

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

**Seventy-Sixth Session
April 8, 2011**

The Committee on Education was called to order by Chair David P. Bobzien at 2:47 p.m. on Friday, April 8, 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:

Senator Valerie Wiener, Clark County Senatorial District No. 3
Assemblyman Jason M. Frierson, Clark County Assembly District No. 8
Assemblyman John Hambrick, Clark County Assembly District No. 2

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Nicole Rourke, Executive Director, Government Affairs, Community and Government Relations, Clark County School District
Craig Hulse, Director, Department of Government Affairs, Washoe County School District
P. Donnell Barton, Director, Office of Child Nutrition and School Health, Department of Education
Elisa P. Cafferata, President and CEO, Nevada Advocates for Planned Parenthood Affiliates
Laura Deitsch, Program Manager, Planned Parenthood of Southern Nevada
Jazmine Gaona, Private Citizen, Reno, Nevada
Mary Duval, CEO, Sex Offender Solution and Education Network, Stilwell, Oklahoma
Sally Jordan, Private Citizen, Las Vegas, Nevada
Adrienne Conley, Private Citizen, Sparks, Nevada
Neal T. Anderson, Private Citizen, Reno, Nevada
Marlene Lockard, representing Nevada Women's Lobby
Susan Meuschke, Executive Director, Nevada Network Against Domestic Violence
Rosita Castillo, Program Manager, Promotores de Salud Program, Planned Parenthood of Southern Nevada
Bart Mangino, Legislative Representative, Community and Government Relations, Clark County School District
Mary Pierczynski, representing Nevada Association of School Superintendents
Jennifer Stoll-Hadayia, Public Health Program Manager, Washoe County Health District

Janine Hansen, State President, Nevada Families Eagle Forum
Lynn Chapman, State Vice President, Nevada Families Eagle Forum
Stacie Brady, Private Citizen, Carson City, Nevada
Don Nelson, President, Nevada Life Issues Forum and Education
Christine Burns, Private Citizen, Carson City, Nevada
Katherine Loudon, Counseling Coordinator, Safe Schools-Substance Abuse, Violence, SHARE, Department of Student Pathway and Counseling Services, Washoe County School District
Tracey D. Green, M.D., State Health Officer, Health Division, Department of Health and Human Services
Deborah Williams, Manager, Office of Chronic Disease Prevention and Health Promotion, Southern Nevada Health District
Michelle Kozlowski, Member, Subcommittee on Traumatic Brain Injuries of the Nevada Commission on Services for Persons with Disabilities, Aging and Disabilities Services Division, Department of Health and Human Services
Kate Osti, Rights Advocate, Nevada Disability Advocacy and Law Center
Stacey Whittaker, Executive Secretary, Nevada State Board of Athletic Trainers
Frank Sakelarios, President, Nevada Athletic Trainers Association
Eddie Bonine, Executive Director, Nevada Interscholastic Activities Association
Parley I. Anderson, President, Nevada Physical Therapy Association

Chair Bobzien:

Welcome. [Roll was called. Rules and protocol were stated.] We will begin today's meeting with a work session on three measures. We will also hear five bills. I would like to open the work session with Assembly Bill 137. Ms. Martini, our policy analyst, will go over the work session document with the Committee.

Assembly Bill 137: Revises provisions governing programs of nutrition in public schools. (BDR 34-191)

Mindy Martini, Committee Policy Analyst:

Assembly Bill 137 concerns participation in school breakfast programs. This measure was heard on March 30, 2011. As members will recall, Mrs. Mastroluca noted that the amendment would rewrite this measure. I will summarize the amendment for you. [Continued to read from ([Exhibit C](#)).]

Chair Bobzien:

I would be willing to take a motion on A.B. 137.

ASSEMBLYMAN AIZLEY MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 137 WITH THE PROPOSED CONCEPTUAL
AMENDMENT BY ASSEMBLYWOMAN MASTROLUCA.

ASSEMBLYWOMAN DIAZ SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN HANSEN, KIRNER,
MCARTHUR, AND STEWART VOTED NO.)

Chair Bobzien:

Is there any discussion?

Assemblywoman Woodbury:

I am confused about the amendment. Is the fiscal note removed or lowered in some way?

Mindy Martini:

The sponsor of the bill requested that the school district redo the fiscal note based upon the amendment. We have not received such an amended fiscal note.

Chair Bobzien:

It is safe to say that piece within A.B. 137 will move to another committee for consideration.

Assemblyman Stewart:

I appreciate the hard work on this bill and desire to feed the kids. From my understanding, there is still about a \$1 million price tag for the Clark County School District (CCSD). We are giving them more responsibility with less money. I have a real concern about this.

Assemblywoman Mastroluca:

Mr. Stewart, I have been told by CCSD that they had a plan to already implement this program. If there is an additional fiscal note, I have not seen it. Washoe County School District (WCSD) participates in a similar program. We took their lead in this as to not be a hardship by putting into statute what the school district already agreed to do.

Assemblyman McArthur:

I need some clarification reading through this amendment. It is my understanding that most of the students in these types of schools are already on some type of breakfast program. I do not understand what different criteria

we are using to put more students on a different program. Are we adding to what we already have?

Assemblywoman Mastroluca:

It is the same program. Provision 2 schools allow for the school districts to do less work in order to feed the students. The school qualifies for Provision 2 status. None of the parents have to fill out the paperwork normally filled out on a yearly basis. Every child would eat free breakfast and lunch for four years.

Assemblyman McArthur:

The students will now receive the free meals automatically instead of having to fill out the paperwork?

Assemblywoman Mastroluca:

In schools that have 85 percent or above students who normally qualify for free and reduced lunch, yes. Parents would fill out the paperwork once the first year, verify the percentage of students who qualify, and then it would stay in effect for four years. The students and parents would still fill out the paperwork, but not every year.

Assemblyman Hansen:

The fiscal note that I have seen pertaining to this bill indicates \$4 million for CCSD. Has the fiscal note changed?

Chair Bobzien:

We are going to call Nicole Rourke up to the table.

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

Clark County School District is currently working on a revised fiscal note. The existing fiscal note was based on the requirement for all schools in N3 status for adequate yearly progress, which resulted in approximately over 100 schools. We anticipate that will be significantly reduced. I do not have numbers yet. The \$1 million that Mr. Stewart is referring to was part of our presentation for the Universal School Breakfast program that we will be implementing next school year in phase 1 which is the difference between our cost and reimbursement levels.

Chair Bobzien:

To clarify, the \$1 million was not an assessment of this particular bill? Are you still devising the fiscal note? If so, when can the Committee expect the fiscal note?

Nicole Rourke:

That is correct. I only have the language needed for my fiscal people in order to calculate that. It will be done as quickly as possible. I do not have an exact answer for you.

Chair Bobzien:

Is there any additional discussion? [There was none.] Could we have a recapitulation of Assembly Bill 233?

Assembly Bill 233: Revises provisions governing the circumstances under which a pupil may receive credit for a course of study without attending the course. (BDR 34-144)

Mindy Martini, Committee Policy Analyst:

Assembly Bill 233 was heard on March 4, 2011. This measure expands existing law to provide that a pupil may be granted credit for a course of study by submitting alternative proof of the pupil's proficiency to meet the objectives of a course. The amendment, submitted by Chair Bobzien, deletes the alternative proof of proficiency of a portfolio of work or other assessment documentation of equivalent work performed outside the classroom, as well as documentation of previous educational activities or experiences. [Continued to read from ([Exhibit D](#)).]

Chair Bobzien:

I would like to add some comments. I was glad to be able to work with Mr. Stewart on this amendment. I was informed by real-world experience on this particular issue. We have worked out a slightly different take on being able to provide flexibility to the principals and teachers to be able to provide credit for those students who have clearly mastered standards. I would like to thank Mr. Stewart.

Assemblyman Munford:

Does this bill also take the place of someone having to take the proficiency exam?

Chair Bobzien:

No.

Assemblyman Munford:

This is not for proficiency? Is this for a regular classroom course? Is there an alternative option for the student to take on additional assignments?

Chair Bobzien:

It is an additional alternative for accessing proficiencies for a particular course.

Assemblyman Munford:

Is it like make up work?

Chair Bobzien:

We are going to have Mr. Stewart weigh in on this.

Assemblyman Stewart:

I appreciate working with you on this bill as well. One thing I was concerned about was the portfolios. I want an actual examination to determine the proficiency of the student. Mr. Hulse and Mr. Bobzien graciously met with me and we all got together to work with Principal Kelly. This is what we came up with: if a student failed a class, then the principal and the teacher of the class could get together and come up with an examination—whether it was the final examination or a comparable examination. If the student passed that test, he would be given credit. The other option is that the principal could come up with an alternate examination such as the Advanced Placement test. It would have to be as difficult as or more difficult than the original test for the particular course. The student must show proficiency through examination. I agreed to that and will support the bill.

Assemblyman Munford:

Is this similar to another final exam for the student? In most classes, there is a final exam given at the end of the semester. The student would get credit for that class. Is that correct?

Assemblyman Stewart:

That is correct. We had a situation where a young woman flunked her freshman English class because her father had died and she missed school. There were several other instances like this one that Principal Kelly brought to our attention. By taking the final exam, or a comparable final exam, and passing it, the student would show proficiency and be given credit.

Assemblyman Munford:

Is every student eligible for this?

Assemblyman Stewart:

No. It would be up to the discretion of the principal.

Assemblyman Kirner:

I am looking at the bill and there are three bullet points, the first being a portfolio work or other assessments, et cetera.

Chair Bobzien:

Mr. Kirner, I would direct you to the amendment where those lines are deleted.

Assemblyman Kirner:

I stand corrected.

Assemblyman McArthur:

I cannot tell what is being done with those three bullet points because the "or" has been crossed out.

Chair Bobzien:

I will walk you through this. ([Exhibit D](#)). Under section 1, subsection 1, it states, "(a) Objectives of the course, through the pupil's performance on an examination prescribed by the State Board" This is the current system. Then there is a semicolon, followed by "(b) Objectives of a particular area" Then paragraph (c) begins. It is (a), (b), or (c); all of them are tests.

Assemblyman McArthur:

The way this is written, it looks like any pupil can do this. Is it left up to the discretion of the school principal?

Assemblyman Stewart:

The intent of the bill is not for any student. It is for a student who either is going through a hardship, or because of an extenuating circumstance, failed the class. One of those three options would be given at the discretion of the principal with input from the teacher.

Assemblyman McArthur:

Why can the student not make it up some other way?

Chair Bobzien:

The point of this bill is to provide an option for an alternative route to getting course credit. When there is a specific standard of the course that presents a problem or deficiency for the student, the idea is to get the student to focus on the problem instead of churning the kid over and over through the same class. It costs a lot and is unnecessary. This is at the judgment of the principal.

With Mr. Stewart's help, the amendment being presented does not talk about portfolios or other demonstrations of mastery; we are talking about flexibility, and presenting exams to students to deal with this issue.

Are there any other discussion matters?

Assemblyman Kirner:

I am not seeing any requirement for remedial training in this legislation. Not seeing that, I am uncomfortable with the bill.

Assemblywoman Mastroluca:

Mr. Kirner, I would point out that just because a student does not pass a course, does not mean he needs remedial training. It could be due to excessive absences due to illness. There are prescriptions available for remedial training, but that was not the goal of this legislation.

Assemblyman Kirner:

It is up to the school and how they run their operation. The point is there is no requirement.

Chair Bobzien:

I am willing to entertain a motion.

ASSEMBLYMAN STEWART MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 233 WITH THE AMENDMENT PREPARED BY
ASSEMBLYMAN BOBZIEN.

ASSEMBLYWOMAN MASTROLUCA SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN MCARTHUR VOTED
NO.)

I would like to move to Assembly Bill 395. Ms. Martini, would you please continue?

Assembly Bill 395: Creates a separate category of licensure to teach special education. (BDR 34-808)

Mindy Martini, Committee Policy Analyst:

Assembly Bill 395 was heard on April 4, 2011. This bill creates a separate category of licensure to teach special education. This legislation was submitted to improve reciprocity with other states. There was an amendment submitted by Dr. Keith Rheault with the sponsor of the bill, Ms. Dondero Loop. The

amendment is attached to the work session document ([Exhibit E](#)). This amendment would clarify by saying, "Adopt regulations which provide for the reciprocal licensure of educational personnel from other states including," and this is the new language, "licenses issued to teach special education established in section 1 of this Act."

Chair Bobzien:

Is there any discussion? [There was none.] I am willing to entertain a motion.

ASSEMBLYWOMAN MASTROLUCA MOVED TO AMEND AND DO PASS ASSEMBLY BILL 395 WITH THE AMENDMENT PREPARED BY DR. KEITH RHEAULT AND ASSEMBLYWOMAN DONDERO LOOP.

ASSEMBLYMAN ANDERSON SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

We will now close the work session and move to our first bill hearing on Assembly Bill 456.

Assembly Bill 456: Revises provisions governing the attendance of pupils and graduation from high school. (BDR 34-1140)

[Chair Bobzien moved to present A.B. 456. Vice Chair Dondero Loop assumed his position.]

Vice Chair Dondero Loop:

Mr. Bobzien, please begin when you are ready.

Assemblyman David P. Bobzien, Washoe County Assembly District No. 24:

You will be familiar with a number of pieces in this bill. I have invited Nicole Rourke from the Clark County School District (CCSD) to present this measure with me. This measure takes a holistic approach in determining eligibility for receipt of a standard high school diploma. [Continued to read from ([Exhibit F](#)).]

I will now ask Ms. Rourke to walk members through the key provisions of A.B. 456.

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

I would like to walk through the tenants of the bill. The first 22 pages incorporate necessary references to the changes that begin on page 23. Section 5, subsection 4 introduces the concept of a cumulative score for the Nevada High School Proficiency Exam (NHSPE). In the recent years, students' first-time passage rating increased to 78.1 percent from 77.3 percent; however, there are students still struggling to pass only one portion of the NHSPE. The struggle is usually in the math portion of the exam, but we have seen an increased struggle with science.

Currently, a student must pass all four exams individually: reading, writing, mathematics, and science 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—to graduate with a diploma. 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 narrow margin. The student may have shown growth over time because we use those exams each time as a diagnostic tool to help him in areas in which he needs to study more and get additional assistance. We envision that the State Board of Education/State Board for Career and Technical Education and the Nevada Department of Education (NDE) 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 CCSD students for a diploma. With the adoption of the common core measures this is especially important as the new standards are implemented prior to the full development and roll out of the new assessments.

Section 6, subsection 6 on page 25 provides students who have missed ten or more days the opportunity to gain credit through different avenues as determined by each school district. The language is permissive for the school district, but delineates various options available. We envision looking at virtual schools, an exam at the high school level, and making up work—all depending on how much school has been missed—but we would know the student missed at least ten days. Currently students who miss ten days or more at the beginning of the semester do not lose credit on their transcript until the end of the semester when report cards come out. There is no incentive to come back to class. This bill gives the student the opportunity to make up time missed and use remaining time in the semester to learn the material. It also captures students who get caught in the ten-day rule who move in and out a few days too early or too late.

Section 7, subsection 5, page 26 provides courts the option to require parents to attend a school conference when a child is adjudicated in need of supervision. Parents are already required by the school to attend conferences pertaining to truancy or discipline issues; however, we are not always successful in getting them to participate. This bill reinforces the current requirement.

Section 8 on page 27 amends the law so that parents can differentiate between weekdays and weekends on work permits for their children. This allows parents to set different limits for their child's work schedule. Section 9 changes the current maximum number of hours a child can work in one week under the age of 16, which is currently 48 hours. We would like to change that to 20 hours while school is in session. Current exemptions for children involved in domestic service, entertainment, or on a farm would still apply.

Vice Chair Dondero Loop:

Thank you. Are there any questions from the Committee?

Assemblywoman Diaz:

How did we come up with the 2.75 GPA to grant students passing the proficiencies?

Nicole Rourke:

I believe that 2.75 minimum GPA is already in statute for the alternative assessments. That is why it was carried over to this statute.

Assemblywoman Mastroluca:

Approximately how many students would be affected in CCSD?

Nicole Rourke:

We anticipate 50 to 100 students. We ran the numbers for the last three years and it varied up and down, so that is a general range of what we found.

Assemblywoman Mastroluca:

That is the number of students who would receive a certificate of attendance, not a standard high school diploma—even though they may be getting good grades—because they cannot pass one portion of the NHSPE. Is that correct?

Nicole Rourke:

That is correct.

Assemblyman Kirner:

How many students would currently be affected by reducing the number of work hours?

Nicole Rourke:

Are you asking me how many 14- and 15-year-olds are currently working?

Assemblyman Kirner:

Yes. I cannot imagine it would be very many.

Nicole Rourke:

I am sorry; I do not have those numbers for you.

Assemblyman Kirner:

Do you have an estimate?

Nicole Rourke:

I am not sure. We centered on the premise of the idea that if you are working 48 hours a week, it is difficult to focus on school as well.

Assemblyman Kirner:

I agree.

Assemblyman Aizley:

Is there any exception available for a student who has good grades, and has the opportunity to have a job? I am thinking of high school students. Is this only for schools within the Clark County system? I do not understand how the authority is given to do this.

Nicole Rourke:

Mr. Aizley, are you asking me about the work hours?

Assemblyman Aizley:

Yes.

Nicole Rourke:

Currently, the law only addresses students under the age of 16. There is no current limitation for 16-year-olds and older in this statute.

Assemblyman Aizley:

Does the law apply to homeschooled students?

Nicole Rourke:

Yes. This is not school-district controlled. It is statutory authority over the number of hours the children can work. This is not something the school district would monitor.

Vice Chair Dondero Loop:

It would be all school-aged students. I will now call up those in support of A.B. 456.

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

I wanted to thank Ms. Rourke and CCSD for their work on this bill. Over the last year this bill has been discussed over various education roundtables and had a lot of support from a range of stakeholders. We appreciate the Chair bringing this forward. Washoe County School District has full support.

P. Donnell Barton, Director, Office of Child Nutrition and School Health, Department of Education:

Dr. Rheault and Carol Crothers, who is the Assistant Deputy for Assessment, Program Accountability and Curriculum for the Department of Education, could not be here today, but asked me to tell you that they are neutral on A.B. 456, but in support of the cumulative score concepts, also known as the compensatory model.

Vice Chair Dondero Loop:

Are there any questions? [There were none.] We will close the hearing on A.B. 456. I will now open the hearing on Assembly 314. Welcome, Mr. Bobzien.

Assembly Bill 314: Revises provisions governing a course of instruction on sexual education. (BDR 34-143)

Assemblyman David P. Bobzien, Washoe County Assembly District No. 24:

I am here to present for the Committee's consideration Assembly Bill 314 dealing with comprehensive health education. I would like to open my testimony by providing members of the Committee with information concerning the components of instruction in sexual education currently included in Nevada's law. Following my introduction, I have asked staff and Elisa Cafferata from the Nevada Advocates for Planned Parenthood Affiliates to present findings from a survey on implementation of the law in our school districts. [Continued to read from ([Exhibit G](#)).]

I would like Ms. Martini to provide a summary of what was discovered in the Quick Poll Survey. Ms. Cafferata may have some follow up observations of the results of the study.

Mindy Martini, Committee Policy Analyst:

As staff, I can neither advocate nor oppose any of the measures before you. I have been asked to present findings from a Quick Poll Survey of school districts. A survey was sent to all school districts in January of 2011. The purpose of the survey was to find out how school districts have implemented the provisions of *Nevada Revised Statutes* (NRS) 389.065. The results of the survey are included in the document provided ([Exhibit H](#)). I will briefly go over the findings.

First, 15 out of 17 school districts responded to the request for information. The two school districts that did not respond were Mineral County and White Pine County. We asked if each school district had a policy concerning the instruction in health. Of those 15 school districts that responded, 6 indicated that they have a policy, while 9 indicated they did not. We also asked who taught the courses. It appeared that the health teacher normally provides instruction at middle schools; at elementary schools, it is both teachers and school nurses. We asked school districts to identify the percentage of parents or guardians who generally consent to participation by a pupil. The range was from 85 to 100 percent. We also wanted to know the procedures utilized for making the instructional materials available for inspection by the parents. Open houses or "parent preview" was the common response. We also asked for a copy or description of each course of instruction from every school district. At this point, I will hand the discussion over to Ms. Cafferata.

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

We were very pleased to see the high percentage of participation within the school districts that reported. Our observation was that the areas of instruction, as required by existing law, were generally covered along with issues of healthy relationships and reproductive health. The areas we saw that were not specifically listed in the curriculum provided in [Exhibit H](#) addressed the legal issues surrounding any sexual decisions, sexual responsibility, birth control, and encouraging students to communicate with their parents. One other observation I would make about the programs outlined is they showed that school districts have difficulty keeping up with science and medicine. For example, the human papillomavirus (HPV) vaccine is something that is fairly new and is not listed in these programs.

Assemblyman Bobzien:

I would like Ms. Cafferata to walk through the key provisions of the bill.

Elisa Cafferata:

We are keeping many aspects of the existing law. The first section of the bill discusses the fact that standards need to be developed in the area of health curriculum so that this area of education matches other science, math, and reading curriculum that the school districts have. This bill will provide the school districts with additional guidance in how to address and update their curriculum.

The topics that must be covered in the course of instruction—while specifics within these topics will be recommended by the parental advisory board committees—are HIV/AIDS awareness, the human reproductive system, and sexually transmitted diseases (STD), all of which are existing law. We will be adding information on safety of any existing vaccines, tests, or treatments available. We are also adding the importance of preventing violence because sexual and dating violence are not necessarily related to one another. We are adding identification of healthy relationships so that we can put kids on the road towards developing healthy relationships and the skills for sexual responsibility. We want to stress the importance of communication between the pupil and his or her family. Also added is the importance of abstinence from sexual activity for health reasons, as it is the only guaranteed way to prevent STDs and pregnancy. Moreover, the effectiveness, safety, and side effects of contraceptive methods will be added. [Continued to read amendment from [\(Exhibit I\)](#).]

The next section of the amendment discusses who can teach the curriculum. As Assemblyman Bobzien said, it is a teacher or school nurse. We have asked that other people who are similarly qualified be added. There is an amendment from CCSD not to do this. We are okay with this, as long as we add that whoever is teaching these courses has demonstrated a competency in the material. This is sensitive material; it is not the easiest thing in the world to teach. The Clark County School District (CCSD) is also asking to add school administrators to the list that are approved to teach the courses, which is important for smaller districts.

The next section deals with parental notification. Nevada has an opt-in requirement. The Nevada for Planned Parenthood Affiliates asked to change that to opt-out. Clark County would like to leave it as it is in existing state law, which says parents must affirmatively opt in. We understand their concerns about being able to affirmatively document the choice that a parent has made. We are okay with leaving the parental consent piece as an opt-in requirement.

The next section discusses definitions. You will hear testimony about concerns over adding a definition in this part of state law that would define dating relationship and dating violence. The concern is that we do not want to overlap with criminal statute; we do not want anyone in a situation asking for a temporary protection order to try and clarify which dating relationship they are in. We would like to strike this part of the amendment, but it is up to the parent advisory committee. The other definitions are those that have come from other model laws in other states and generally recognizing professional organizations such as the Centers for Disease Control to set the standard for what is "medically accurate."

The rest of the bill discusses the section of the law that covers standards to include this in the health standards and the medical accuracy definition.

Assemblyman Bobzien:

I would like to add a few comments. First of all, teen pregnancy is an issue. We learned earlier in this Committee that Nevada has the second highest teen pregnancy rate in the country. I believe the research we did on the variability of the programs of instruction that are taught in our school districts point to a connection. Not enough information means there is a problem. Why is teen pregnancy an issue? It is our hope that Nevada's children can grow to be productive taxpaying members of society and make intelligent choices about how they chart their lives. My belief acknowledges power which very much applies to this bill.

We also have information about the real economic impact of teen pregnancy. We are talking about impacts from social services, loss of productivity, loss of potential future earnings, and a whole host of economic costs due to the high teen pregnancy rate.

I have been on the Council to Establish Academic Standards for Public Schools for a number of years. It has always struck me that this one glaring exception to the purview of the Standards Council is problematic. The Standards Council engages in a very rigorous process of assembling expert rating teams, engaging the public throughout the process, and looking at literature as to what is the most current set of practices for standards. Through the long process of the writing teams, the standards are assembled, brought to the Standards Council for consideration, and are passed and set along to the State Board of Education/State Board for Career and Technical Education. It is a very open, public, and transparent process for determining standards. Once the standards are set, however, the school districts are charged with coming up with curricula that essentially delivers the standards to the classroom. That model is very appropriate for this question of health education.

This is a controversial issue and I respect the concerns that people have. I am committed to working through the amendments presented.

Vice Chair Dondero Loop:
Are there any questions?

Assemblyman Munford:
What grade level are you aiming to teach these classes to?

Assemblyman Bobzien:
There are two answers to that question. In the bill, it is the responsibility of the Standards Council to come up with age-appropriate standards. There is a great template for how that is done. Currently, standards speak to grade-level laddering mastery of concepts that build upon previously mastered concepts. Ms. Cafferata will add some information to my answer.

Assemblyman Munford:
Sex education classes have been in CCSD since 1969. I know this because I taught the class. I think it was a building issue. It was left up to each individual school if it wanted to implement it. Parent consent was also needed to teach the course. Is it required to have a health background to teach the class?

Elisa Cafferata:
The standards would say at certain ages students must know certain information and some of that may be incorporated in other classes like science and health. There is nothing in the bill which outlines any specific qualifications that a teacher or nurse would need to have. That is current state law and nothing in our bill would change that. Each school district defines the teachers qualified to teach it. A rural school district may not have very many options so it may define the standard differently, but it is up to each school board to make that decision.

Assemblyman Hansen:
I am glad we are amending the opt-in and opt-out part of the bill. Could you explain the dating and relationship definition within the bill? The whole definition changes the concept of dating. According to this, *dating relationship* means "frequent, intimate associations including casual relationships, primarily characterized by the expectation of physical affection or physical involvement." I have a real problem with that as the official definition of dating. Also, the fact that we are putting "medically accurate" in the bill, are you indicating that we are currently not providing medically accurate information?

Assemblyman Bobzien:

The result of our research shows most of what is taught is just fine. There is a concern that there is a potential, and much of what is taught is not currently medically accurate information.

Elisa Cafferata:

To address your concern about the dating relationship definition, we will have testimony on concerns about this. We have submitted an amendment to take out the dating relationship, dating violence definitions because there are problems with them.

Assemblyman Bobzien:

I appreciate Mr. Hansen's comment on that. Again, we are open to amend that section out.

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

I am here today to speak in support of A.B. 314 requiring comprehensive sex education be taught in Nevada's public schools. After listening to the question raised during our special presentation of March 14, 2011, I have come prepared to present compelling information and data to support A.B. 314.

Age-appropriate, medically accurate sex education includes information about abstinence, contraception methods, reproductive anatomy and physiology, healthy relationships, decision making, refusal skills, STD prevention and treatment, and family involvement. It has been shown to be helpful in lowering instances of domestic and sexual violence. It uses inclusive language so as to be relevant for all participants. [Continued to read from [Exhibit J](#) which explained [Exhibit K](#).]

In terms of age-appropriate material, the Sexuality Information and Education Council of the United States (SIECUS) has created guidelines by topic, by age, and by grade level as to what is appropriate. [Continued to read from [Exhibit J](#) which explained [Exhibit K](#).]

My former coworker, Shawnta Jackson, a recent graduate of the University of Nevada, Las Vegas, Masters of Public Health program, is currently at her new job at the Southern Nevada Health District and could not join us today. She gave me permission to share the findings of a survey she conducted last fall among 95 African American parents of teens attending high school in Clark County. This survey was the capstone project for her degree. I have enclosed the presentation ([Exhibit L](#)).

Assemblyman Hansen:

I had some maps that were supplied to me by the Planned Parenthood Affiliates. While I reviewed these maps, it was a clear trend that the states in the southwest had the highest minority populations and also had the highest teen pregnancy rates. You mentioned that the Guttmacher Institute did trends based on race and ethnicity. Could you elaborate on that?

Laura Deitsch:

In terms of those trends, the data that I grabbed happened to be a compilation of a lot of data and that was solely the title of the slide. The rates were as a total, not just by ethnicity and race.

Assemblyman Hansen:

Could you give us your data on trends by race and ethnicity?

Laura Deitsch:

Yes. The states had several different sets of data and surveys that they administered. Some of them did polling as to what the individual states taught, included, and mandated in terms of comprehensive sex education. The trends data that you are talking about comes from a much larger document that lists all of the teen pregnancy rates and lists the information in a variety of fashions. The data that I took was not specific to race and ethnicity; it was the total.

Assemblyman Munford:

What minority group in Nevada has the highest teen pregnancy rate?

Laura Deitsch:

The Latina pregnancy rate is by far the highest.

Assemblyman Munford:

What percentage was that?

Laura Deitsch:

I do not have that exact information with me, but I can tell you that it is about triple the rate of the Caucasian population.

Assemblyman Munford:

What about the African American population?

Laura Deitsch:

It is somewhere between the Latina and Caucasian populations, but it is higher than the Caucasian and Asian populations.

Jazmine Gaona, Private Citizen, Reno, Nevada:

I am 19 years old and a proud parent of a four-year-old boy. I am here today as a mother, community member, and teen parent to support A.B. 314 to standardize medically accurate comprehensive sex education in Nevada's schools. [Continued to read from [Exhibit M.](#)]

I strongly believe that youth should be more educated about sex to help them make healthy choices. I know that if I had known then what I know now, I would not have made the choices I did, and I would have waited to start having sex.

Assemblywoman Neal:

What kind of conversations about sex did you have with your parents?

Jazmine Gaona:

They were nonexistent. I cannot say that they did not talk to me, but the conversations were not thorough and it was uncomfortable. My parents would say that if I "did it," they would beat me up.

Assemblyman Hansen:

You said that when you would talk with your parents about sex, they would tell you that they would beat up if you "did it." Did you know what "did it" was at that time?

Jazmine Gaona:

No, not exactly.

Assemblyman Hansen:

You had no clue about what sex was in sixth grade? When your parents asked you not to do it, did you ask what "did it" was?

Jazmine Gaona:

I knew what they were talking about, but I did not know what to expect. I hardly knew myself and did not know my own body.

Assemblyman Hansen:

Have you ever heard the case Ms. Deitsch spoke about of a young boy sticking his finger in his ear, getting ear wax and inserting it into a girl to test her for chlamydia?

Jazmine Gaona:

No, I have not. I think that is a recent case and I am not familiar with it.

Vice Chair Dondero Loop:

I think we have to remember that all of our experiences are different. Are there any additional questions? [There were none.]

Mary Duval, CEO, Sex Offender Solution and Education Network, Stilwell, Oklahoma:

Today I am here as Ricky's mom. I lost my sight five weeks before my son's arrest. My son, Ricky, was 16 years old and had consensual sex with a girl he had met at a club for 16- to 20-year-olds. During his questioning, he admitted he had sex twice with this young lady. Afterwards, we signed a statement, told the cops the truth, and learned that the girl was 13 years old. Ricky was arrested as an adult on two counts of third degree sexual abuse under Iowa statute. My son became a registered sex offender and underwent ten years of sex offender treatment and served two years of probation. When we moved back to Oklahoma, where I raised my children, under the Adam Walsh Child Protection and Safety Act of 2006, my son became an aggravated violent sex offender for life as a Tier 3 predator. I completely support A.B. 314.

It is vital that we educate our children, as well as parents. Every day, I carry guilt in my heart for what has happened to my son. I have a national support hotline and I cannot tell you how many calls I get every day from parents and kids under the age of 16 who say they did not know the age of consent or the consequences of having sex. Nevada has the key to start educating our children about sex and about the legal consequences.

Yesterday, I had breakfast with a public defender who told me if you have two 13-year-olds who consent to sex, under one of Nevada's statutes, mandatory minimum is a life sentence. Our children are having sex—I do not condone it—but it is happening, and it is our job to protect and educate our children. My son Brandon is doing 60 years in Texas for consensual sex. I hope Nevada will pass A.B. 314. I hope Nevada will understand that we can protect one child. We cannot say that the kids will always listen, but it is a beginning for parents like me who carry so much guilt and a beginning for children to know the laws.

Sally Jordan, Private Citizen, Las Vegas, Nevada:

I am a freshman at the University of Nevada, Las Vegas. I am 18 years old. I am a volunteer with Planned Parenthood of Southern Nevada. I support comprehensive sex education in Nevada because I am a recent graduate of our school system and I know what the curriculum is like and how it is affecting our students.

While I agree that teaching the values of abstinence is important, an abstinence-only curriculum discounts the large amount of Nevada teenagers that

are sexually active. I know, from my own sex education and the accounts from fellow teenagers at other schools across Clark County, that the classes give out dangerous misinformation and often reinforce harmful gender roles. Telling teenagers that condoms do not work is not only an outright lie, as they are about 96 percent effective when used correctly, but it is dangerous.

The threat of sexually transmitted infections is high amongst Nevada teens, especially in Clark County. This is not the time for Nevada to deny the facts needed to keep kids safe. Furthermore, abstinence-only-until-marriage sex education classes do not teach young people how to maintain their sexual health. When we are operating under the assumption that telling teenagers not to have sex keeps them from doing it, there is not much room to inform them about getting tested, getting pap smears, or simply keeping an eye on their bodies. Contrary to popular belief, giving teenagers comprehensive sex education will not make them promiscuous; in fact, it has been shown to delay sexual activity. I never felt comfortable enough to ask my unanswered questions in my sex education class because the abstinence-only environment made questions feel unwelcomed, and at times, I felt ashamed of my curiosity or confusion because of the many myths I was being told about sex. It created an atmosphere of shame. I was lucky enough to discover resources like Planned Parenthood where I could learn what I needed.

This issue hits closely to home for me because I have a brother who was a teen parent. I see how his future was affected. I truly believe that with the right resources and information available to him, he would have been able to make smarter and more informed choices. His life would be very different than it is now. It saddens me to think that other young people end up in the same situation. It was even more frustrating to watch my classmates go down the same path in the high school I attended. I believe that creating a comprehensive sex education curriculum in Nevada can make a difference in the lives of my peers, and those who will be growing up in our state in the future.

Vice Chair Dondero Loop:

Are there any questions from the Committee? [There were none.]

Adrienne Conley, Private Citizen, Sparks, Nevada:

I am a native Nevadan, a teacher, and a parent of students attending a Washoe County school. I am here to support A.B. 314.

My children are five and nine. My nine-year-old son will be starting Sexuality, Health, and Responsibility Education (SHARE) classes next year in his fourth-grade class. While my husband and I will be using this opportunity to continue discussing sex with him, I am appreciative that the SHARE classes will

answer questions that he may be embarrassed to come to us about. [Continued to read from [Exhibit N.](#)]

Vice Chair Dondero Loop:

Are there any questions from the Committee? [There were none.]

Neal T. Anderson, Private Citizen, Reno, Nevada:

I am the Minister at the Unitarian Universalist Fellowship of Northern Nevada. I would like to start my testimony today with the words of the former President of the Unitarian Universalist Association, the Reverend William G. Sinkford who says: "We believe human sexuality is one of the greatest gifts that we have been given. We believe that when used responsibly, sexuality can be a gift, not only to ourselves as persons, but to our relationships, and can actually be a way we can deepen our connection to the divine."

Sexuality is an integral part of life. I suppose that is why we are all here today. In its broadest sense, sexuality encompasses the full expression of an individual's gender as well as intellectual, emotional, and biological dimensions. It is conditioned by cultural and religious norms in our lives in order for individuals to take responsibility for the consequences of their behavior. They must have access to comprehensive sex education which seeks to increase our understanding of sexuality as a normal, healthy, lifelong aspect of our human development. It must provide medically accurate information about health benefits and side effects of all contraception, and help individuals understand their sexuality, communicate their feelings and decisions to others, and accept responsibility for their actions.

In recent years, the Unitarian Universalist Association with the United Church of Christ has implemented comprehensive sexuality education and medically accurate curriculum called *Our Whole Lives* to provide young adults and adults with an opportunity to be informed and make responsible decisions about their sexual health and behavior. We ground that in a holistic view of sexuality which helps participants to clarify their values and understand the spiritual, emotional, and social aspects of sexuality.

I wanted to close with another quote from the Reverend Sinkford: "Our educational policies must reflect the realities of people's lives." "Just say no" did not work in the Garden of Eden, and it is not stopping unintended pregnancies or employing the spread of sexually transmitted infections today. By telling our young people half-truths, we put them at increased risks of both. We deny our children the right to make informed and moral decisions.

Marlene Lockard, representing Nevada Women's Lobby:

I cannot even come close to conveying some of the compelling arguments and testimony that you have heard today, but the facts remain: Nevada is the second highest in the nation for the teen pregnancy rate. We know that sex education actually prevents teen pregnancies. The Nevada Women's Lobby urges you to adopt A.B. 314.

Susan Meuschke, Executive Director, Nevada Network Against Domestic Violence:

I am here to support A.B. 314. We are particularly interested in amending this bill to remove the definitions of dating violence and relationship so that we do not create any potential conflicts with current definitions in criminal and civil law. We also acknowledge that those definitions may bear no relationship to the kinds of relationships that teenagers may be having or that they term "dating relationships." This curriculum is about educating children and teens about healthy relationships, and we think those definitions may get in the way. [Continued to read from [Exhibit O](#).]

I have attached an extensive fact sheet and I wanted to highlight two specific studies. [Read studies in [Exhibit O](#).]

Rosita Castillo, Program Manager, Promotores de Salud Program, Planned Parenthood of Southern Nevada:

The Promotores de Salud program provides information and education to improve access in the Latino communities. The families this program serves support A.B. 314 because when their children receive medically accurate age appropriate sex education, they make better decisions.

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

First, we would like to recognize Chair Bobzien for his efforts and bringing forth A.B. 314. While we do support this bill, we have submitted an amendment ([Exhibit P](#)). Much of the language has been referenced by Ms. Cafferata. However, I can go through the amendment or take up the Chair's offer of working with the parties interested.

Vice Chair Dondero Loop:

The Chair is signaling that it is okay to work with the bill sponsor.

Assemblyman Hansen:

Mr. Munford pointed out that the Clark County School District (CCSD) has been teaching comprehensive sex education since 1969. Nevada is 50th in the nation. What has CCSD been doing wrong for the last 40 years?

Bart Mangino:

We believe that we have been covering the curriculum as it has evolved over the years. Students who have information do not always use it as intended. To make the assumption that we have done anything wrong is inaccurate. Earlier testimony stated that the information being provided was inaccurate. I would point out that the health textbooks currently in use are medically accurate as far as the information provided. Additionally, we have continued to provide for professional development. In fact, SIECUS is scheduled to present to our teachers this summer. The Clark County School District is there to provide for its students concerning the accuracy of information as it expands.

Assemblyman Hansen:

Are Clark County teachers carefully screened so that people who teach these classes and programs are not inferior or uneducated?

Bart Mangino:

All our teachers pass rigorous interviews. They are licensed by the State of Nevada. The content is based on the tests to be licensed. The District's position is that the individuals teaching these classes are prepared in that area. As previously stated, the importance of ongoing staff development is crucial. The current fiscal situation that we are in could limit the opportunities for ongoing staff development. It is critical that the schools and educators in our schools remain current with the research and best teaching strategies.

Assemblyman Hansen:

Is your testimony that Clark County is currently using well qualified instructors teaching medically accurate information? [Mr. Mangino agreed.]

Assemblyman Kirner:

When I looked at the fiscal note, Washoe County says that the cost of its program is about \$700,000 a year. When I looked at Clark County's fiscal note, it was almost \$0. Why would there be such a large difference?

Bart Mangino:

I would allow Washoe County to explain their fiscal note. If the bill passes, there would be a fiscal note for Clark County. I apologize for that not being available now; however, we are looking at approximately \$5,000 spent for revision of the sex education curriculum. Additionally we are looking at \$5,000 to \$2.5 million with regard to textbook adoption and task force for review of textbooks that would be medically accurate.

Mary Pierczynski, representing Nevada Association of School Superintendents:

I am here representing the Nevada Association of School Superintendents, as well as the Nevada Association of School Boards in the absence of Dotty Merrill. We are in support of the bill with the amendments being proposed by CCSD, which include a positive signature by the parents. In other words, the parents have to sign a sheet to have the child participate in the class. Our concerns are additional curriculum materials because of the funding issues K-12 education is facing.

Jennifer Stoll-Hadayia, Public Health Program Manager, Washoe County Health District:

We are in support of A.B. 314 because of what we see in our health district. Currently, over half of all new chlamydia and gonorrhea cases that we diagnose in our clinic are among youth under age 19. We support this bill for its efforts to ensure that all young people in Washoe County have access to the information they need to prevent STDs. [Submitted written testimony ([Exhibit Q](#)).]

Vice Chair Dondero Loop:

We will move to the opposition.

Janine Hansen, State President, Nevada Families Eagle Forum:

As I am looking at this illustrious panel, I do not see anyone who was here when this law was passed. I would like to give a brief history. There have been many amendments which I support. One of the reasons that parental consent was mandated in the law is because it was very important for families. When my children were growing up through school, I never received the notices from school. The affirmative consent by parents is extremely important. According to the state school boards, 85 to 100 percent of parents' children are participating; most parents are signing the consent forms. We appreciate the fact that this will be maintained in the current law.

