1, 2011

**Time of Meeting:** 4:47 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster