

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

**Seventy-Sixth Session
March 14, 2011**

The Committee on Education was called to order by Chair David P. Bobzien at 3:18 p.m. on Monday, March 14, 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
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Katherine Loudon, Counseling Coordinator, Safe Schools-Substance Abuse, Violence, SHARE, Department of Student Pathway and Counseling Services, Washoe County School District
Elisa P. Cafferata, CEO, Nevada Advocates for Planned Parenthood Affiliates
Shelby Knox, Private Citizen, Las Vegas, Nevada
Yoanna Sotelo, Private Citizen, Las Vegas, Nevada
Laura Deutsch, Program Manager, Planned Parenthood of Southern Nevada
Nicole Rourke, Executive Director, Government Affairs, Community and Government Relations, Clark County School District
Lauren Kohut-Rost, Deputy Superintendent of Instruction, Clark County School District
John Schleifer, Director, Education Services Division, Department of Pupil Personnel Services, Education Services Division, Clark County School District
Bart Mangino, Legislative Representative, Community and Government Relations, Clark County School District
Keith Rheault, Ph.D., Superintendent of Public Instruction, Department of Education
Dotty Merrill, Executive Director, Nevada Association of School Boards
Mary Pierczynski, representing Nevada Association of School Superintendents
A. J. Delap, Government Liaison, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department
Carolyn Edwards, President, Clark County Board of School Trustees
Tray Abney, Director, Government Relations, Reno Sparks Chamber of Commerce
Rebecca Gasca, Legislative and Policy Director, American Civil Liberties Union of Nevada
Alison Turner, President, Nevada Parent Teacher Association
Orrin J. H. Johnson, Deputy Public Defender, Washoe County
Nancy Wojcik, Administrator, Division of Field Services, Department of Motor Vehicles
Linda Johnson, Private Citizen, Las Vegas, Nevada
Ben Graham, representing Administrative Office of the Court

Carey Stewart, Director, Department of Juvenile Services, Washoe County
Alex Ortiz, representing Clark County

Chair Bobzien:

Welcome. [Roll was called. Rules and protocol were stated.] I would like to open our work session on Assembly Bill 138. Committee members should have your work session document ([Exhibit C](#)). We have two amendments, one which was previously submitted, and the second, Ms. Martini, our policy analyst, will go over. This was requested by Mrs. Mastroluca and Ms. Neal.

Assembly Bill 138: Revises provisions governing pupils. (BDR 34-113)

Mindy Martini, Committee Policy Analyst:

This proposed conceptual amendment to A.B. 138 is located on the second page of ([Exhibit C](#)). The first section would amend section 1 by making the establishment of the plan by the Department of Education in conjunction with the Nevada System of Higher Education permissive and by expiring the section on July 1, 2014. The amendment would also amend sections 2 through 4 by deleting the requirement to report on the number of pupils who received the GED. According to testimony, this would eliminate the department's fiscal note of \$15,000. [Continued to read from ([Exhibit C](#)).]

Chair Bobzien:

Thank you. Mrs. Mastroluca, would you like to comment on this?

Assemblywoman Mastroluca:

The reason for the choices in the amendments came directly from testimony that was given by different groups. We tried to address the concerns. Many of the things were already being done by the districts, so making them permissive made sense since it was already happening. As for section 13, the reason for keeping *Nevada Revised Statutes* (NRS) 392.110 is because it allows a child to take a reduced class load in order to work a job. It is not specifically for a child to leave school for work, but it allows a reduced class load in which many of our seniors and juniors participate. As far as the other two repeals, most states have repealed similar laws. To allow a child to leave school at an age as young as 14 made Nevada stand out in comparison to other states. Very few states have allowed children that young to leave school voluntary.

Assemblyman Stewart:

I applaud Assemblywoman Mastroluca for making this bill much more palatable and adopting some great amendments. I want to make clear there is no fiscal note. Is that correct?

Assemblywoman Mastroluca:

Yes.

Chair Bobzien:

Thank you for the clarification. I would like to entertain a motion.

ASSEMBLYWOMAN DONDERO LOOP MOVED TO AMEND AND DO PASS ASSEMBLY BILL 138 WITH AMENDMENT ONE SUBMITTED BY ASSEMBLYWOMEN MASTROLUCA AND NEAL.

ASSEMBLYMAN ANDERSON SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN HANSEN, KIRNER, AND MCARTHUR VOTED NO. ASSEMBLYMAN AIZLEY WAS ABSENT FOR THE VOTE.)

Chair Bobzien:

Is there any discussion on the motion? Mr. Munford?

Assemblyman Munford:

I reserve my right to change my vote on the floor. I also have a question. Is there any stipulation based on academic standing for the high school student who is working? Are there certain grades they should maintain before the student can have a job?

Assemblywoman Mastroluca:

That is existing language in the bill. It was between 14 and 18 years old, and we changed it to 15 to 18 years old to make it more in line with Nevada law for working minors.

Assemblyman Munford:

When I was teaching, I used to have problems with students working. Sometimes they would put work before their academic responsibility. I used to tell students, "You have to stay after school to make up a test." The students would respond with, "I have to go to work." This makes me wonder if education has any value to students. I am not totally convinced by this bill because of my experience.

Chair Bobzien:

We will close our work session and proceed to presentations. The themes for today's presentations are the pressures young people are facing in the schools. Substance abuse definitely rises to the top.

Katherine Loudon, Counseling Coordinator, Safe Schools-Substance Abuse, Violence, SHARE, Department of Student Pathway and Counseling Services, Washoe County School District:

On behalf of our Executive Director, Kevin Quint, I apologize for him not being here and thank you for recognizing that conversations about education need to include a perspective about substance abuse and its effects on kids. That being said, I will proceed with the presentation ([Exhibit D](#)) and let you know that Join Together Northern Nevada would very much like to be a resource for you.

The Substance Abuse Prevention and Treatment Agency in the state of Nevada helps to coordinate with the substance abuse coalitions. The coalitions consist of stakeholders, businesses, the medical field, and treatment, law enforcement, social work, and juvenile services. They have a structure where they communicate with one another across the state on issues relating to our youth and substance abuse. They target different types of things such as needs assessment, community programs and services, and aligning the availability of and connection to resources for kids.

A lot of the data I will be presenting today comes from the Centers for Disease Control and Prevention and the Nevada Youth Risk Behavioral Survey. The Youth Risk Behavioral Survey (YRBS) is an anonymous survey that randomly selected kids to participate in throughout the State of Nevada. It happens during odd administration years. It is where we ask kids a variety of different questions to help the State of Nevada determine its progress towards healthy people in 2020. Additionally, I wanted to let you know that at the end of the presentation, we have a few recommendations from the substance abuse coalition; however, this is very informational.

Beginning with statewide trends, Nevada nationally matched the rest of the nation from 2001 to 2007. We saw a general downward turn in alcohol and other drug trends. We saw that in many areas related to alcohol, things stayed fairly flat; however, there has been an increase with the administration of the 2009 YRBS. This survey data is compared with other things like treatment admissions, what hospitals and law enforcement say—and that is how we gather our information for our needs assessment—so we are seeing a slight increase.

As we look at our statewide trends, one thing we are noticing is the number of youth that are engaging in marijuana use and abuse. This is a concern because as they begin a habit of marijuana use, we see them having a difficult time going through six hours of school without accessing marijuana. Then they go to classes under the influence of marijuana. Because one of the effects of marijuana is short-term memory loss, it does not help them academically with

their test scores and other types of things. It is also a problem because of driving under the influence of marijuana. A lot of kids do not recognize that driving under the influence of marijuana is dangerous. When we look at our statistics and compare them nationally, kids who try marijuana before the age of 13 are also more likely to try other drugs like methamphetamine or get involved with behaviors such as dropping out or attempting suicide.

Despite the downturn, alcohol is still big. You will see a lot of information and literature out there about Alcopops and drinks that taste great like hard lemonade. This makes the beverage easy for kids to consume in large quantities, which later leads to hard liquor like Stoli or Bacardi. Kids are also playing drinking games that encourage binge drinking.

There are a lot of things going on throughout the State of Nevada related to prescription drug use, and the coalitions are collaborating with multiple partners on that issue. As kids become more familiar with prescription drug use and as a community becomes more familiar with prescription drug and painkiller use, there is a lot of discussion about how familiarity with Oxycontin and Vicodin can lead to other opiate use including heroin.

It does not have to be explained to too many people the connection between substance abuse and violence, gangs, theft, rape, teen pregnancy, poor health, and dropout rates. There are a lot of people who have discussions about what comes first: the substance abuse, or whether or not a child who is lonely or is feeling depressed will turn to substances to deal with his problems. Likewise, a child who is doing very well academically will get involved in substances, then suddenly spiral down and have more difficulty. These risky things that impact our children are often related to substance abuse, which is causing more problems.

When you look at the 30-day use of marijuana on this chart ([Exhibit D](#)), high school students reported an increase of use in the 2009 YRBS. Marijuana is also the single most mentioned drug in treatment admissions for our youth. Many districts are reporting that marijuana use is big on campus during school hours.

The Youth Risk Behavioral Survey (YRBS) does not yet ask students about heroin or prescription drugs. I am proud to tell you that in the 2011 YRBS, which many of the school districts are participating in now, prescription drugs are also included in that, so there has been an improvement. Over-the-counter drug abuse is in the YRBS. We have seen it increase, which may be an indicator of increased prescription abuse. Treatment providers are reporting more heroin and opiate prescription drug abuse among youth.

Here are some other trends you are probably seeing in the news and in the substance abuse community. [Referred to ([Exhibit D](#)).] These substances are becoming easily accessible and are not safe. The substance known as Spice is making kids sick; Ivory Wave, or bath salts, makes you feel like you are going crazy, along with some hallucinogenic effects. The cough and cold tablets known as Coricidin, of which there are over a hundred different kinds, are continuing to be abused by kids. One child described Coricidin as making him feel as if everything was slowed down and he was lost somewhere in *The Matrix*. We are seeing kids take and use that.

Binge drinking is still an issue across our state and our middle schools and high schools. We are even seeing some kids in elementary schools using alcohol in this way. Drinking and driving is something we continue to work on, but 34 percent of students in the State of Nevada reported that they rode in a car with someone who had been drinking. Also, we are seeing the reemergence of inhalant abuse. We had made some progress related to that, but we are now finding that we need to move forward. The suspensions and expulsions across the state regarding substance abuse are high; kids are using these substances and not staying in school. There is a trend to collaborate more with juvenile justice and other outside stakeholders on alternatives to suspensions, on ways to help kids learn and recover, and to be able to return back to school instead of using substances.

This is a list of contributing factors to substance abuse problems in the schools. [Referred to ([Exhibit D](#)).] It contains kids perceiving what is risky and what is not; how the community feels overall; club drugs, which Clark County has been talking about frequently; the availability of drugs; parental approval, such as parents giving kids alcohol in their own home or approving of their use of alcohol or marijuana; and media. The last two include epidemic formation, which is when we focus on one drug then forget about other drugs—it is good for us to do this and we make a lot of progress—but we need to look at drugs comprehensively because while we were focusing on one drug specifically, prescription drugs and heroin came and “snuck up” on us. The other one is generational forgetting. This is when a certain generation selectively forgets about different drug abuse issues and how they impact kids, or we compare it to how it was when we were growing up, and things are very different from generation to generation.

What is being done in our school districts? The Nevada Interscholastic Activities Association athletic policies require drug testing of Washoe County, Carson City, and Douglas County athletes. Boys & Girls Clubs of America, leadership clubs, Churchill County, and Douglas County are all doing things, and there is collaboration between the coalitions.

We are focusing on education comprehensively and working with outside partners on the issue of substance abuse because early intervention and prevention of substance abuse can make a difference in kids. Children can get through a difficult time and come away smarter, better, and successful even having made a mistake; or kids without assistance can slide into a lifetime of other troubles.

Specifically, Washoe County is participating in community collaboration, working with parent groups, resources, materials, and students against destructive decisions groups where kids come up with the ideas for their own intervention and prevention. We are also working on training on a wide variety of different school district individuals.

What needs to be done? There needs to be continuous conversations across the State of Nevada about substance abuse and its involvement in a lot of other youth issues: dialogue, planning, and sharing, not just about what the substance abuse coalitions are doing, but with other stakeholders. We need to explore, which many other school districts are doing, passive versus active consent to the YRBS, which excludes kids' information who may not have parents, parental support, or a parent who can consign due to illness or other issues.

We have talked about discipline issues in collaboration with juvenile services and other youth service providers, where kids can start over more intelligently, learn more information, and get connected to resources. [Continued to read from list on slide 16 of ([Exhibit D](#)).]

In our future, we hope to see more kids across the state be successful, not only in graduating, finding a career, and being college ready, but also maintaining clean, healthy lifestyles.

Assemblyman Anderson:

Why is it that an illegal substance, such as marijuana, is used more than alcohol, a substance commonly seen and easily accessible?

Katherine Loudon:

Kids tell us that marijuana is very easy to get. When we talk with our school police and work with other community partners, there are kids who tell us it is easier for them to get marijuana than it is to get alcohol. Also, there are different perceptions children have of whether or not marijuana is addictive to them or whether or not it will impact their abilities the same way that alcohol will. There are youth perception issues related to marijuana.

Assemblyman Hansen:

Does the school district have a policy on medical marijuana use?

Katherine Loudon:

No. We do not have something specific about medical marijuana that I am aware of.

Assemblyman Stewart:

I understand there is marijuana in pill form. Have you done any studies on its use comparing smoking to ingesting pills?

Katherine Loudon:

No, we have not. The substance abuse coalition has not done any particular studies on that. I know that we have had discussions about kids examining routes of administration for a variety of different drugs. For example, kids will snort prescription drugs.

Chair Bobzien:

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

Elisa P. Cafferata, CEO, Nevada Advocates for Planned Parenthood Affiliates:

The Committee's theme for this afternoon discusses the challenges that students are facing as they try to be successful in their educational careers. Our theme focuses on students who are recognizing the need for complete and factual information so that they can make responsible decisions and choices.

As you listen to Shelby Knox's and Yoanna Sotelo's stories both of whom are from Las Vegas, also know that the students in Lyon County have also gone to their school board and asked for complete and factual information. This story is actually playing out in Nevada. I am going to turn it over to Shelby Knox who is such a famous person on Twitter that Marlo Thomas was talking to her this morning.

Shelby Knox, Private Citizen, Las Vegas, Nevada:

I am here today to talk about the importance of comprehensive sex education as it relates to teen pregnancy. I have been an advocate for age-appropriate, medically-accurate, comprehensive sex education since I was a 15-year-old high school freshman in Lubbock, Texas. If you have ever been there, you know it is the buckle of the Bible belt. At the time, Lubbock had the highest rate of teen pregnancy in the state. We had such a problem that the school district built a special school for pregnant and parenting students.

The teen pregnancy epidemic struck home for me when a friend found out she was pregnant over the Christmas holidays. She was confused about how she got pregnant because her 19-year-old boyfriend had told her that she could not conceive the first time she had sex; she did. I realized when she told me this that I, my 15-year-old self, I would have believed that too. He could have told me that, and I could have ended up pregnant. It was then when I started to look into what my school was teaching about sex and preventing pregnancy. The answer was not much. My school district used an abstinence-only program, similar to those used by many Nevada schools.

There is one example that epitomizes my experience with abstinence-only programs. Growing up, there was a guy named Ed, so of course we called him "Sex Ed" because he was coming in to do these presentations. He would pull a young woman up on stage and hold up a disgustingly dirty toothbrush and say, "Would you brush your teeth with this?" The woman would respond, "No, of course not." He then would hold up a toothbrush in a box and ask the question again. She would say, "Yes." The final comment was, "If you have sex before marriage, you are the dirty toothbrush." This was the same teacher who told his students that condoms do not prevent sexually transmitted infections (STI) and half of all gay people die before the age of 40; neither is true.

In case you think Texas is a crazy place, students across the country have given me other examples. For instance, sex education teachers ask every student to spit in a cup and ask one student to drink it. This is how the teachers are telling young people about sex and sex before marriage. These are a few examples of the misinformation and the scare tactics and the shaming that are the rule, not the exception, when it comes to abstinence-only programs.

These reasons, and more, are why I have devoted my life to advocating age-appropriate, medically-accurate, comprehensive sex education in my school in Lubbock, Texas in addition to schools throughout the nation. I have to point out that we include "medically accurate" in that long description because neither Nevada nor the federal government requires the information being taught to young people about sex, reproduction, and prevention be correct. Think about that for a second. If we had math teachers teaching the wrong value of pi or English teachers teaching incorrect grammar, we would be up in arms. Yet, when it comes to teaching young people the information they will need throughout their lives, about their bodies and their health, ignorance is accepted as best practice.

As I understand it, Nevada and this Committee are about to have a great opportunity to declare once and for all that ignorance is not a Nevada value by considering a comprehensive sex education approach. Comprehensive sex

education teaches about abstinence as the best method for avoiding STIs and unintended pregnancies. It also teaches about condoms and contraception to reduce the risk of unintended pregnancies and STIs including HIV. It teaches interpersonal communication skills and helps young people explore their own values, goals, and options.

I have been doing this for about nine years. I have testified before six states and the United States Congress. Over the years, I have heard several arguments against comprehensive sex education repeated over and over. I would like to use the remainder of my time today to “bust” some of those myths before you consider the bill. You may ask yourself, “Are we going to be teaching first graders about sex?” The answer is “No.” That is where the age appropriate part comes in. For example, we teach first and second graders about good and bad touch to prevent sexual abuse. As young people get older, teachers will talk to students about puberty—and delve into topics that are new and emerging. For example, have any of you heard of textual harassment? It is when young people are abused by partners who keep trying to get a hold of them on their phones repeatedly; it is a form of dating violence.

I often hear people say that teaching young people about condoms and prevention is going to encourage them to have sex. That would be like saying umbrellas cause rain. It does not make sense. Teaching young people about prevention empowers them to make responsible decisions about sex throughout their lifetime. These students we are talking about are going to grow up to be adults. I cannot think of a single parent who would not want his kid to grow up to be a happy, healthy, sexual human being.

Speaking of parents, I often hear that parents do not want the schools talking about this. This is their purview; the schools should not get into it at all. It is true; parents should be talking to their kids about sex. But we do not rely on parents to teach basic math or science and expect the kids will come to school knowing it. Ninety percent of parents say they want their kids to receive comprehensive sex education. However, most parents think their kids are getting better sex education than they actually are. They think it is at least as good as when they got it—when in fact—we rolled that back in the past 20 years. Young people are now getting abstinence-only programs.

The most important thing you can consider in future comprehensive sex education legislation is that teenagers want the information and they are asking for it. Teenagers in Chicago, North Carolina, and New York have convinced their school districts that they need comprehensive sex education. It is not because they are wanting a license to have sex or because they want to look at

dirty magazines in the bathroom. It is because the statistics that we throw around are not numbers; they are the faces and the names of their friends.

The teens lobbying here today are asking for information they need to make responsible decisions about their lives. I will end with saying that young people have a right to medically-accurate, comprehensive information about sex, sexuality, and prevention. Adults have a responsibility to equip young people with the skills necessary to become happy and healthy adults. You are those adults, and I hope you take into consideration the young people's needs and concerns when you consider this bill.

Yoanna Sotelo, Private Citizen, Las Vegas, Nevada:

I am a junior at Las Vegas High School. As a high school student, I support comprehensive sex education because I know it would make a difference in lowering teen pregnancy rates as well as STI rates. In my freshman year I was taught sex education in health class. I did not realize it was an abstinence-only program until I started interning at Planned Parenthood of Southern Nevada. I realized that we are not taught sufficient sex education in our high schools that is needed to have safe sex if we even choose to have sex. If you look at statistics, you will see that 70 percent of students end up having sex before they graduate from high school.

Elisa P. Cafferata:

I will quickly go through some Nevada numbers ([Exhibit E](#)) and ([Exhibit F](#)), and then we will answer questions. I would like to start with the YRBS that Katherine Loudon referenced, which is a statewide survey. In the most recent survey when asked if they had ever had sexual intercourse, 51 percent of Nevada students said no and 40 percent said yes. Whatever our hopes and dreams are for our students, the reality is that about half of them have sexual activity by the time they graduate from high school, or there are higher numbers in varying counties. The baseline is that some of them are and some of them are not for a wide variety of reasons. And our policies should reflect that reality.

I would like to highlight the second statistic of tracking violence within relationships. This is reporting if the individual was slapped, hit, or physically hurt on purpose by a boyfriend or girlfriend in the past 12 months. At the high school level, 11 percent of our students in 2009 reported this occurring. You can see the statistics for sexual activity, using condoms, and using birth control. There is a certain percentage of students behaving responsibly, but we definitely believe that giving them more complete factual information would help us to significantly improve these outcomes.

I often get a question of where we are in terms of teen pregnancy rates in Nevada. Nevada is currently number two in the country for teen pregnancy, New Mexico is number one, and the darker states ([Exhibit E](#)) have the highest teen pregnancy rates. You can see teen birth rates for the top ten states as well; obviously there is a close relationship in these statistics. One of the trends I want the Committee to understand is, in general, teen pregnancy rates are slowly going down and went down significantly before this tracking. They still present a major challenge for the individual students that experience these events.

Nevada Advocates for Planned Parenthood Affiliates are not the only ones who are tracking this as a critical issue for academic success for our students. The Nevada Public Education Foundation's Ready for Life "Impact Report 2010" lists youth that are pregnant or parenting as one of the four high-risk factors for disconnected youth. They have specific information about the risks and priorities for addressing those risks. This slide (slide 11 of [Exhibit E](#)) shows some definitions. I think Shelby did an excellent job distinguishing between comprehensive, medically-accurate education versus abstinence-only education.

Using the numbers from the Ready for Life report, the bottom line is that a 10 percent reduction in the teen pregnancy rate would have a direct impact on Nevada's graduation rates and could save us as much as \$11 million a year. Teen pregnancy is an issue for the state in terms of our educational achievement and our financial solvencies.

Assemblyman Hansen:

Has Planned Parenthood Affiliates done any studies on the girls who have become pregnant in high school who indicate they were actually unaware of condoms or sex education? You make it sound like these girls do not understand they can get pregnant if they have sex. I have a hard time believing, in this day and age, that there is any evidence to support that.

Yoanna Sotelo:

It is not that teenagers do not know about condoms; it is that we do not know how to use them correctly. When I was taught sex education in my health class, we were not taught how to use condoms or contraceptives. It was not until I got to Planned Parenthood and I saw how they teach. There is actually a method.

Assemblyman Hansen:

The question is has there actually been a study indicating that there are women apparently becoming pregnant because of their inability to properly put on a condom?

Elisa P. Cafferata:

I am sure there are studies. We did not provide them to you, but we can track them down. There are reams and reams of anecdotal evidence of the misinformation that our students have. We know this through Shelby's story and my own daughters, who are no longer teenagers. In their junior high school, girls thought they could not get pregnant if they had not gotten their periods, which is also inaccurate.

It is not that there is a lack of awareness about some topics about sexuality and sexual health, but there is a massive amount of misinformation that is circulated. Our concern is that there are certain curricula that provide very limited and misleading information.

Assemblyman Hansen:

We have had sexual education in the Washoe County schools for 40 years. Are we suggesting that over the last 40 years the programs have been completely ineffective and useless? Is that why there has been a "spike" in teen pregnancy over the last 40 years?

Elisa P. Cafferata:

We have had sex education in Washoe County for decades; it is true. The information that we have presented is that the teen pregnancy rate in Washoe County and many areas throughout the country has dropped significantly, in part because of education programs. We believe education is the answer. Do we believe every student who has the information will make a good choice? No. But they deserve correct, factual, medically-accurate information in order to have the tools to make the right decisions.

Assemblywoman Neal:

What kind of partnerships does Planned Parenthood Affiliates have with schools that deal with sex education? I am familiar with one. I believe you had a partnership with the Andre Agassi schools and you came to the schools and taught. What have been the strategies in the other schools or charter schools? Have you done any research on the outcomes of the education you provided to the students?

Elisa P. Cafferata:

I want to acknowledge all the people in the room who are here as part of Grassroots Lobby Days. There are several students and educators who have traveled with us to be here. According to Nevada law as it is today, you must be a teacher or a nurse to teach sex education in the schools. Planned Parenthood has limited partnerships in the public schools because it needs to be a teacher or a nurse who is presenting the information. In the case

of Andre Agassi Charter Secondary School, there is a program. I was not involved with that, but Laura Deitsch was, and she may be able to answer the question about evaluation.

Laura Deitsch, Program Manager, Planned Parenthood of Southern Nevada:

We have had ongoing collaborations with several community organizations, as well as some charter schools. As *Nevada Revised Statutes* (NRS) 389.065 prescribes, outside folks are not allowed to go in and do sex education programming in a Clark County public school. The charter schools have a slightly different structure which allow for the latitude of bringing in outside educators. They are able to clear it with their appropriate institutional oversight boards.

Some of the meetings we had earlier today have included some wonderful and compelling testimonies and anecdotal stories from the youth who have completed our programs. They shared that they did not know a lot about sex education. The information we have from them on an anecdotal level points to the effectiveness. We also have data that I am happy to share through Elisa afterwards about the programming in terms of evaluation from a pre- and post-test standpoint that show a greater increase of knowledge, skills, attitudes, and behaviors in terms of increasing healthy decision making and healthy behaviors.

Assemblyman Anderson:

My question is in regards to the teen pregnancy rate by county. What was happening in Carson City to make it the highest? What happened in 2006 to drop the rate precipitously?

Elisa P. Cafferata:

Rural counties are dealing with a very small number of cases. If you look at the Pershing County line ([Exhibit E](#)), which is the one that makes the biggest jump from 2007 to 2008, there is a big jump from 9 to 18 women who got pregnant. I am not sure if we have done any specific studies on why Carson City is so high.

Laura Deitsch:

While the rates have gone down over the years, they are still significantly higher than the average national rate, regardless of what county you look at in the State of Nevada. As a whole, Nevada is still at a higher rate than the national average.

Assemblyman Hansen:

On the statistic Elisa mentioned, would that include 18- and 19-year-olds that could be married? Are these illegitimate births or any teen pregnancy?

Elisa P. Cafferata:

These are rates per 1,000 young women, ages 15 to 19, ignoring marital status or women younger than 15 years of age.

Chair Bobzien:

Is this birth rate?

Elisa P. Cafferata:

No. This is pregnancy rate. Birth rate is a different calculation.

Chair Bobzien:

Right, because there is a difference, and that is a whole other discussion.

Assemblyman Stewart:

What is the national rate?

Laura Deitsch:

The national rate is 37 out of 1,000 youth, ages 15 to 19. I would like to clarify one other statistic if I may. The YRBS data that was shown earlier seemed to present the 70 percent rate and the slide showed 50 percent. I would like to clarify that the number Yoanna was specifying was by the time they have graduated from high school. The slide that Elisa included in her presentation ([Exhibit E](#)) was an overall look at all high school students, Grades 9 through 12. That accounts for that discrepancy and I wanted to point that out.

Chair Bobzien:

Are there any other questions from the Committee for the panel? [There were none.] I would be willing to take any public comment on either of these two presentations before we move to hearing [Assembly Bill 64](#) from Clark County School District. [There was no public comment.] I will open the hearing on [A.B. 64](#).

[Assembly Bill 64](#): Revises provisions governing education. (BDR 34-302)

Nicole Rourke, Executive Director, Government Affairs, Community and Government Relations, Clark County School District:

We are here today to present [A.B. 64](#). With me is Bart Mangino in Carson City and in Las Vegas, Dr. Lauren Kohut-Rost, our Deputy Superintendent of

Instruction and Mr. John Schleifer, Director of Education Services. I thought I would make some introductory remarks and turn it over to Las Vegas. Then Mr. Mangino and I will cover the eight components of the bill.

The Graduation Priority Act was crafted with the Clark County Board of School Trustees' vision and the Superintendent's focus on improving the graduation rate. This bill provides incentives that will keep students on the path to graduation and opportunities for students to excel. There has been much discussion about graduation rates compared to other states. We have provided a handout ([Exhibit G](#)) on these rates. We would like to expand the conversation by sharing with you some research on those rankings ([Exhibit H](#)) conducted by Mindy Martini from the Legislative Counsel Bureau during the interim for Senator Joyce L. Woodhouse. We asked former Senator Woodhouse to use this document as we believe it provides pertinent information to our discussion today.

Chair Bobzien:

Is this the dropout comparison document ([Exhibit H](#)) you are referring to?

Nicole Rourke:

That is correct. It is difficult to compare graduation rates when not all states have the same requirements. The number of credits required in each state varies significantly and only about half require an exit exam. Nevada has some of the more rigorous requirements for high school graduation. While we believe we should have high expectations for our students; we ask that you consider these differences when making national comparisons.

When we have discussions about Nevada's graduation rate, the question is always what are the school districts going to do about it? While we bear the great responsibility for ensuring our students are ready by exit and graduate with the knowledge and skills necessary to succeed, we cannot do it alone. There are numerous factors that impact children that are beyond the control of the school district. We work diligently to teach students, support parents, and provide additional services when possible.

When we shared the bill draft with community members, we were often asked about what we do to support students on their path to graduation. Before we get into the details of the bill, I would like Dr. Lauren Kohut-Rost to tell you about the many efforts the school district is making to prepare students and improve the graduation rate. Later, John Schleifer will share with you how the district supports students, school attendance, and discipline procedures. I would also like to recognize that Carolyn Edwards, the President of our Board of School Trustees, is also in Las Vegas.

Lauren Kohut-Rost, Deputy Superintendent of Instruction, Clark County School District:

I have been asked to share with you what Clark County School District (CCSD) has been doing to improve the graduation rate. Interestingly enough, over the past five years, the graduation rate has not improved in Clark County based on how the state Department of Education calculates the graduation rate for all schools and districts within the State of Nevada. We use the Leaver rate.

We have gone from a 60 percent graduation rate for the class of 2005 to 68 percent for the class of 2009. You may be wondering about the class of 2010. I do not yet have that data, and upon receiving it from the state department, we will be happy to share that information. There is not one way in which to improve a graduation rate when there are so many different needs and different students walking the halls. There are a variety of things that we need to do to make the difference for students along the way.

First and foremost, there needs to be a K-12 aligned curriculum, and it needs to be aligned to the state's standards. We are all aware that we are moving into the Common Core State Standards, which are more rigorous. We will be expecting more from our students; this process is under way. Up until this year, the K-12 curriculum in Clark County was aligned to the Nevada state standards. We have to make sure each classroom a child is walking into provides for an authentic and rigorous course of study regardless of grade and content.

Secondly, we have to make sure that there are accompanying assessments. Those assessments can take a variety of forms. They can be teacher-made, district-made, or state-made. The ones I want to speak to today are the interim assessments that we administer to students in kindergarten through eighth grade and in four of the core courses at the high school level: English I and English II, Algebra I, and Geometry. Teachers receive that data because they align directly to the "power standards," major concepts and ideas we expect students to know and master along the way.

At the elementary level, they are administered on a trimester basis, three times a year. At the secondary level, they are administered quarterly. The data comes back to teachers; they analyze it, intervene, and remediate with students who are struggling or enrich students who are moving forward and have mastered the concepts.

Clark County School District has increased, or expanded, its portfolio of schools. This means there has to be a variety of school models to meet the different needs and interests of students. Our Career and Technical Academies,

which have expanded over the last couple of years, are examples. We have the Magnet Schools programs that offer a full virtual high school for students who choose not to sit in a classroom, and they can learn virtually from whatever location they happen to be in. There are evening high schools for students who are not coming during the day. There is a global community college for students who are new to our country and begin late in their educational careers with a need to have a focus on acquisition of English along with earning credits. We have an Academy for Individualized Study and dual language schools, which started in our elementary program. Of course, there are traditional elementary schools, middle schools, and high schools as well.

For the first time, in anticipation of this next school year, the Board of Trustees expects us to roll out open enrollment. Unfortunately, because of the numbers in some of our schools, they are taken off the list of a school to be considered for open enrollment. There must be seats available. For any schools that do have seats available, parents can opt to send their children to these schools outside of their attendance zones. Transportation is not provided, but there are no admission criteria. If there is more interest in a school than seat availability, a random lottery is conducted. This year, there were three schools where a lottery was conducted.

Opportunities must be provided for credit retrieval in order for graduation rates to improve. One hundred percent of students are not necessarily going to pass every course they are required to take. This is especially true as they get into middle school and high school. What can we do to provide opportunities for students to immediately recover credit so that they can get back on track, stay on track, and earn and master the necessary credits?

Tutoring opportunities are available from kindergarten through senior year in high school. Another thing we have is a solid College Board plan of action. It starts with every sophomore being administered the Preliminary SAT (PSAT). It is to give every student the opportunity to understand that first foray into taking a college entrance exam. This is the precursor to the SAT or ACT. More importantly, we take results from the PSAT from our sophomores and run them through the Advanced Placement (AP) potential software. We have found students that may have been overlooked in years past that could absolutely flourish in AP courses. As a result, the number of students taking AP courses has dramatically increased over the past few years. As importantly, the number of students who are earning a 3, 4, or 5 on the AP exams that are taken at the end of the year, has also increased.

There are four-year academic plans that are put in place when students enter high school in their freshman year, and those are updated each year through

their senior year in high school in an effort to keep them on track. More importantly, in Clark County we started with our middle school before it became a law, and we had the sixth, seventh, and eighth graders on a similar plan with individuals reviewing those plans with the students. There were not enough counselors to review individually, but it happens in a group setting over time.

We have increased our dual-credit opportunities with collaborative partnerships with the Nevada System of Higher Education. Students are able to take college courses on our high school campuses. They are being taught by CCSD faculty approved by the respective college, at either the College of Southern Nevada or Nevada State College. Students are actually taking college courses on campus and earning credits that can be applied toward their higher education years. I failed to mention the College of Southern Nevada High School. This school is very popular, but we are limited by the amount of money it takes to run it.

We have provided a variety of programs over the course of many years to assist students. I would like to highlight the “graduation advocate” program. We put this program into motion last year—we have it this year—and it is being funded through the Maintenance of Effort dollars that came into Clark County. We do not see the funding continuing beyond this. Clark County, in house, created a database based on research called On-Track. It flags students in Grades 8 and 9 that are at risk of dropping out. With at-risk students, we are looking at attendance rates, failing one or more core courses, and overall GPAs. The graduation advocates in our middle schools and high schools become advocates or case managers for those students. Preliminarily, we have seen good outcomes.

We have many partnerships with various community agencies. I could not list all of the agencies providing support to our schools. I will list a few: our Nevada Parent Teacher Association (PTA) is critically important, Ready for Life, and After-School All-Stars. I have to mention early childhood programs and full-day kindergarten. We know that when students come in—and there are students coming from a home with many struggles, or the need to start early with language and academics—that those programs are available. I hear from principals and elementary schools that these programs are important and they are seeing these programs move up through their schools. ParentLink is a communication tool which we believe has opened up communication. Parents can monitor their children’s grades and attendance on a daily basis. No longer do you have to wait for an unsatisfactory progress report to come. Status is available at all times, which empowers the parent. There are sometimes mistakes with the system, but they are easily fixed. The tool is critically important for parents to be aware of their child’s attendance and how they are performing on a daily basis.

To conclude, the most important aspect of improving the graduation rate in Clark County School District, or in any district, is that you must have a highly effective teacher in every single classroom, K-12. That is further accentuated if you have someone on the home front close to that child who is advocating the importance of an education and what it is going to do for that child as they move through the public education system and into the world of work or the world of higher education.

John Schleifer, Director, Education Services Division, Department of Pupil Personnel Services, Education Services Division, Clark County School District:

As the director, I oversee the student long-term disciplinary recommendation process, which on a yearly basis, consists of approximately 6,000 students being recommended for some type of long-term disciplinary placement. These students are referred from the comprehensive schools and assigned to behavior or continuation schools. Additionally, within the Education Services Division, there is an attendance enforcement office which includes the district attendance officers and participation in juvenile truancy court. Both the expulsion and truant-type students, as a whole, are often credit deficient.

Schools have attendance incentive plans in place to attempt to further assist students to come to school prepared and ready to learn. Having both preventative and incentive plans, in following through with consequences when students do not come to school, are equally essential. Incentives include individual rewards, class, team, and school-wide rewards which will cover both the individual needs and global angles.

Disciplinary measures such as requiring more than parental notification would assist schools in making attendance a higher priority. By the time a student reaches the high school level, oftentimes parents have abdicated their parental responsibilities relative to the student. This can lead to a tug-of-war between schools and parents. Parents may feel like they have done all they can do with regards to the students and are frustrated with having to take the time away from work to address issues they think cannot be solved. The same holds true for students who exhibit disciplinary problems. By the time an unruly student reaches the middle and high school level, he has figured out how to manipulate the parent to refocus the parent away from the original issue that is the student's misbehavior.

The district goes to great lengths to help parents and students by driving parents to parent conferences. We check on vacant addresses and provide connection services to families, social agencies, and outside agencies to help improve parenting skills. For example, when parents have an out-of-service

telephone number, are transient in living arrangements, and/or fail to report for a parent conference, the district must expend resources to ensure students are provided with the required level parental due process and that parents are made part of the disciplinary resolution. To conclude, requiring parents to attend to the students' educational needs and addressing the home-school disconnect, which may exist for at-risk students, is essential.

Chair Bobzien:

Thank you. Ms. Rourke, do you have additional comments?

Nicole Rourke:

While we strive to provide the best education possible, we need to have a community conversation about the pressing issues that impact students and their graduation. We have discussed the tenets of the bill with numerous groups and understand there are many concerns. However, we would ask as the groups bring those concerns forward, that they make productive suggestions as to how the problem can be addressed, not only by school districts, but by all members of our community.

The components of the bill are based on a survey of students who dropped out of high school and this graph [slide 3 of ([Exhibit I](#))] shows the reasons why. In the previous year, the survey showed the same reasons, but in a slightly different order; jobs were higher on the list. Kids gave the following reasons for dropping out: credit deficiency, did not like school, pregnant or parenting teen, family pressure, work, runaway, prison, moved, expelled, and poor attendance. We use this survey, in addition to other factors that impact children, as a basis of the Graduation Priority Act.

According to the Education Commission of the States, there are 27 states that now have "no pass, no drive" sanctions aimed at encouraging students to stay in school. Some require proof of attendance to receive a driver's license while others take it one step further and revoke the license if the student stops attending school. West Virginia was the first state to pass such a law in 1988. In 2008, the state updated the law to require students to be on track for graduation to receive their license. Nevada already provides for the suspension of a driver's license as within statute as a penalty for habitual truancy. We propose to take existing law a step further and require proof of school attendance and passing grades for a student to receive and renew his driver's license.

Youth employment, much like adult employment, is down now; however, in previous years, as noted in our surveys, students dropped out to go to work. We want students to make school their number-one job. We propose that

students prove they are attending school and have passing grades as a condition of employment. In the event a student must work due to economic hardship, the law already contains a provision for an appeal on compulsory school attendance for this reason. This would be handled privately, similar to the process for suspension and expulsion.

There are two other provisions in the bill related to employment. Currently, the law provides a maximum of 48 hours per week that a child under the age of 16 can work. This bill lowers the number of work hours when school is in session. It also adds a provision to allow parents to differentiate between weekdays and weekends with work permits, and set the maximum number of hours they wish their child to work.

The district employs numerous methods to engage parents both from a general involvement perspective and when a student is having disciplinary problems or not attending school. Among other things, the district reaches out to parents through the PTA and other organizations, school-sponsored events, parent- teacher conferences, seven parent resource centers, five new high school level parent engagement centers, the Family Leadership Institute, a district-wide parent engagement form, and ParentLink.

It is our desire to incentivize parents to work with schools; however, as you heard Mr. Schleifer say, sometimes it takes both incentives and consequences to get a student back on track. This bill contains measures to encourage parents to make sure their students are attending school by increasing the available penalties for habitual truancy, revocation of hunting and fishing licenses, performing community service, attending parenting classes, and requiring attendance at school conferences. These are all options for the court to use when dealing with adjudicated truancy cases.

Moving on to discipline [slide 10 of ([Exhibit I](#))], our schools reflect an image of what occurs in our communities. Therefore, it is essential that schools prepare students academically and morally to meet today's challenges. Clark County School District (CCSD) has an obligation to provide a proper academic and social structure so that all who participate in the educational process can do so in a productive and positive educational environment. Qualities of integrity, respect, justice, responsibility, and manners are all fundamental to human conduct. Students are expected to demonstrate these character traits at all times.

Most students are serious about taking full advantage of the time they spend in school. Unfortunately, there are some students who are less sincere about school. They experience a difficulty in maintaining a reasonable attitude toward

school rules, and the resulting inappropriate behavior creates problems for themselves as well as for fellow students, parents, and school personnel. When inappropriate behavior violates law, school officials take appropriate disciplinary action, as well as make a referral to law enforcement and the Clark County Department of Juvenile Justice Services.

The measures in this bill provide statutory authority for school officials to refer students to the school police, law enforcement, or a social services agency for investigation into their behaviors to determine if pupils should be deemed delinquent or in need of supervision, or if the behavior is a result of neglect, abuse, or endangerment.

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

The Truancy Diversion Project is a grant-funded cooperative effort between the family court system, nine CCSD middle schools, and the Wraparound Services Department, along with support from the Student Support Services Division. This project is an intervention program designed to reduce the number of absences from middle school students participating in a program. Enrollment is limited to 15 students per school referred by the individual school based on identified need. The volunteer judges and attorneys working in this program meet weekly with the students and their parents at the school site to monitor grades and attendance. Also available to the students is a weekly after-school tutoring program and contact with a social worker or counselor.

Since its inception, the Truancy Diversion Project has had a 70 percent success rate in lowering additional absences. This program currently is in need of consistent funding. One of the ideas being presented in our bill is continual support for this program in order to expand it into additional middle schools and high schools.

As far as student attendance is concerned, at Bonanza High School, we monitor it on a daily basis through an online review of class rosters. Our automated system, ParentLink, calls home each day on the absences. This is followed by an attendance letter sent home weekly to the students who have been identified as unexcused from classes during that week. It requests the parent to contact the school either by phone or in person to explain the absence. As a follow-up, we run weekly attendance queries indentifying students with four or more absences in a current semester. We then call home to determine why these students are not coming to school and if a parent is aware that his child is really absent. As for the phone calls, if we notice a continued pattern, we request an on-site parent conference. At the parent conference, we review attendance, credits, and possible referrals to the counselors for credit retrieval. Usually, we

place the student on an attendance contract. It is to be noted that during this process, the teachers, counselors, and administrators interact formally and informally with the student. For example, coaches and mentors are contacted to keep an eye on the student's attendance.

Another example given by Dr. Kohut-Rost was the Graduation Advocate Program, which identifies attendance rates and reasons for not attending school. If the truancy continues after that point, we issue truancy citations, and we provide three letters that are mailed home. At this point in the year at Bonanza High School, we have several students who are currently in truancy court. Students who are attending truancy court meet weekly, and their attendance and grades are monitored.

Slides 4, 6, 7, and 9 of ([Exhibit I](#))—tying the driver's license to school attendance and tying jobs to school attendance, parent accountability, and discipline—are designed to be proactive. As a school, we want to intervene prior to students losing credit. In reference to truancy, interventions are a lead into section 12, which is on page 32 of [A.B. 64](#); that is the actual time or credit retrieval component. It provides a pathway for school districts to adopt a policy that allows high school students who have failed to comply with the minimum attendance requirements—for which they are denied credit—the opportunity to make up those credits before they are lost. This would provide students the opportunity to make up credits that would have been losses as a result of their absences.

The language is permissive and enabling in order to give students, districts, and schools the flexibility in addressing the student population, thus keeping the students engaged in courses that are aligned with the state's standards and reference the rigor that are in those standards. The idea here is not to allow the students off easy; the idea is to hold students accountable for the information that they would have lost during their absences.

Currently, the options are limited for high school students who lose credit due to attendance. Most are remedial and require the student to make up the credit outside of the assigned class with a different teacher, or the student remains in class with no hope of earning credit for the semester. The question you may be asking now is, "Why would a student who has lost credit in the first quarter of a semester sit for the remainder of the semester with no option of passing the class?" The answer to that is they do not.

We want to allow students the option of remaining on campus and earning credit by making up time and content missed while absent. The school's

perspective would be much better served to be proactive and keep the students engaged in class and in school.

Chair Bobzien:

Are we close to wrapping up with the presentation? One concern I have is we need to have a walk-through of the bill section by section linking a lot of these concepts as we go through them in bill form. I would like you to do that once you are done with the slides ([Exhibit I](#)).

Nicole Rourke:

Yes, sir. The next item is diploma options. In addition to credit retrieval, we looked at incentives for students who may wish to graduate early for a variety of reasons. In Clark County, our dropout rate for Career and Technical Education (CTE) programs is significantly lower than the district average: 1.8 percent versus 4.8 percent. We want to encourage students to enroll in programs that are engaging them. We provide CTE programs in 40 comprehensive high schools and 7 Career & Technical Academies. We looked at what other states do for students who graduate early and found that Florida provides a career preparatory diploma, an accelerated program designed for those hoping to enter the workforce, a technical center, or a community college directly after graduation.

Like Florida's college preparatory program, it focuses on career education where they must maintain a weighted GPA of at least 3.0. Like Florida, we have set the credit requirements for this diploma at 18 credits. We know that students in all categories drop out, so we looked for programs to serve gifted students who may want to graduate early. Both Arizona and Georgia offer a "Move on When Ready" diploma that allows students who can pass a rigorous college entrance exam with scores sufficient for college entry to earn a diploma at the end of their sophomore year. We propose a similar model in Nevada. To ensure the involvement of parents in these critical decisions, parent consent is required for both diplomas.

The final component addresses the cumulative score for the Nevada High School Proficiency Exam (NHSPE). In the last year, students' first-time passage rate increased to 78.1 percent from 77.3 percent. However, there are students still struggling to pass only one portion of the exam—usually math—but we have also seen an increase in science. Currently, a student must pass all four exams: reading, writing, mathematics, and science individually to pass the NHSPE. A cumulative score would allow those students who have failed one section of the exam after six attempts if they qualify by having a minimum 2.75 GPA, good attendance, no pending discipline issues, and sufficient credits. We have several students who have passed three out of four exams and take it

over and over again only to receive a certificate of attendance because they missed the cut score of one portion of the exam by a very narrow margin. They may have shown growth but still do not pass the exam.

We envision that the State Board of Education/State Board for Career and Technical Education and the Nevada Department of Education would set the minimum cumulative score such that a student could only miss passing the exam by one or two questions. On average, this would qualify 50 to 100 additional students for a high school diploma in Clark County. With the adoption of the Common Core State Standards, this measure is especially important since the new standards will be implemented prior to the full development and rollout of the new assessments. It is critical to consider the impact of this on high school students as they approach graduation because they are potentially tested on different standards than those that are taught.

In closing, I would like to thank you for your patience with this bill. We look forward to continuing the dialogue throughout the state on the importance of addressing the issues that impact students and their ability to follow the path to graduation.

Chair Bobzien:

Thank you. Can I have you thumbnail us back through the bill section by section? We appreciate the narrative format, but if you can walk us through the bill, that would be helpful.

Nicole Rourke:

The good news is that the first several pages are technical references to later portions of the bill in addition to cleanup language the drafters included. For example, on page 5, since those dates are later, they cleaned up the language. On page 6, section 1, paragraph (t), you will see some clarifying language discussing information reported through the accountability report. I will explain this in detail later, but it had to be incorporated here so we could fully report and be fully accountable.

On page 8, there is a reference to the diplomas that have been added, and cleanup language has been added with regard to the adult diploma. It already exists; this is just clarifying language. Again, the reporting mechanism for school districts includes charter schools as well. Also on page 8, you will see the addition of the two new diplomas and discussion on satisfying those requirements. On page 11 is again, the addition of the two new diplomas. In reference to other bills, there are continual references to the diplomas and the number of pupils who receive them.

Chair Bobzien:

That is a quick reference to the diploma, but then the actual diploma is flushed out on page 8. Is that correct? [Ms. Rourke agreed that was correct.]

Nicole Rourke:

I am going section by section.

Chair Bobzien:

That is fine. I will ask questions as needed.

Nicole Rourke:

On page 15 there is more cleanup language by the drafters to remove older dates. On page 17, the bill incorporates references to school police and local law enforcement on habitual discipline. On page 18, there is another reference to the diplomas to incorporate those reference points so they continue to be reported; this is not the actual fleshing out of the diplomas. On page 22, there is a reference to the requirements for the diplomas.

The bill really starts on page 28 where there is a description of the career preparatory diploma. We pulled this from the Florida requirements for career preparatory diplomas. If a pupil wishes to exit high school at the completion of three years, he may designate it and complete 18 units of credit, pass the NHSPE, obtain parental consent, but must decide at the end of his sophomore year so he can declare his plan and complete credits. We see them, as in Florida, declare that they will enroll in and continue that enrollment in career and technical education classes.

Chair Bobzien:

I want to take questions at the moment.

Assemblyman Hansen:

Did we jump from page 22 to page 28? Because on page 24, lines 30 to 32, section 5, subsection 5, paragraph (b) states, "Failed to pass the same subject area of the proficiency examination not less than six times and satisfies the requirements of subsection 7 of NRS 389.805." So, somebody can fail the test six times and still be given a diploma? Am I reading that correctly?

Nicole Rourke:

That is a reference to the cumulative score portion of the bill. It is a quick reference to the policy on page 21 under section 4 that amends *Nevada Revised Statute* (NRS) 388.537. There you will see all the requirements for reporting and policy. The full fleshing out of that component is later in the bill.

Assemblyman Hansen:

Okay. I notice page 29 is very similar. I would like to talk about that again when we get there.

Assemblywoman Flores:

On page 28, line 41, you were referring to completing 18 units of credit. Is that high school credit? What is that credit referring to?

Nicole Rourke:

Yes. That is high school credit. Those are the number of credits they would be required to take, as approved by the State Board. We see this as going to the State Board for approval of this diploma and then being implemented.

Assemblywoman Flores:

How many credits do you generally need for a regular high school diploma? How much time does it take to obtain 18 credits?

Nicole Rourke:

Currently, a standard high school diploma requires 22.5 credits. We see this as an accelerated path to graduation. Also, Florida requires 24 credits for their standard diploma, or what they call, their college preparatory diploma. Florida has reduced the number of credits as well.

Nicole Rourke:

On page 29, we continue through the career preparatory diploma. Upon completion of 12 credits, the student needs to declare, with parental permission, that he would like to move forward with qualifying for this diploma. The student has to pass an exam prescribed by the State Board and obtain consent. This requires the State Board to look at this diploma as it does all diplomas and credit requirements. In section 8, subsection 7, the cumulative score component that we discussed for the NHSPE is referenced. This is to capture a relatively small number of kids, but those who meet certain minimum requirements as laid out here—2.75 GPA, good school attendance, and no disciplinary action pending against them. This is where failing one subject area of the NHSPE six times comes in. The requirement is that they take the exam and attempt to pass it at least six of the seven times the exam is offered.

Assemblyman Hansen:

To me, this sounds crazy: "A pupil must receive a standard high school diploma if the pupil has failed to pass one subject area of the high school proficiency examination administered pursuant to NRS 389.015 not less than six times" So, a student can flunk a section of the test six times and still

qualify because they had a GPA that averaged out? Am I understanding that correctly?

Nicole Rourke:

The student would have to take the exam six times, but a student may have shown growth over a period of time. We see the State Board setting the cut score as one or two questions lower for that one section. The student has to pass all three other components of the exam. They cannot fail one portion significantly and then have the high score from another section make up for it. They must be close together and meet all the other requirements. We have approximately 50 to 100 students who are currently in this situation, receiving a certificate of attendance, and have a 2.75 or better GPA while meeting all the other requirements.

Chair Bobzien:

I am going to have one of our teachers weigh in on this.

Assemblyman Stewart:

Ms. Rourke, of the four proficiency tests, the students have passed three. For example, maybe they had difficult time with the geometry portion within the math section and cannot pass. This would apply to them, correct?

Nicole Rourke:

Yes. That is correct. Thank you for the clarification.

Assemblywoman Neal:

I think it might be helpful to explain how the proficiency exam is administered during the year. For example, how many opportunities does the student have within that one year to take the examination?

Bart Mangino:

There are opportunities as a sophomore, when the NHSPE is first administered, one opportunity as a junior, and two opportunities in senior year. By the time they are a senior, they have had up to seven opportunities to pass the proficiency exam. It could be one or could be all of them, depending on where the student is with regard to passing the proficiency exam.

Assemblywoman Neal:

This is the way I understand it: the tenth grader takes the exam when it is administered in November. Once the student becomes an eleventh grader, he gets a chance to take it in November again, and if needed, there is another chance in March. Once the student gets to twelfth grade, he could take it

November, March, May, and again in June. I wanted to clear this up, so we could understand the stages.

Assemblyman Stewart:

Say there is a student who barely passes all four exams but receives a diploma, and another student who did very well on three exams, but failed the fourth, and does not receive a diploma. That first student who barely passed receives a diploma and the second one does not? Is that correct?

Nicole Rourke:

Yes, that is correct.

Assemblywoman Diaz:

I am having a hard time digesting the alternative diplomas. The 18-credit diploma is very near to the 22.5-credit diploma. It seems like it is a diploma for those students who are geared toward a career or technical trade. I have concern over the 12-credit move-on-when-ready diploma. What courses are these students taking that will make them ready to go to a postsecondary education after 12 credits in a high school setting? I was barely ready to move on to college with the entire credit load I took, which was beyond the scope that was needed when I graduated. What is this examination that is going to be prescribed by the State Board that will determine the students are ready?

Nicole Rourke:

We see this bill as an opportunity for highly accelerated students who can pass with a college entrance score, either an SAT- or an ACT-type exam, with parent permission; they are already enrolled in accelerated classes, they may be gifted, and they can score at such a level that they show proficiency in those areas.

Assemblywoman Diaz:

Who is going to create the exam the students will have to take? I know the State Board will be assigned to this, but who will actually be putting together the exam?

Nicole Rourke:

We see this as an existing exam, such as the SAT or the ACT, graded by the College Board.

Assemblyman Anderson:

Do the SAT and the ACT have a writing portion included in the exam? If you are talking about skipping out on a few years and a lot of practice in writing, that is something you do not do a lot in high school, but more in college; is that not important?

Nicole Rourke:

I would like to give Dr. Lauren Kohut-Rost an opportunity to answer that question. She also has some clarification on the NHSPE.

Lauren Kohut-Rost:

Yes, the SAT and the ACT have writing portions. It is critically important that students who are very bright complete two years of high school because typically a student earns six credits in a year's time. For the earlier diploma, 18 credits would equal three years in high school. This diploma will equal two years in high school for bright and advanced students.

Chair Bobzien:

Thank you. Nicole, please continue.

Nicole Rourke:

I believe we stopped on page 30, section 10. This is where we talk about the requirement of school attendance and passing grades for the receipt of a driver's license as well as the standard requirements to receive a driver's license and be employed. The principal of the school—we would like to add "or designee" to that language—can provide written material that the child is in school and has passing grades in order to obtain his driver's license at the appropriate age. They might also provide that same certification, so we anticipate that it would be the same form that an employer would keep in his file.

The Board of Trustees would prescribe submitting a standardized form so employers and the Department of Motor Vehicles (DMV) would know what they are looking for. The student would present that for his license or for employment. In section 11, we are talking about truancy. We talk about administrative sanctions related to driver's licenses. This section states that a driver's license could be revoked upon habitual truancy. The definition of habitual truancy per NRS is three or more unexcused absences. I am going to read the portion in the bill on page 30, line 43, section 11, subsection 1, section (a). [Read entire section of bill.]

Assemblywoman Dondero Loop:

On page 31, line 35, under section 11, subsection 5, paragraph (a), it reads, "The pupil shall surrender his or her driver's license to the school police officer or the person designated pursuant to subsection 8." Does this mean school police officers are going to track down students after the principal has informed the student that they are not going to be driving anymore? I am confused about the sequence.

Nicole Rourke:

This is the result of truancy. When the student has been identified as a habitual truant, school police are notified by the school. One of the sanctions for truancy would be the revocation of his driver's license.

Assemblywoman Dondero Loop:

Once the driver's licenses are in the hands of the school police officer, what is he going to do with them?

Nicole Rourke:

The licenses would be turned in to the DMV.

Assemblywoman Dondero Loop:

Does the DMV, in addition to the school police officers, know about this? [There was no response.]

Assemblyman Kirner:

I assume that somewhere along the way we are going to hear testimony from the DMV. Is that correct?

Chair Bobzien:

I do not believe they are signed in.

Assemblyman Kirner:

I would like to hear its perspective on this process.

Chair Bobzien:

We can make a note to have that request issued.

Assemblywoman Dondero Loop:

On page 32, section 11, subsection 8, it says, "If a public school does not have a school police officer assigned to it, the principal of the school may designate a qualified person to carry out the requirements of this section." My concern is with places like Battle Mountain or Hawthorne. How is this going to be organized, created, and followed up?

Nicole Rourke:

I believe that is a process we are going to have to work through. Clearly, we have not thought of every circumstance in which the revocation or suspension of a driver's license could occur. We fully anticipate having continued conversation about this.

Chair Bobzien:

Noted. Please continue.

Nicole Rourke:

Continuing with page 32, you can see the recourse a parent or pupil has. He may appeal to the school for the circumstances under which he was truant. We can look at the process for appeals; I imagine this may look different in different schools, and we would like to leave that up to their determination, but the administrators would listen as much as they do on a disciplinary appeal. Mr. Mangino can describe the process to you.

Bart Mangino:

As a high school principal, I have had the opportunity to speak with numerous parents regarding truancy. Sometimes, it can be as simple as the parent not writing a note, the student not bringing the note in, or the school—in some cases—misplacing the note. Attendance is quite liberal as far as excused absences are concerned and oftentimes, during these conferences, the parent says, “Yes, my student was ill on that day.” If they have proof of that, which they often do, the absence is then marked as excused. The only time the language of this bill would come into play is if it were an unexcused absence which leads to truancy.

Nicole Rourke:

If you turn to page 33, section 12, subsection 6, this is the area that deals with the credit retrieval process. Again, this is permissive language that allows school districts and the boards of trustees to set a policy. Once a student has received ten unexcused absences, he can work with the school to develop a plan for how that credit can be retrieved in the same semester. The statute outlines that if the policy is adopted, it must provide for how the student will obtain credit. If the student is absent for any additional days during the current period and they have exceeded that, the plan in place contains a provision that he cannot have any further unexcused absences.

The student would work with the school to enroll in a program and design it. We anticipate what that might look like, whether it is independent study, whether he has only missed a little bit of time and he can make it up with the teacher, or if he would have to enroll in a virtual high school class. It also allows the student to pass a comprehensive exam demonstrating competence in the subject area for which he has been absent, or otherwise, would be denied credit.

Chair Bobzien:

That is a nice idea. Please continue.

Nicole Rourke:

Section 14 is language about unapproved absences. The pupil can be referred to administrative sanctions according to section 11, which is the driver's license piece. Again, there are references to those sanctions throughout the rest of this section and section 15. On page 37, we get into the next component of the bill located in section 15, subsection 6. Here, it mentions the chair of an advisory board, which is the advisory board for truancy that our school district houses and the imposition of the administrative sanctions. The chair of that board can impose those sanctions as well when a truant is referred to them, rather than the juvenile court. Section 17 addresses habitual discipline issues, and it is referenced and described on page 39, which then refers to page 41 where a full description of the discipline is explained.

Chair Bobzien:

I am going to stop you there with a question.

Assemblywoman Dondero Loop:

On the top of page 39, lines 5, 6, and 7, where it says, ". . . report the pupil to the school police officer, the local law enforcement agency, or the local social services agency of the county, as applicable" What are we reporting here? Are we reporting that the student has not been at school or he is failing classes or tardiness? I see this as kind of "dicey" with social services when they are already overloaded.

Nicole Rourke:

If you look on page 41, section 17, subsection 9, you will see language for habitual disciplinary problems. The principal of the school may report the pupil once he has gone through the progressive discipline process; he may refer the pupil to a school police officer, local law enforcement, or social services, for an investigation as to whether the pupil should be deemed a delinquent in need of supervision, or if the principal notices the pupil is being abused, neglected, or endangered.

We understand there are some concerns with this section about the caseload issue, but I would like to point out that currently it codifies the process we already follow. So, habitual disciplinary problems with students may already be referred to local law enforcement. School teachers and school personnel are mandated reporters if they suspect child abuse or neglect.

Section 18 starts on page 41, but the new language is on page 42. This is a reference to the Truancy Diversion Program. It is an increase in certain court fees to provide stable funding so that we can actually keep the kids out of the juvenile justice system. These are students who are starting down the path of

missing school without an excuse. We pull them into a mock court situation within the school and judges volunteer their time. This program is not particularly expensive, but it does require some staffing, incentives, and rewards for kids. It is a 16- to 18-week program depending on the child's problems or how many times he has been absent. The program monitors his progress, his absences, his grades, and school activities to ensure that the child is making progress.

On page 43, section 19, there is a follow-through with the jurisdiction to the driver's license provisions mentioned in section 11. Section 20 is a reference to the adjudication for habitual discipline problems and what the conference would look like. The child could be required to attend conferences with the appropriate school administrator to address the issues which contributed to the child's discipline problems.

Section 22 defines the statute for what the court can assign when a child is truant. The new language for this section is on page 45. This is our opportunity to discuss the hunting and fishing licenses. These are additional remedies for the court to use when a child is adjudicated in need of supervision because they are habitually truant. We discuss the possibilities of a parent's license to hunt or fish being revoked. The parent may be required to perform community service, attend and pay for counseling sessions, and the parent may be required to attend classes with the child to ensure that the child receives credit. Finally, the parent may be required to attend conferences at the school.

Chair Bobzien:

We are going to stop you right there with a question.

Assemblyman Hansen:

The license idea is great. The problem I have is with single parents. I am picturing the scenario of a single mother with a teenage kid giving her a lot of trouble. Next thing she knows, she is front of a juvenile court, and they are coming after her, telling her she must attend classes, perform community service, and attend conferences. I have a hard time understanding the penalization of the parent due to the truancy of the child. Are there other states that do it this way?

Nicole Rourke:

These were measures reviewed that we thought may work in our state. I would also like to refer to Mr. Schleifer in Las Vegas to share with you the steps we go through before we get to this point.

John Schleifer:

In order for a student to be issued a criminal citation for habitual truancy, the student must be issued three notices of truancy during a school year. After the third truancy letter, the school issues a truancy citation. The school must take steps in order to ensure the parents know about the trancies and have referred the students to the counselor, have counseled the student, and done in-school type procedures and incentives with the student before it gets to the level of the student being issued a criminal citation for habitual truancy. Does that summarize what you are asking?

Assemblyman Hansen:

I guess so. I see it as an unrealistic scenario. I feel like this would be very difficult to enforce with single mothers with teenage boys, for example.

Chair Bobzien:

We have uncovered a policy difference. Mr. Anderson and Ms. Neal have a question.

Assemblyman Anderson:

A lot of the things in this bill are definitely worth discussion. We need to do more in trying to get kids to care about what is going on. I guess I have a couple concerns along the same lines as Mr. Hansen. For example, if you are a working family and you have a ton going on, we can work on those issues. I wanted to clarify a technical point. When you say, "Three notices of truancy," would that be a total of nine unexcused absences?

Bart Mangino:

That is accurate.

Assemblywoman Neal:

I have a realistic situation to share similar to Mr. Hansen's example. I had a former student who had difficulty coming to school. His mother was never around; she was on drugs. He was raising his little sister while trying to earn money because there was no income in his house growing up. He was in high school but rarely came. We worked with this student to try and get him to come to school because we understood what was going on.

According to this bill, this particular child's parent would be drawn in, but not coherent, and she would not benefit from the counseling aimed at improving her parenting skills because she would not be focused. What are the other remedies outside of that when you have an impoverished student who is trying to be a dad and take on these kinds of responsibilities for him and other things? This bill does not even give him a window. It actually makes him rely on his

parent, who is not available. Will he just be in juvenile court? This would not be my option for this individual.

Bart Mangino:

Having faced similar situations as a principal, we go out and search as many options as we can and work with that student as an adult, as the primary caregiver, and give individual options because we want him to succeed. Through Clark County School District, there are program opportunities for students like the one you mentioned. I cannot give you specifics right now; however, we do not want it to get to this point. In order for it to have gotten to this point, that student would have had a number of interventions that would have been provided to him. This is a last resort. There are still options available to a building principal; however, we would make those services available to them.

Having worked with a number of students in that same particular case, at the elementary, middle, and high school levels, we do not want to punish the child; we want to make the services available to them. As we work through this in our discussions, those services are available not only through the individual school districts but through the county systems; this will flesh out.

Assemblyman Aizley:

Following up on Assemblywoman Neal's situation, would you also take the driver's license away from that student if he was truant?

Bart Mangino:

To be honest, yes, I would. Before that were to happen, I would have had numerous conversations with the student and I believe that being able to dialogue with the student, I would be able to impress upon that individual the seriousness of this. As long as that child is working with me, this again, would be a last resort.

Nicole Rourke:

I would like to reiterate that we developed this bill draft to open this conversation about what else we can do to improve the graduation rate. We look forward to fleshing these out. We know that this is not an exhaustive list, and we welcome suggestions about other ideas to improve the graduation rate.

Chair Bobzien:

We appreciate you bringing these ideas to the table. Thank you for going through this lengthy bill with the Committee. Are there additional questions?

Assemblyman Stewart:

I was on the interim committee that studied graduation rates and dropout rates. As my former students know, I was a stickler for high standards. As we studied the standards of other states, we found that Nevada was very high overall. For example, there was a presentation on the graduation rate of the top ten states; of those top ten, only three have an exit examination. Of the three that do, they have three exit exams, while Nevada has four. The top ten, with the possible exception of Nebraska and Pennsylvania, have higher credit graduation demands than we do. For Nebraska and Pennsylvania, the local boards decide, so credits required to graduate may be higher. There is a general perception that Nevada does not have high standards. We have very high standards. There are only nine states that have higher credit requirements for graduation than we do. Thirty-four states have lower credit graduation requirements than we do. Overall, Nevada has high standards. When we say that Nevada is last in graduation rates and highest in dropout rates, we are again comparing "rutabagas to kumquats."

Assemblywoman Diaz:

I have a concern about section 10 on page 30 where it states a principal of a public school will be providing pupils 14 to 18 years of age a signed statement verifying that the pupil can get a driver's license or a work permit. I feel we are already overburdening our teachers and administrators with paperwork. As a teacher, I know there is a lot of paperwork already in existence. This is one more. What is the turnaround time the principal will have to give this back to the student, and how much additional time are we talking about that could be used in a better way?

Bart Mangino:

As a principal and I will speak for Bonanza High School, we monitor students' attendance. When you start to be proactive and intervene prior to students getting to that point, it would be our intent to do the legwork up front as far as monitoring the students. When we turn the statement in, we are looking at a student who has passing grades and has not reached the point of losing credit due to unexcused absences.

Assemblywoman Diaz:

How much time will the principal have to be expected to turn these statements back?

Nicole Rourke:

I cannot give you an exact estimate of time. I would say that we would try to automate it as much as possible. We would look at our systems and figure out how we can make it as simple as possible for school staff because we are

concerned about the continuing burden on our school staff especially given the potential impending budget cuts we are facing.

Chair Bobzien:

Good to point out. Are there follow-up questions?

Assemblyman Hansen:

You have mentioned programs for the diversion of truancy in a couple of places. What is diversion of truancy? Should it not be reduction of truancy?

Nicole Rourke:

This is the Truancy Diversion Program that we talked about earlier in the bill. It is when the student first has an unexcused absence where we pull them into a mock court at the school. It is to divert them from court; in other words, they do not end up in the juvenile justice system, but we handle it at the school level.

Assemblyman Hansen:

Okay, but the ultimate intent is to reduce truancy I assume?

Nicole Rourke:

Yes, it is.

Assemblywoman Diaz:

What will happen if the students graduate early? How do the colleges deal with students who have fewer credits? Does this pose a problem for students entering colleges?