In the amendment, line 39 on page 3 says, "Another person who is similarly qualified or has demonstrated competency in the subject area" This was a huge controversial issue. In the past, schools did not want Planned Parenthood or similar organizations to come into the schools with a particular agenda. They wanted people trained by the school districts who had a specific curriculum. We do not have any objection to adding a school administrator, a public health officer, or an individual student. In addition, we are happy that the section on dating relationship is being amended out of the bill.

The first section of the bill talks about the decisions to be removed from the local board of trustees and will be taken to the Council to Establish Academic

Standards for Public Schools. Right now, each one of the school districts has the opportunity to have a course on sex education. I do not believe any of them are strictly abstinence-only programs. The reason this was done is so that local communities with local parents and people could get together to develop a curriculum that was locally acceptable on such a controversial and sensitive issue. When I lived in Washoe County, I attended numerous meetings as a parent so they would have access to those individuals who were making those decisions. This bill removes that decision making from the local counties and puts it in a statewide council, which is very inaccessible. This is just another mandate from the state to the counties in taking over local authority.

The definition of what is comprehensive is critical to this bill. So much of the bill has already been amended out. I looked up SIECUS, mentioned by Ms. Cafferata. The website has guidelines for comprehensive sexuality education. One guideline is to engage in sexual relationships that are consensual, nonexploitive, honest, pleasurable, and protected. I found no guideline for abstinence. I would never teach my child that sexual relationships should be consensual, nonexploitive, honest, and pleasurable, unless they were married.

I want people to be married when they are involved in these kinds of relationships. I do not want any of them to be exploited, but I also do not want kids thinking that it is a good idea to be participating in sex outside of marriage. Another issue is to consistently act with ones' own values when dealing with an unintended pregnancy.

This is a very sensitive issue for me. I have handed you all a picture ([Exhibit R](#)) of a little girl. Her mother was a high school cheerleader, got the Millennium Scholarship, was active in school, but got off the path of success and ended up with an unintended pregnancy out of wedlock. The mother of the little girl was on drugs when she got pregnant. Because she was taught that abortion is not the answer to an unintended pregnancy, she made the decision to have the baby. Later, she told me it was this unintended pregnancy that made her clean up her life and get off of drugs. She got married and is now opening her own business. Abortion is a sensitive issue that we need to recognize is part of the definition of comprehensive sex education.

Vice Chair Dondero Loop:

As a reminder, we are not talking about abortion. We are talking about sex education.

Janine Hansen:

I am defining the words of comprehensive sex education that are in the bill. It was mentioned that SIECUS was one of the places they would be using the

definition of comprehensive sex education. It is critical that we know what the objective of comprehensive sex education is. Part of the SIECUS guidelines include such key concepts as sexual orientation, gender identity, abortion, gender roles, sexuality, diversity, and religion. I certainly do not want the school teaching anything about what my religion is. Directly from SIECUS's website, it says it seeks to provide accurate information about masturbation, sexual orientation, gender identity, contraception, and abortion. When we have key words in the language of the current bill—even with the amendments—that uses the definition of comprehensive, unless there is a specific definition of what comprehensive means, we would have to assume that it means what the leading sex education organization in the nation, SIECUS, says it means.

This bill is a mandate to the local school districts and the local counties. One of the things that has worked so well over the years is individual people in individual counties where parents can go to their own advisory committee to have input on what happens. We heard that Nevada has one of the highest teen pregnancy rates. Many things contribute to that. Obviously many of the other difficulties we have in Nevada contribute to that; it is not solely based on children not having information. In fact, that little girl's mother had all the information that she could possibly need. It did not result in responsible behavior. Information does not necessarily result in responsible actions. I have four children. I have two of my own, and two stepchildren. I also have nine grandchildren. It is an ongoing process for children to move from information to responsibility. It does not happen just because you teach facts, or medically accurate information.

I am not against medically accurate information as long as we know what the definition is. I would like to finish by saying that we support the amendments provided by CCSA. We have considerable discomfort with the definition of comprehensive and moving this from local communities to the Council to Establish Academic Standards. If we look at the current law, the counties have the opportunity to teach about AIDS, all STDs, or venereal diseases, but it does not say they cannot teach about other things. We do not want one more costly mandate from the state to our county. We want to be more responsive to these controversial issues to individual families and parents in our local communities.

Assemblywoman Flores:

Ms. Hansen, you sound like a very engaged parent both in your school district and with your children. Considering the fact that we have heard information about how many people opt in to this curriculum—and you know potentially where this curriculum could be coming to—would you opt in?

Janine Hansen:

I do not know what the curriculum is. Do you mean the local curriculum or the curriculum based on this bill?

Assemblywoman Flores:

Based on the fact that you know where much of it potentially could be coming from, does it sound like something you would opt in to?

Janine Hansen:

The very definitive answer is no. The picture I showed the Committee is of my granddaughter. I am very sensitive about a class that would be promoting—as the SIECUS information does—abortion.

Assemblywoman Flores:

Is this because you would want the opportunity to teach your children your form of education and everything else you want to instill in your children? Is that correct?

Janine Hansen:

That is true; however, they go to school with other children who will be receiving this information, and thereby, will be influenced by it. In addition to that, the local community will not be able to make the decision, which I think, has been the key to success. Local government is the key to keeping the decision within the community. Although I like the amendment about parent consent, I do not support the bill.

Vice Chair Dondero Loop:

I have three daughters of my own. I am also sensitive to what you are saying about your daughter, but this bill is not about abortion. I need to make that clear. It is true; children go to school with other children and collect a lot of information. Because of this, we can only hope that they have accurate information.

Janine Hansen:

As long as we do not have a definition of “comprehensive,” I do not think you can definitively say this bill is not about abortion because all of the national information includes abortion in comprehensive sex education.

Assemblyman Anderson:

The way I read this bill is that there are some minimum standards that are set. Section 3 reads, “The Council to Establish Academic Standards for Public Schools shall adopt the regulations necessary for the implementation of this act on or before December 31, 2011.” The way I understand this is that the

Council is going to determine what “comprehensive” is. When I look at the members of that Council, I see Senator Cegavske and a number of people who would definitely be open to talking to you and the rest of the community about these concerns.

The bill itself is not the proper venue for defining “comprehensive.” Right now we are setting basic goals that we think have an overall statewide importance. When you talk about “comprehensive” defined by SIECUS—which I never heard of before today—it is not going to have everything that it wants in our curriculum because we have our own people on that Council. I am sure it will be an open meeting, so that would be the proper venue for discussion. Today, we are setting the guidelines. Is that accurate?

Janine Hansen:

I appreciate that. I have been dealing with and participating in this issue for 40 years. I am very familiar with organizations such as SIECUS and Planned Parenthood and their goals. My concern is that the definition that has long been used for “comprehensive” includes the things that I have read to you from the SIECUS website. Although there are wonderful people on the Council to Establish Academic Standards for Public Schools, it removes the decision from the local community.

Lynn Chapman, State Vice President, Nevada Families Eagle Forum:

I graduated high school in the 1960s. We did not have anything like sex education besides health class. I thought it was interesting that my graduating class of 632 students had only 2 females who were pregnant. Most parents want their children to learn the ABC’s of sex education, but disapprove of some of the explicit content that is taught. When you ask parents in a vague euphemistic way about comprehensive sex education, they will talk about one thing because they do not know what that means. But when you get into more specific terms, the parents are usually opposed to what is going to be taught because they find out what it means.

The I BOPE Zogby International Interactive survey uses specific guidelines for comprehensive sex education—instead of asking a generic question—as developed by SIECUS, Centers for Disease Control and Prevention, and endorsed by groups such as the American Medical Association, the American Psychiatric Association, the American Civil Liberties Union, Planned Parenthood Federation of America, the Human Rights Campaign, Young Women Committed to Action, and more than 90 other groups. These groups did not want to be accused of making things up so they asked Zogby to use, verbatim, the exact definitions of comprehensive sex education created by the proponents. In addition, the questions based on the comprehensive sex education guidelines

were formed using the actual material contained in four of the most widely used comprehensive sex education curricula.

The message is clear: parents want the best for their children in terms of sex education. Parents want the schools to provide children with information consistent with their values and expectations; they want their children to receive strong messages on abstinence, and the overwhelming proportion of parents disapproved the message contained in comprehensive sex education once they found out what it was. Parents do not want strangers teaching their children how to have sex, but rather, teach children responsibility, decision making, healthy choices, and how to build long lasting marriage relationships.

I homeschooled my daughter from the beginning through her high school years. That meant I taught her sex education. I got books to help myself figure how I was going to teach it. I always told her to come to me when she had questions. I told her I would answer her questions honestly. She never hesitated coming to me for answers. My daughter is now 26 years old. She has never been pregnant, or had an STD, but she has had boyfriends. She has had friends who have been pregnant and male friends who got their girlfriends pregnant. From these experiences, she realized that real life could happen to her. Parents can talk to their children and should teach them sex education themselves. Children need guidelines, not information overload. This bill is a lot better than it was with the amendments, but there are still things that we are concerned about.

Vice Chair Dondero Loop:

It is important to remember that what I did with my daughters may have worked for me, but all parents do not have the same knowledge or expertise that some of us may have.

Stacie Brady, Private Citizen, Carson City, Nevada:

I do not agree with A.B. 314. I appreciate the amendment that requires the parent or guardian to consent to the student's attendance. Asking for a form to be returned to the teacher only if the parent wants his child to opt out is a loophole that takes the decision away from the parent and gives it to the student. [Continued to read from [Exhibit S.](#)]

Vice Chair Dondero Loop:

I do not think we are talking about using that curriculum.

Stacie Brady:

I am using it as an example of what kind of curricula are out there.

Vice Chair Dondero Loop:

I think we have to remember that the curriculum will be developed and vetted so we can avoid, with due respect, “way out there” concepts. The program will be a good, solid curriculum with a parent possibly on the committee.

Stacie Brady:

My example is how they define comprehensive sex education. [Continued to read from [Exhibit S.](#)]

If school districts adopt such a curriculum, it will be against the desires of parents like me who think school is about educating our children, not training them how to have sex. If this bill passes, and comprehensive sex education is in our children’s schools, you will have imposed upon this state a very offensive curriculum.

Don Nelson, President, Nevada Life Issues Forum and Education:

We are a pro-life information and advocacy education group. Normally, we do not get involved in issues dealing with sex education except in an oblique way where a lot of times programs like these are sold as a way of getting people to come on board to reduce abortion. Maybe there will be something like the Plan B One-Step emergency contraception program where they try to get pro-lifers involved because it is supposed to reduce abortions by 50 percent. We have seen that is not true; in fact, it has gone up and it is widely available.