Nicole Rourke:

When I looked at the Arizona State University model, the scores they set waive the credit requirement. So, if you meet the cut score for the exam, they do allow you to be admitted. I also called the University of Nevada, Las Vegas and the University of Nevada, Reno, and they follow that same process.

Assemblywoman Diaz:

Do we know if this would be acceptable to other colleges, universities, or Ivy League schools?

Nicole Rourke:

I also looked at Harvard. If you look at their admission requirements, they do not list credits. Currently, they consider the full application. We anticipate that they will accept students who graduate early prior to their senior year. They do

not say explicitly, but given the vague nature of the application, they consider an essay and references along with numerous other things.

Chair Bobzien:

So you are not going to go out on a limb and advise anyone looking to go to Harvard to pursue this as an option?

Nicole Rourke:

No, sir. I do not see that as my role.

Chair Bobzien:

Are there any other questions from the Committee? [There were none.] There are people wishing to speak in favor, neutral, and against.

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

In general, I am very supportive of the bill. With regard to the concept of increasing graduation requirements—and that includes both the “carrot and the stick,” anything we can do to put incentives, both good and bad, to get students to graduate—I am for the discussion. The ideas may not all be perfect, but at least we are having the discussion.

I fully support the second piece, the discussion that you had on cumulative GPAs. If you look at it this way, for the members who are familiar with the ACT, when you take the test, you get scores for science, math, and reading. When people ask you how you did on the ACT, you do not say the actual numbers of each test score, most of the time, you say the composite score. I think we can do that at the Department of Education where you offset scores; students are going to have to score higher on three of the four exams, and then the fourth one might be a little short. If students get a composite score that we develop, that would keep our standards high as well as address the fact that we do have students who take the test four or five times and are always one point short on the same test. Therefore, we cannot give them a diploma. I would support the Department at least looking at this.

I am not as supportive for the third item, regarding the two new diplomas. We do not know what the course credits are going to be and how they are going to work. I would rather the bill require the State Board of the Education and the department to review the diploma options available within the state during the biennium, and come back to the Legislature with recommendations on the need for new diplomas.

There are two new diplomas in this bill, but there is another bill we heard in another committee that had an adjusted adult diploma. We are now talking about three new diplomas. I would rather the state look at them and give us more time to determine what kind of credits would be included. If there is a need and if the Board sees it might be helpful for graduation, we can come back and talk about the proposition. I would rather us do it right than add a bunch of new diplomas. I am not sure if six diplomas would increase the graduation rate until I know what they are.

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

I signed in, in support. We have several sections of this proposal that we support, but we have two specific sections that we oppose. On page 28, section 8, subsection 3 regarding the new diplomas, we support the concept that additional diplomas may provide greater flexibility for Nevada students who can benefit from such alternatives. In view of what Dr. Rheault just stated, I believe that school board members would support a longer, more focused look, over time, to determine whether these are the right two diplomas. It is not clear how many students would benefit from these options, but more options could be more helpful.

On page 29, in section 8, subsection 7, the bill proposes an alternative for a student who has failed to pass one subject area of the NHSPE after six attempts. The specific criteria seem appropriate to ensure that the student has earned the credits and performed competently all other ways except for the specific deficiency. On page 33, section 12, subsection 6, the bill proposes that the board of trustees may adopt a policy that allows the pupil enrolled in high school, who has failed to comply with the minimum attendance requirements, the opportunity to make up those credits. School board members appreciate the flexibility to consider such proposals and adopt them in response to specific local concerns and circumstances.

On page 56 in section 36, subsection 1, paragraph (a), we support the inclusion of new language that would limit those under the age of 16 from working more than 20 hours in any week when school is in session. There is a very interesting report that was published in 2008 from the California Dropout Research Project that concluded that there is ample research that students, and I quote, "who work more than 20 hours a week are significantly more likely to dropout." We believe that this new requirement is clearly researched based.

On page 45 in section 22, subsection 5, school board members are concerned that if a child is adjudicated in need of supervision because the child is a habitual truant, suspension of the parent's hunting or fishing license, imposition of community service upon the parent or legal guardian of the child, as well as

the other measures described, will not encourage family engagement in the educational process in a positive way. These punitive consequences will alienate the very parents that school and educational staff are trying to reach. One of our school board members called this the "hammer approach," and it certainly seems to run counter to Assembly Bill 224. We did not see until earlier today the amendment from the Washoe County Public Defender's Office, but I believe that if I sent that out to our legislative folks, they would support that amendment as it addresses some of these concerns.

Chair Bobzien:

For the Committee, we are going to hear a presentation on that one a little later.

Dotty Merrill:

On page 30 in section 10, and later on page 47 in sections 25 to 27, these sections concern the written statement from the principal of a public school regarding whether the student has complied with minimum attendance requirements and has maintained passing grades in order to receive a driver's license. We have a number of school board members who agree with this initial requirement. But some of our rural school board members are particularly concerned about section 11 on page 30, the suspension of the driver's license for truancy for three unexcused absences.

One of our school board members from a rural district asked me to let you know, and I am quoting, "that the provision that prohibits truants from having a driver's license is perhaps ill-suited for rural districts where young people have long distances to travel to many activities and functions without the availability of public transportation." It would make lawbreakers out of youths who are going to drive one way or another.

Although section 11, subsection 6 on page 32 includes a hearing with a principal, this does not address the factor of no public transportation. We believe that there may be unintended consequences to that particular feature, and we do not support it for that reason. If you convene a working group that will consider revisions or adjustments to this bill, the Nevada Association of School Boards would welcome the opportunity to work with that group. We definitely appreciate CCSD in bringing this forward, and it has provided an opportunity for a public policy discussion about graduation and earning a diploma.

Mary Pierczynski, representing Nevada Association of School Superintendents:

We are in support of the spirit of A.B. 64, and we want to thank CCSD for bringing this bill forward. We believe this starts a very important conversation in our state: students must show up for their education. You have heard some

of the concerns that my two colleagues have voiced. We agree that there are areas of this bill where the mechanics would have to be worked out. I would also like to point out, for the rural counties, there would have to be some adjustments made; some of the services that Clark County is able to avail themselves of, some of the counseling or those things, would not be available in rural counties.

Chair Bobzien:

Do you we have any questions from the Committee? [There were none.]

**A. J. Delap, Government Liaison, Office of Intergovernmental Services,
Las Vegas Metropolitan Police Department:**

Las Vegas Metropolitan Police Department is antitruancy. We like the idea of giving a “carrot” to the kids to get to school. We know their driver’s license is important—it is a privilege, not a right—and we would like to support the school district in any means possible to curb that issue.

We have found that, during the day, we have a rise in property crimes and disturbance calls that goes away in the early evening and returns again in the late hours of the night. It is not uncommon for us to address truancy in some degree. It is not an uncommon process for our investigators to look into truancy records in schools to help identify potential suspects. It is not all encompassing; it is just one of the avenues we look into. We also up our patrols during the end of the school year, and that is mainly to deal with some of the excitement with getting out of school. The fact that a license may be lost, even if the student has graduated from school, is a nice stick to hopefully help them behave.

Chair Bobzien:

Are there any questions?

Assemblyman McArthur:

This driver’s license idea keeps popping up. I am wondering if the situation may not make things worse. Basically this bill is having the education system take away driver’s licenses, but only if children are in the school system, correct? [Committee confirmed this was true.] So, you may have some students age 16 or 17 that say, “Do I want to have a driver’s license or to continue going to school?” They may say, “I would rather have a driver’s license.” This may cause the student to dropout. I am wondering if taking away the driver’s license may hurt us rather than help us as far as truancy and dropout rates go.

A. J. Delap:

The point at which the driver's license is going to be pulled is not an immediate response; it is a penalty that is going to occur through more than one truancy. We are talking about unexcused trancies as well. If you have an excused absence, you are not truant. If your parents have given you a reason not to be in school, and it is acceptable to the school, then we are not dealing with that issue. We are pro the idea of being in school, and if you are not in school, you need to have an excusable absence. We do not enforce Clark County policy either.

Assemblyman McArthur:

I guess it does not make any difference why they are truant, just the fact that someone may decide they would rather have a driver's license and dropout; whether it is excused or not, we have a truancy problem.

Carolyn Edwards, President, Clark County Board of School Trustees:

I am here testifying on behalf of CCSD. For the record, we have a DMV person in the audience wishing to speak.

Chair Bobzien:

I do see that they are signed in to speak as neutral. Thank you.

Carolyn Edwards:

The Board of School Trustees has worked for many years to improve the graduation rate. Our mission is that all students will graduate from high school having the knowledge, skills, attitudes, and values necessary to achieve academically, prosper economically, and participate in democracy. In order to achieve this mission, it is our responsibility to provide a safe and respectful learning environment in which every student can excel. However, given the multitude of factors that impact students and their ability to perform academically, we cannot do it alone. Given the upcoming budget cuts and the things that will have to be cut, there will be fewer and fewer incentives for children to remain in school and graduate. With limited resources, we provide numerous services to assist students and families, but as those resources shrink, we need, more and more, to focus on the core mission of educating students.

I want to share a short story with you about how someone was impacted by another agency's decision. A student in my district got in trouble with the law in a rural part of Clark County. The judge sentenced this student to jail time because it was a serious situation. He then suspended the sentence and said, "If you pass all your proficiencies, get all your credits, and graduate from high school, we will nullify your record and your sentence will go away."

Three years later, that student graduated from high school and the judge was in the audience to watch him graduate, and that is another one of those ways where outside agencies can help encourage students to stay in school.

Assemblywoman Dondero Loop:

I appreciate what you are saying. Knowing a lot of probation officers and being a teacher for 30 years, I think that situation is slightly different than the bill being presented—only because that is giving the student a positive option. I remember when that rule was enacted and knew many kids who attended the first day, but after that, never went.

Chair Bobzien:

Are there any other questions? [There were none.] Those in opposition to the bill?

Tray Abney, Director, Government Relations, Reno Sparks Chamber of Commerce:

The only section of this bill that we are taking issue with is section 34. This is the part that will require employers to get these various types of documents from their employees between 14 and 18 years old to prove that they are in school or have reason to not be in school. I do not have to tell this Committee how important education is both to our future workforce and to the people that my members are going to need to hire. Mr. Chair, I want to make you aware that the Chamber is participating in a group called the Council for Excellence in Education. It is a Washoe County based organization. Right now, we are working on what is called a community compact. That compact would voluntarily allow businesses sign a compact to say most of these things: "You will hire employees who are high school age students, and they will show good grades, et cetera." This compact would go to service organizations, religious groups, businesses, and students in school. This is a culture change that we need, and it takes everybody to understand how important education is from all the groups I listed. We would like to see our effort tried in Washoe County—not forced by law—because, at the end of the day, we still think employers should have a certain amount of freedom to hire who they need to hire to get the job done. But we want to change the culture in Washoe County and have employers do this voluntarily.

Rebecca Gasca, Legislative and Policy Director, American Civil Liberties Union of Nevada:

I want to reiterate the comments of Mr. Abney and thank the School District for bringing this bill forward in order to engage us in this policy discussion. Mr. Abney's perspective regarding cultural change is significant in this manner. The American Civil Liberties Union (ACLU) is committed to challenging the

notion of the school-to-prison pipeline, which is a national trend where children are funneled out of public schools and into the criminal justice system.

Many of these children have learning disabilities; they are students who are racial or ethnic minorities. They were isolated, punished, and pushed out rather than supported with the social services and support network that they most definitely deserved. These students generally have a history of poverty, abuse, and neglect. We believe that children should be educated and not incarcerated. The way this bill is set up further exacerbates some of the problems in this school-to-prison pipeline by using a punitive system to address the issues rather than looking at the underlying issues and maybe bolstering the social support network or social services network that could otherwise help and apply.

We are here testifying against this bill, particularly sections 17 and 22. Section 17 is the one that provides schools inform local law enforcement not only of students who commit unlawful acts—including but not limited to truancy—but also of those students who are disciplinary problems. From our perspective, we do not believe that law enforcement should have a valid interest in students whose behavior may actually be inappropriate, but not violate state law. In fact, NRS 392.4655 subsection 1, paragraph (c) says that a student can be deemed a habitual disciplinary problem if the pupil has a record of five suspensions from the school for any reason. That reason does not necessarily mean that student engaged in any criminal behavior. They could have just talked back to their teacher multiple times and been suspended. This is not a violation of law—is it inappropriate, is it difficult, is it a disciplinary problem? Yes. But does that mean we need to involve law enforcement? No. It means that student likely has underlying issues that need to be addressed. He may have a learning disability that has gone undiagnosed or is dealing with issues at home. Rather than funneling those students to the law enforcement, we think something like social services may be more appropriate. Section 22 provides penalties for parents based on the child's behavior. That specific section has been commented on by the Committee members.

After briefly looking at the Washoe County Public Defender's amendment, we would certainly support that, but we think it needs to be amended to provide, like the rest of that section, that a parent would have to be found as knowingly inducing the child to being a habitual truant. You will see earlier in that section that is a part of existing law and is involved in whatever adjudication as currently practiced.

I want to note a larger policy perspective. Nationwide, this school-to-prison pipeline trend has been recognized by states and school districts and their positive intervention services that have been supported—most notably, the

positive behavioral intervention support system. Washoe County implements this system in a few of its schools with astounding results. By addressing those underlying socioeconomic factors, we are going to be able to keep students out of the criminal justice system and give them the type of education and responsive network that they deserve.

We look forward to extending this conversation into the future because we do know and agree with what the school district has said. When a student does not graduate from high school, he is more likely going to be involved with the criminal justice system. In that same vein, those same students who are being punished, and are dealing with the criminal justice system early in their lifetime, are much more likely to stay involved in the criminal justice system. By changing the conversation to address these underlying issues, we think we will be better serving our student population and keeping them out of the criminal system in the long term.

Chair Bobzien:

Do we have any questions for the panel? [There were none.]

Alison Turner, President, Nevada Parent Teacher Association:

The Nevada Parent Teacher Association (PTA) supports parts of this bill, particularly the alternative methods to establish proficiency, the Truancy Diversion Project, and student accountability, and consequentiality. The Nevada PTA has concerns regarding section 22. [Continued to read from prepared testimony ([Exhibit J](#)).]

As I have brought these concerns up over the last few months, I have had several different people within CCSD ask me if I did not believe in accountability for parents. Nothing could be further from the truth. I certainly believe parents should also be held accountable; however, it would be better to hold parents accountable after we provide them with the information and the tools that they need to get this job done.

Chair Bobzien:

Thank you. Do we have any questions from Carson City? [There were none.] I would like to hear those who are neutral.

Orrin J. H. Johnson, Deputy Public Defender, Washoe County:

My amendment has been referenced a couple of times now; the concerns were brought up by Assemblyman Hansen, Assemblyman Anderson, and Assemblywoman Neal regarding section 22 primarily, which are the punitive actions against parents. We are concerned with page 45 of the bill, section 22, subsection 5. My amendment takes out paragraphs (a), (b), and (d) of those

five paragraphs. These are the punitive ones: the hunting and fishing license, the community service, and forcing the child to attend the classes. The other, parents attending classes and the parent conferences, is already available to juvenile court justices in most cases. [Continued to read from prepared testimony ([Exhibit K](#)).]

We are truly neutral on the rest of the bill. I would like to say that the other sanctions against the children and the driver's license provision are permissive, so our office will take no position in this particular case. I would caution the Committee with this bill—and any other bill—that if there are any other changes, please be careful about getting children in the criminal justice system especially when you are trying to help them. We can do a lot of damage to kids when we try to help them. Once we get them in the criminal justice system, it is incredibly difficult to get them out. I do not want to see them, and I do not want them to be my future clients in the adult criminal world. The more we can keep things on an informal level and on a school policy level the better it is. As soon as the police start getting involved, things can go downhill quickly. Please keep that in mind.

Chair Bobzien:

Thank you for those perspectives. Are there any questions?

Nancy Wojcik, Administrator, Division of Field Services, Department of Motor Vehicles:

The Department of Motor Vehicles is neutral on this bill; however, I would like to reiterate that there is a fiscal note that has been added to A.B. 64. Section 25 requires that the Department issue a one-year driver's license to a minor at the age of 16 as opposed to issuing a four-year license as we currently do. If this bill is passed, the DMV would request that the implementation date be changed to April 1, 2012 due to the programming and administrative tasks required in order to implement those changes.

In the fiscal note, the anticipated additional revenue identified is based upon the issuance of a one-year driver's license at the current cost of \$22, with the implementation date of April 1, 2012. Currently, the Department charges a \$19 issuance fee and \$3 card fee for the production of a driver's license. Of the fees collected, \$18.50 is deposited into the Motor Vehicle Fund. Fifty cents is deposited in the Highway and Safety Administrative Account and out of the \$3 card fee, \$2.87 per card is paid to the vendor for the issuance of the license and mailing costs.

The anticipated revenue collection was based upon the anticipated number of 16-year-old drivers per fiscal year for the total of \$22 per license. Once the

minor becomes eligible to obtain a four-year driver's license at the age of 17, provided the student is not under any sanction imposed by the school system, there will be an additional \$22 fee collected per driver's license for a four-year term.

Linda Johnson, Private Citizen, Las Vegas, Nevada:

I am a parent and have had four kids in Clark County School District. I have been involved with the School District since 1995. I signed in neutral because I support only half of these things. The ones that I do support are the expanded diploma options, establishing the process for time retrieval, and working with the juvenile courts. I do not support the driver's license tied to truancy. I am going to give you my personal observation of that.

My 18-year-old just graduated from Bonanza High School. Between 80 and 90 percent of the students who leave Bonanza High School every day are walking or riding the bus. The observation that my 18-year-old son had when he read this Graduation Priority Act is that it is not going to touch the students they are trying to target with this truancy policy. There is a fiscal note attached to this. Are we getting the best return on our investment in reducing truancy if we are going to spend all the time and money that goes along with this policy? And if it is not going to touch the students it is intended for?

When I read this policy, I looked at all of the states that are doing this. West Virginia was the first one; however, there is no significant data to support this bill is effective in reducing truancy. I cannot imagine our state spending time and money on something that is not effective. My concern is that there are programs that are effective at reducing truancy and reducing dropout rates, but the problem is those programs cost money. I implore our legislators to not go the easy way out just because something costs money; we should not discount it. If it is effective, we need to look at what works. Let us use what little money we have for education effectively.

I support some aspects of students working. If kids are at work, it is hard for them to focus on their studies. Every family is different, and some families are surviving on the fact that their kids are helping support their families. I hate to see sweeping generalizations of who can or cannot do certain things. Then we get back to each principal getting to decide what the exemptions of the rules are. Is that going to take up more of the principal's time?

My other concern is the negative impact on parents. When I was looking at various websites about dropout prevention, some of the juvenile justice associations say that these negative sanctions against parents are not effective. It is the positive programs that seem to be more effective for dropout

prevention. As a parent, I hope that we look at all of the positive programs that are available to deal with truancy and dropout prevention. I want to remind everybody that we are such a diverse state; we have so many cultures in Nevada. In order to make sure that the parents are getting the information they need about what the policies are, it is important that CCSD and the state are communicating with parents in a language they understand. I spoke with a principal the other day who said there is a population from South Africa at her school that does not have a written language. How are we communicating to these parents?

There are cultural and language barriers we must acknowledge when sending out notices to parents. The reality of how much ParentLink is used, as opposed to how we think it is being used, is completely different. I am a parent who uses ParentLink, but there are changes to the system sometimes that I did not know are available, and I use the system on a frequent basis. I am a connected parent. For those parents not involved, I cannot imagine how they are getting their information.

Ben Graham, representing Administrative Office of the Court:

I had to speak especially after Ms. Neal referred to the older sibling signing matters for his family. I have four children, each attending Doris Hancock Elementary School, Hyde Park Middle School, and Bonanza High School. All four went on to UNLV and since have received advanced degrees.

I love the public school system and what you do is great. From the courts' standpoint, we are concerned about trying to add additional administrative assessments or other fees onto our current system to try to fund something. Our family courts both in Washoe and Clark Counties and the district court judges throughout the state have been working and are willing to continue to work with the school districts in helping with this problem. We do have some programs going and will continue to augment those. With that, the children have done well.

Carey Stewart, Director, Department of Juvenile Services, Washoe County:

We are neutral in regard to this bill, but we do have three concerns. One pertains to jurisdiction, another, the appeal process, and the third, potential net-widening effect this bill could have. In regard to the jurisdiction, section 11 would take the sanctions for habitual truancy out of the juvenile courts' exclusive jurisdiction that it currently has over truants. We feel that it moves it to the school districts, so there are jurisdictional concerns. With the appeal process, ultimately, if the child does not agree with the initial sanctions they could appeal, and it could end up in district court. Our concern is that this final appeal process would be added to calendars that are already booked with delinquency matters, so it could have a burden on the court system.

Lastly, I would like to echo the comments of Mr. Johnson and Ms. Gasca on the net-widening effect this could have, especially in regard to the habitual discipline students. As these investigations unfold, and the students are deemed delinquent, we could be taking potential status offense behaviors in the schools and pushing them to the juvenile justice system for sanctions that could result in detention. There is a net-widening effect and an adverse effect on students.

Alex Ortiz, representing Clark County:

I originally signed in as opposed, but after hearing some of the discussion, I would like to speak as neutral to the bill. We have the same concerns as Mr. Stewart and the Nevada Association of Juvenile Justice Administrators and concur with his testimony. We also appreciate Vice Chair Dondero Loop's concerns and questions about the potential impact of caseloads to the social service agencies that we have in Clark County. We also spoke with the bill sponsors and expressed our concerns and will work closely with them on any proposal that could help us with our concerns.

The potential of this bill is to improve the graduation rate; therefore, we applaud them in their effort. In fact, our Director of the Department of Juvenile Justice Services, Mr. Fritz Reese, is the Clark County Chairperson for the Ready for Life committee to improve graduation rates.

Chair Bobzien:

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

The meeting is adjourned [at 6:30 p.m.].

RESPECTFULLY SUBMITTED:

Janel Davis
Committee Secretary

APPROVED BY:

Assemblyman David P. Bobzien, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Education

Date: March 14, 2011

Time of Meeting: 3:18 p.m.

| Bill | Ex hi bit | Witness / Agency | Description |
|-------------|--------------------------|---------------------------------|--|
| | A | | Agenda |
| | B | | Attendance Roster |
| A.B.138 | C | Mindy Martini | Work Session Document |
| | D | Katherine Loudon | Presentation |
| | E | Shelby Knox, Elisa P. Cafferata | Presentation |
| | F | Shelby Knox, Elisa P. Cafferata | Teen Pregnancy In Schools, Detailed Statistics |
| A.B. 64 | G | Nicole Rourke | Graduation Rates (50 States Chart) |
| A.B. 64 | H | Nicole Rourke, Mindy Martini | Memorandum |
| A.B 64 | I | Nicole Rourke | Graduation Priority Act, Presentation |
| A.B. 64 | J | Alison Turner | Prepared Testimony |
| A.B. 64 | K | Orrin Johnson | Written Testimony and Amendment |