Vice Chair Dondero Loop:

I am trying to gently remind everybody that we are not talking about abortion. We also need to remember that you can opt out of comprehensive sex education.

Don Nelson:

We appreciate that. Our biggest concern is to make sure that there is no abortion counseling and no referrals for abortion. It is good to see that everybody is concerned about teen pregnancy. There has been a dramatic reduction of about 50 percent in the last 20 years in our country. Abstinence education and teen parental notification laws are a couple of reasons contributing to the dramatic decrease. There is other polling out there beside what SIECUS or Guttmacher Institute has to suggest. Parents and others would like to see more abstinence-focused education. As an observation, it is good to see people concerned about abstinence. I would hope that it would be the major push because it is the one thing we have seen in Africa where the HIV rate has gone down dramatically.

Vice Chair Dondero Loop:

I appreciate your testimony. Is there anyone else in opposition?

Christine Burns, Private Citizen, Carson City, Nevada:

In the bill it states that the courses offered are not all a requirement for graduation. I have sat and listened to this Committee talk about other bills in terms of graduation, as well as teachers not having enough time to teach the material that the students are being tested on. I wonder if the basics of reading, writing, and arithmetic are the things that we are supposed to be teaching. Why are we being sidetracked by other issues? It is a shame if we, as parents, are failing in our duties. If graduation rates are not where we want them to be, then why are we distracted by information about sex education, which is valuable, when schools are not the place for it to be given.

I am concerned about the age appropriateness of things in this bill. I am a parent of five and a grandmother of five. I worry about the culture we are living in and the environments our children are being subjected to. In this situation, the "unspoken elephant" in the room is Nevada sells sex. I recently moved from Las Vegas where you cannot drive down a street without passing billboards or cabs that promote sex. We expect our children, because they have information, to not choose sex. Children emulate the behaviors they see. As such, the behaviors we are giving them to emulate and copy are not always based on knowledge or information. My daughter was a victim of date rape. At the time, she was not a teenager, but a young adult. She had been taught and was still a victim. All of us have a story with validity and importance. We need to remember that these are our children, and as parents, we need to step up and be responsible and not abdicate our responsibility to someone else.

Assemblyman Anderson:

I agree with a part of what you said. I do not like that Las Vegas has flyers all over the place selling sex. In my district when kids walk to school, they walk right by the escort services; this is a bad thing. However, because of this, does this not make comprehensive sex education more imperative? The kids are going to be exposed to sex; people have tried to get rid of it, but it cannot be done because of the First Amendment issue. If the children are going to be exposed, and there is nothing we can do about it, then we should give them the tools to protect themselves.

Christine Burns:

You are right. We should give them the tools, but parents should be giving the tools to their children, and not every parent does. The fact is the parents and communities are failing. As such, we have sex education that is being taught, and it has not made a vast difference. Making sex education more explicit or

starting it at kindergarten is not the answer. I would be appalled if my kindergarten child came home and said, "Mom, we learned about our bodies today!" There are valid concerns and arguments on both sides.

Vice Chair Dondero Loop:

Is there any new information or anyone neutral?

**P. Donnell Barton, Director, Office of Child Nutrition and School Health,
Department of Education:**

The Department of Education is neutral on A.B. 314. There was a fiscal note of \$15,000 two years ago when we rewrote the health standards, which would have to be revised to include these.

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

The Washoe County School District already implements abstinence-based comprehensive sex education to over 25,000 students with an over 98 percent parent participation rate. Our position is neutral on this bill. The fiscal note mentioned earlier, is inaccurate; it should be \$0. The Washoe County School District is already teaching the provisions of what would be in this bill and we would incur no additional cost.

Assemblyman Bobzien:

I appreciate Katherine Loudon coming to the table to talk about what is done in Washoe County. I would encourage everyone to look at the research provided. I believe the program fits this perfectly. I heard a lot of testimony about the inaccessibility of the Academic Standards Council. I heard other controversial issues that are not the subject of this bill. At the end of the day, the Academic Standards Council has a track record of tackling some pretty controversial issues at times. Recently, the Revised Nevada Social Studies Standards took a lot of testimony, had major issues to work through, and it was all done in a very public, accessible manner.

The important thing to remember is that the standards are set by the Council; the curriculum is developed at the local level by the committees to implement the standards. That entire process is very open, and at the end of the day, it is opt out. There is the possibility of being able to opt in with the potential for amendments. The intention would be to put the curriculum out, make sure the parents can see it, and if there are objections, we are open to the possibility of pulling certain units.

In closing, as a parent, with two two-year-olds at home, I am already thinking about the issues I will have to deal with in the future. These are uncomfortable issues and I do not have the answers for how I am going to teach my boys how to be responsible, healthy adults, and how to get them through these tough years. Most of all, I want to know that the information my kids will receive in school—if I chose for them to get it—is medically accurate.

Vice Chair Dondero Loop:

There was a reference made earlier to children misplacing notes. As a teacher, if a student did not bring back his signed note from his parents for a field trip, pictures, or any other activity, the student did not participate. If a student did not bring back the permission slip, he was automatically opted out.

I will close the hearing on A.B. 314. We will move on to our next bill.

[Chair Bobzien reassumed his position.]

Chair Bobzien:

I will open the hearing on Assembly Bill 547. Welcome, Senator Wiener.

Assembly Bill 547: Prescribes provisions relating to school wellness policies.
(BDR 34-188)

Senator Valerie Wiener, Clark County Senatorial District No. 3:

I am here to encourage your support for A.B. 547. The reason it is an Assembly bill is because this is one of the measures that came out of the Legislative Committee on Health Care, which I had the privilege to Chair during the interim. This is a measure that I have been involved with for a very long time. I was part of the original Action for Healthy Kids. I attended the very first Taking Action for Healthy Kids: Healthy Schools Summit in Washington D.C. hosted by Mrs. Laura Bush and former U.S. Surgeon General David Satcher. This bill was an idea that came out of that.

The United States Department of Agriculture established standards and policies that any district that accepted money for school meals would have to put a committee together, design a wellness plan and staff every school with a coordinator. This has been policy in practice for several years. This bill would codify in statute what is already a requirement in school districts. It takes about an hour to fill out the evaluation of a program in the school. It helps us come up with the best of what works and what does not work so that we can increase the efficiency of this program. We can raise the bar for the health and wellness of our children, which is a passion for me. We have had school districts that comply and school districts that do not comply even though it is

required. This way we can create accountability and transparency, learn from it, and grow from it. I would like to invite Dr. Tracey Green, Jennifer Stoll-Hadayia, and Donnell Barton to the table.

Jennifer Stoll-Hadayia, Public Health Program Manager, Washoe County Health District:

We are in support of A.B. 547. One of our goals as a health district is to reduce chronic diseases by improving the risk factors of physical inactivity, poor nutrition, and overweight and obesity. We have focused these efforts primarily on school-age children because of trends in obesity, as well as the opportunity for prevention at the earliest age.

In Washoe County alone, over one-third of school children are already overweight or obese, so there is great need. As a health district, we are continually identifying strategies that are effective in reducing overweight and obesity trends. One of those that is clear in the literature is to establish wellness policies and places that children learn and play including schools, preschools, and out-of-school time programs.

As Senator Wiener explained A.B. 547 will ensure, by statute, that all schools and charter schools in Nevada have standardized wellness policies adopted, implemented, and evaluated, and these are maintained long term. The policies will require a minimum level of wellness practices in the school environment specific to the food that children consume and to the opportunities to be physically active during the school day. Several community groups have also come forward to support this legislation, and some of them have submitted testimony to you today ([Exhibit T](#)). They are the Washoe County Chronic Disease Coalition, the Nevada Public Health Association, the Washoe County School District's K-8 Wellness Committee, which is composed of teachers and administrators in the school district, the American Heart Association, and the Obesity Prevention Foundation, which is a statewide work group of which I am a member. I am also responsible for the amendment ([Exhibit U](#)) submitted to the Committee today. This amendment is the result of a dialogue that took place between public health organizations and our colleagues concerned about childhood obesity prevention in the education community. We believe that it addresses their concerns about this bill.

Chair Bobzien:

Could you briefly walk us through the amendment?

Jennifer Stoll-Hadayia:

The top of the amendment ensures that education is at the table in developing the minimum standards of a school wellness policy by regulation. Those

organizations are listed out by name within the bill. Throughout the amendment, you will see an exclusion for virtual schools, which is a common trend in all of our school districts because those schools occur virtually, are not in a building, and cannot necessarily be subject to a wellness policy. Under section 3, there is an elimination of some specifications for who, at a local level, would need to be part of the implementation of a wellness policy. This was in response to concerns about maintaining local control by school districts to determine how that policy would be implemented. The last change, in section 4, is to remove the sunset on the process of evaluation. One of the goals of this bill is to ensure the evaluation of wellness policies in order to document their outcomes and successes. This was changed to an annual evaluation so that it can be continual and ongoing to see how well our schools are doing in the implementation of this policy.

Chair Bobzien:

Thank you. Are there any questions on the amendment? [There were none.]

**P. Donnell Barton, Director, Office of Child Nutrition and School Health,
Department of Education:**

The Department of Education is in favor of A.B. 547. The Nevada Statewide School Wellness Policy was adopted by the State Board of Education/State Board for Career and Technical Education in June of 2005. Prior to bringing the wellness policy to the State Board of Education, we had over 1,500 community stakeholders provide information during the development of the wellness policy. The Nevada Nutrition Advisory Committee, tasked with the development of the Wellness Policy, was composed of 23 members representing: the University of Nevada, Reno, the University of Nevada, Las Vegas, at least four registered dietitians, school food service directors, the Southern Nevada Health District, the Dairy Council of Utah and Nevada, The Health Division, and the Inter-Tribal Council of Nevada, Inc. which included two rural and two urban school districts, a superintendent, teachers, a local school board member, parents, the Food Bank of Northern Nevada, a school nurse, and the Nevada Diabetes and Prevention Control Program. Public hearings were held in Elko, Reno, and Las Vegas before the final draft was presented to the State Board of Education. In 2007, the Statewide Wellness Policy was ranked as the fourth best policy in the nation by the Center for Science in the Public Interest. One of the reasons why it received the fourth place ranking was because it was not a state law. I am frequently asked questions about the Statewide Wellness Policy and it has been challenged by the districts and parents.

As an example, I have been asked if the federal law requires recess before lunch, and when I say the federal law does not, but the Statewide Wellness Policy does, I am told the Statewide Wellness Policy is a State Board Policy, and

therefore, they do not have to follow it. We sometimes see that some of the districts are not following parts of the Wellness Policy. For your convenience, you will find the Statewide Wellness Policy ([Exhibit V](#)) and some excerpts from the Healthy Hunger-Free Kids Act of 2010 ([Exhibit W](#)), section 204, which is specific to what is required of a school wellness policy. With that passage of the Act in December, we will now be required to do an evaluation. There is currently a school wellness evaluation; only about 40 percent of the schools respond to the evaluation, so we have not had a statistically valid sample to tell you how well we are implementing the policy.

From the excerpt of what is required in the Healthy Hunger-Free Kids Act, the districts will be required to periodically measure, and make available to the public, an assessment of the implementation of the local school wellness policy. This includes the extent to which schools under the jurisdiction of the local education agency are in compliance with the local school wellness policy; the extent to which the local school wellness policy of the local agency compares to the model local school wellness policy; a description of the progress made in attaining the goals of the local school wellness policy; and the designation of one or more local educational agency officials or school officials, as appropriate, to ensure that each school complies with the local school wellness policy.

The intent of the school wellness policy and the school wellness evaluation was to relieve some of the burden from the school districts so they did not have to redevelop the wheel, and any child in Nevada that attended a school has a healthy school environment conducive to assisting children in developing healthy behaviors.

Tracey D. Green, M.D., State Health Officer, Health Division, Department of Health and Human Services:

I am here today as your State Health Officer and a member of the Advisory Council on the State Program for Fitness and Wellness. I hope to add some clarification about the rating system that is described in this bill. The system was developed after a 40 percent response to the Department of Education's request for what they were doing with the rating systems. It became a topic at the Advisory Council for Fitness and Wellness. Ultimately, it was decided that we needed a system that would allow us to provide input from the Health Division back to the schools on their rating system. A rating system was developed. It is a self-attestation system of questions that are online. The school will answer questions to the system in the categories of nutrition, physical activity, and wellness. When the school completes the online questionnaire, they are immediately provided with a feedback report outlining its strengths and weaknesses. Under the weaknesses category, there is a list of

actions that can be implemented along with resources that they can utilize to assist in making these changes.

In addition, we decided that it would be appropriate to test the system. We are currently in the process of a pilot program. We have invited 40 schools across the State of Nevada. So far, seven responded, and six have completed the pilot. The pilot was to answer questions like, "How long would it take a school representative to complete the checklist? How long and what information is provided? Are the resources valuable to the school district?" I have the results of those initial schools that I can provide to the Committee if needed. The key issue is that 75 percent of the schools reported that it took them less than one hour to do the rating system, and only one school stated it took them less than two hours. This would be an annualized report that would require less than two hours of time a year.

In addition, we have dedicated funds through one of our block grants. One of our goals would be to provide many grants toward those schools that are either performing well, or need more work in certain areas of weakness so that we could support them, not only performing this rating system, but actually reinforcing and providing improvement across the state of Nevada.

Deborah Williams, Manager, Office of Chronic Disease Prevention and Health Promotion, Southern Nevada Health District:

I am here to testify in support of A.B. 547. First, Jennifer Hadayia cited the statistics of child obesity in Washoe County. Unfortunately, Clark County has not escaped those dismal numbers. This bill is a priority for us. School wellness policies are important tools that not only assure children are provided education about physical activity, nutrition, and general wellness, but look beyond the school environment so that students see model behavior and have an environment in which the healthy choice is the easy choice and students are able to practice what they are being taught.

Chair Bobzien:

Are there any questions? [There were none.] Are there any others opposed?

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

We appreciate the amendment and the bill sponsor bringing this forward with the idea that children's health is very important. The amendment makes the bill better, but we cannot offer our support at this time. We come back to this body constantly with certain things—and we understand this is not a money committee when passing policies—but this is a resource issue at the school district level. We are doing the best we can. I know there have been concerns

raised over the discussions about the amendment with Washoe County School District's participation in the wellness policy. That is something that was brought to my attention that will be handled at the executive cabinet level within our school district.

We heard a measure earlier in the work session about breakfast in the classroom. We certainly understand the kids cannot learn hungry. This measure coming forward is saying that children cannot learn if they are obese, or if there is an obesity problem, it is something that needs to be handled in the schools. That is certainly not something that we entirely disagree with, but with limited resources, we are stretched thin, and we see that if that comes forward, there will be even less resources in the coming session as these budgets close. We do not oppose the idea or intent, but because of the limited resources in the school district, we oppose the bill at this time.

Chair Bobzien:

Well understood. Are there any questions? [There were none.] Is there any neutral testimony?

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

We would like to thank all of those educational entities involved as far as efforts in the amendment are concerned. Our concern still remains the fact that the wellness policy in CCSD has been working. You heard the numbers of the survey results. We would like to think that we were instrumental in getting the survey results as high as they were. The Clark County School District had a 100 percent return on the survey results; we took it seriously. Subsection 2 in section 3 of the amendment says, "The board of trustees of a school district shall designate at least one person as the person responsible for the implementation and oversight of the local school wellness policy" At the current time, we are not in the position to do that. We want to recognize the efforts that were put forth in this amendment for allowing the control to remain at the local level. At this time, we cannot offer our unconditional support of A.B. 547.

Mary Pierczynski, representing Nevada Association of School Superintendents:

I am also speaking on behalf of Dr. Dotty Merrill with the Nevada Association of School Boards. Mr. Mangino has outlined our concerns. We are neutral on this bill at this time. There is progress with the amendment, but there are a couple of concerns before we can add full support. We are happy to see that there are more educators at the table where we can discuss the concerns we have. We are concerned about having a designated person on site who is a coordinator for

this with our reductions in work force that we are seeing throughout our school districts. This could be a problem.

Senator Wiener:

I wanted to address the concerns that I just heard. I appreciate the neutrality on the matter because a lot of people worked on this. The concern about requiring someone to be a coordinator is already a requirement. To receive money for school meal programs with the wellness program that was established by the Department of Agriculture is a requirement. I would love to work with the school districts on this because it is an extraordinary necessity. Healthy kids are healthy learners. This is our opportunity to make sure that we establish policies and practices in statute with the flexibility to develop as needs change.

Chair Bobzien:

We have the weekend to figure this bill out. Ms. Hadayia, I am going to ask you and other interested parties, including the school district and Senator Wiener, to engage on this. I will close the hearing on A.B. 547. I will now open the hearing on Assembly Bill 455.

Assembly Bill 455: Revises provisions governing athletics in public schools.
(BDR 34-1137)

Assemblyman Jason M. Frierson, Clark County Assembly District No. 8:

As a former member of the Southern Nevada Officials Association and a former University of Nevada, Reno football player, I was approached and asked if I could take on a piece of legislation spearheaded by the National Football League (NFL) with respect to concussions and high school football. In short, A.B. 455 requires the Nevada Interscholastic Activities Association or the school board (in smaller counties) to develop a policy related to the conditions under which a high school athlete can reenter a game after displaying symptoms of a concussion. The policy must include that if the student sustains or is suspected to have sustained a head injury while playing sports, the player must be removed immediately and can only return if a parent provides a letter indicating that a health care professional has given clearance. Students and parents would also have to sign a document acknowledging that they received the policy.

I hope you will join me in my interest to address the concern in A.B. 455 in a practical and realistic way. It is my understanding that this is already the practice in Nevada, so I am hopeful that positive legislation can be passed to embrace the policy in statute.

I am aware that there are several groups that have an interest in this bill and have offered some amendments. One of them will be discussed today, which proposes to expand the coverage or the list of health care professionals to include physical therapists. There is no objection to that being added.

There is also an interest in expanding this bill to cover youth sports. While I believe that is a very worthy endeavor, this bill proposes to add something to the *Nevada Revised Statutes* (NRS) specifically dealing with school districts, and that would exclude youth sports. Exploring the expansion of this policy to youth sports is a worthy one; I do not believe that it is the proper place in this bill, but I have let those people know I would be more than happy to come up with a chapter to deal with youth sports across the state.

Lastly, there was some effort to expand the coverage to create criminal liability for coaches that do not comply. That steps beyond the bounds of what we are trying to do in this statute, especially considering Nevada already has some model practices that are consistent with what the NFL is trying to do across the nation.

Chair Bobzien:

Are there any questions? [There were none.]

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

We are in wholehearted support of A.B. 455 and commend Assemblyman Frierson for bringing the bill forward, recognizing that neurological concussions are serious injuries carrying risk of catastrophic consequences unless prudent management is provided. Assembly Bill 455 will establish policy from which to develop head injury management protocol.

Mary Pierczynski, representing Nevada Association of School Superintendents:

I am also speaking on behalf of Dotty Merrill for the Nevada Association of School Boards. We are both in full support of this bill.

Michelle Kozlowski, Member, Subcommittee on Traumatic Brain Injuries of the Nevada Commission on Services for Persons with Disabilities, Aging and Disabilities Services Division, Department of Health and Human Services:

We are proactive in the awareness and prevention of traumatic brain injuries, sports being one of the areas. I am in support of A.B. 455 which is vital to promote an informative process for the serious matter of head injuries, addressed immediately at all levels, and requiring that the head injury be medically recorded by way of a health care provider in order to provide

documentation for the history of trauma that a person may acquire during his lifetime.

Chair Bobzien:

Are there any questions?

Assemblyman Munford:

Mr. Mangino, does this cover all sports, not solely football?

Bart Mangino:

The Clark County School District actually has a head injury management protocol. Speaking as a high school principal, we did an impact study on each one of our students in all sports, no matter what season it was so that we had a baseline. If there was any opportunity for concussion or the possibility of it, we had a baseline from which to make recommendations. If anyone is interested, I could provide Clark County's protocol.

Kate Osti, Rights Advocate, Nevada Disability Advocacy and Law Center:

The Nevada Disability Advocacy and Law Center is the federally mandated, state appointed protection and advocacy agency for persons with disabilities. I work with the traumatic brain injury population and am a member of the Subcommittee on Traumatic Brain Injuries. We are in support of A.B. 455. I would like to remind everyone that it is the repetitive injuries especially to the frontal lobe of the brain while youth are developing that can cause severe emotional disturbances as the individual grows. We need to protect these children.

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

The Washoe County School District is in support of A.B. 455.

Stacey Whittaker, Executive Secretary, Nevada State Board of Athletic Trainers:

We are very much in support of this bill. We would like to see it extended to youth athletes in Nevada. The Nevada State Board of Athletic Trainers submitted an amendment ([Exhibit X](#)).

Frank Sakelarios, President, Nevada Athletic Trainers Association:

We are also in support of this bill and think it is absolutely needed. The Nevada Athletic Trainers Association is not in opposition to the amendment adding a physical therapist as another medical professional that could clear an individual after a sustained head injury. I work as the athletic trainer at Carson High School. Our policy goes further than the policy being proposed in this bill because we also do the impact test like CCSD. When there is an athlete in any

sport that is baseline tested before the season begins, but sustains a head injury once the season begins, he must pass the impact test again, get cleared by a physician, and go through a gradual return to activity. We do something more than what is asked for in this bill and would like to see that added as well.

Chair Bobzien:

Are you both willing to sit down with Assemblyman Frierson and come up with something to look at?

Frank Sakelarios:

Absolutely.

Chair Bobzien:

Are there any questions for the panel? [There were none.]

Eddie Bonine, Executive Director, Nevada Interscholastic Activities Association:

We are in support of A.B. 455 as it embraces the second ImPACT Concussion Management Program we have had in place since 2005. I have provided more information on ImPACT Concussion Management ([Exhibit Y](#)).

Assemblyman Munford:

How far can this bill extend to the point of youth sports? Is there anything going to be factored in or in place related to the youth level?

Eddie Bonine:

We would be in support to assist in any way that we could to reach down into other levels of participation. We are one of the few states in the National Federation of State High School Associations that has coinciding participation where athletes cannot only play during the high school season interscholastically sanctioned by us, but can also participate in the same club sport concurrently as long as they do not exceed our maximum game limits. Over time, we have found athletes with injuries that occur outside of a sanctioned sport and they come back to us with a possible injury not knowing it, and the parents not reporting to our athletic trainer or the designated person they are supposed to report to on our campuses. We would assist any way that we could with the youth sport programs, not only in football, but in any sport where there is a possibility of a head contusion.

Assemblyman Munford:

Are you going to require parents to report to you their child's participation?

Eddie Bonine:

Yes. I would hope there would be some sort of communication mechanism set up so that we could know how to prevent any further injuries to the student athlete. We have athletes who are very good players that are playing club sports while playing school sports.

Assemblyman Munford:

Is soccer included in this as well?

Eddie Bonine:

Yes. There could be individuals playing on the weekends who are not sanctioned by us, playing on a paid traveling team, and have a head injury that we would not know about until the student would tell us or show physical symptoms at a practice at school.

Chair Bobzien:

There is one person signed in as neutral.

Parley I. Anderson, President, Nevada Physical Therapy Association:

I would like to propose an amendment ([Exhibit Z](#)) to A.B. 455. The concept is to add physical therapists to the definition of health care providers in this bill. The proposal would be on page 4, section 2, subsection 4, beginning on line 3, and it would read, "As used in this section, 'provider of health care' means a physician licensed under NRS Chapter 630 or 633, or a physical therapist licensed under NRS Chapter 640, or an athletic trainer licensed Chapter 640B of NRS."

In rationale for this proposal, is that physical therapists are now educated at a doctoral level on muscular and skeletal injuries, including neurological conditions and head injuries. Physical therapists do not need the oversight of a physician. In Nevada, there are instances where physical therapists volunteer in high schools and other Nevada interscholastic activities where a physician or athletic trainer may or may not be present.

Chair Bobzien:

Thank you for bringing this forward. We will talk to Mr. Frierson about possibly moving forward with this amendment. Are there any questions? [There were none.]

Assemblyman Frierson:

I wanted to thank Mr. Bobzien for being involved in this as it is very important to me throughout my years of youth involvement in sports. I am hoping to move forward with some strong legislation.

Chair Bobzien:

I will now close the hearing on A.B. 455. I will now open the hearing on Assembly Bill 227. Welcome, Mr. Hambrick.

Assembly Bill 227: Requires boards of trustees of school districts to grant the use of certain athletic fields to nonprofit organizations which provide programs for youth sports. (BDR 34-36)

Assemblyman John Hambrick, Clark County Assembly District No. 2:

Assembly Bill 227 is purely a policy piece of legislation to allow nonprofit youth organizations to use athletic facilities at elementary schools, junior high schools, and middle schools at no cost. This bill came before the Committee in the 75th Legislative Session and was passed unanimously, sent to the Assembly Committee on Ways and Means, and languished there and did not "see the light of day."

I was involved with Little League Baseball for 32 years. While I was in Summerlin, Las Vegas, there was an elementary school teacher who I approached for use of his field with money in hand to make sure the fields were maintained and upgraded. He said, "No, these are my fields, and I will not have any little league in here." I truly believe that when they turn that key and everybody goes home, those fields belong to the community.

When I was in position to offer a piece of legislation, I came forward with this bill. I worked very hard with Clark County and Washoe County to make sure we met all the criteria to avoid any pitfalls. All of the insurance requirements and preexisting agreements are all maintained, but would allow both youth athletic sports, little league softball, soccer, et cetera to use the field. There is an amendment that would also include the "intellectually challenged."

Chair Bobzien:

Are there any questions for the bill sponsor?

Assemblywoman Mastroluca:

I would be interested in having information from groups that have been refused fields by school districts. I know that Washoe County and Clark County have agreements with the cities and additional groups. I know you brought this bill last session and I have not heard from one group to which a school district said no. Usually, it is the school districts who say the field is already in use. I do not understand the reason for this bill.

Assemblyman Hambrick:

One of the cosponsors of the bill had a similar situation a few years ago. Clark County has come up and reevaluated. There are some issues that they are currently looking at about leasing to one entity that then leases the fields to a sublessee, and they make a profit out of that. There were situations and Clark County has addressed that and I am very satisfied. There are other entities around the state that may not be as forward looking as Clark County and Washoe County in making sure that everyone has fair access to the fields. This bill is to make sure there is fair access across the state.

Assemblywoman Mastroluca:

I would like to see something recent within the last two years where someone has said they have tried to access an athletic field that belongs to a school district and has not been able to access it.

Assemblyman Hambrick:

I will inquire about that and get back to you.

Assemblyman Hansen:

My experience in dealing with youth sports is a lot of groups automatically assume that those fields are not available for people other than the schools. I would assume that once this information gets out and this bill passes, I think you would see an expansion in people wanting to use the fields. While there may not be immediate demand with people being refused, there is definitely a demand for the use of fields. The bill is a good idea.

Assemblyman Hambrick:

If there are preexisting time slots already taken, no one will lose their spots; it is only those areas where they can be accommodated.

Jennifer Stoll-Hadayia, Public Health Program Manager, Washoe County Health District:

I have already testified that one of goals as a health district is to reduce the modifiable risk factors for chronic disease; physical inactivity is one of them. I have already stated our upwards focus on school age children because of the overweight and obesity trends in that population. I have also testified that we accomplish this goal by using the best practices—what the science and the national organizations have found to be effective in improving physical activity for children. Policies like A.B. 227, commonly referred to as open playground policies, have been shown by the research to increase the opportunities for children to be physically active in the communities where schools are. For that reason, we are in support of A.B. 227.

Deborah Williams, Manager, Office of Chronic Disease Prevention and Health Promotion, Southern Nevada Health District:

As Jennifer Hadayia just mentioned, increasing access to safe, affordable places for physical activity is a recommended best practice for increasing levels physical activity, thus, reducing the risk of obesity. For that reason, we support this effort and efforts to increase access to places to be active. We thank the bill drafters for bringing this bill forward. I have provided support for the amendment ([Exhibit AA](#)).

Chair Bobzien:

Is there anyone neutral?

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

We are neutral because of the concerns over the mandate; however, the Clark County School District (CCSD) currently has a policy that makes facilities available to organizations, including nonprofits, for a nominal fee. We also have an agreement with our local governments for the use of the fields for youth sports and other activities, which are exempt from the requirements in section 1 of the bill. While we support the sharing of taxpayer-funded facilities, we are concerned about the mandate to do so. It is important to note that our funding for field maintenance has been cut over the past three years. We do not have the funds to fix damages incurred by others. However, we still have the responsibility to ensure—and we take it seriously—that the fields and facilities are safe for students and school-aged children.

Mary Pierczynski, representing Nevada Association of School Superintendents:

I am also representing the Nevada Association of School Boards on behalf of Dotty Merrill who could not be here today. We are neutral on this bill because we feel that most of the school districts are already doing this, especially in the rural areas.

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

We are also neutral for the same reasons you heard from our CCSD colleague. We appreciate Assemblyman Hambrick hearing the concerns of our district during the 75th Legislative Session in 2009 and inserting the exemption for school districts that have already entered in to joint agreements with local governments as we have with the City of Reno and the City of Sparks. If we were ever not in those agreements then we would be mandated to allow nonprofits on our fields, and that causes some concern.

Assemblyman Munford:

You keep mentioning fields. Does this bill also include inside gymnasiums?

Bart Mangino:

My response would be no.

Chair Bobzien:

Are there additional questions for the panel? [There were none.]

Mr. Hambrick, do you have closing remarks?

Assemblyman Hambrick:

The minute you go inside the building there are fees involved because there are bathrooms, water fountains, and maintenance facilities. I tried to avoid that type of cost. Most of these local communities and teams try to maintain their own fields the best they can. It is not unusual for some little leagues to have work days. They will have volunteers come out and try to maintain the fields. We try to be good members of the community because if the fields are not taken care of, we will lose them.

Chair Bobzien:

We will now close the hearing on A.B. 227. Is there any additional public comment? [There was none.] For A.B. 227, I would like the record to include exhibits submitted by the American Heart Association from Christopher Roller ([Exhibit BB](#)). For Assembly Bill 314, I would like the record to include a letter submitted by Sheila Ward ([Exhibit CC](#)), a letter from Kayla Bihler at Northern Nevada Outreach Team ([Exhibit DD](#)), support from Keith Brill at the Nevada Section of American Congress of Obstetricians and Gynecologists ([Exhibit EE](#)), a letter submitted by Sandra Koch ([Exhibit FF](#)), a letter submitted by Renee McConey ([Exhibit GG](#)), a letter submitted by Andrea Sundberg ([Exhibit HH](#)), and a letter submitted by Erin Neff ([Exhibit II](#)).

The meeting is adjourned [at 6:15 p.m.].

RESPECTFULLY SUBMITTED:

Janel Davis
Committee Secretary

APPROVED BY:

Assemblyman David P. Bobzien, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Education

Date: April 8, 2011

Time of Meeting: 2:47 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 137	C	Mindy Martini	Work Session Document
A.B. 233	D	Mindy Martini	Work Session Document
A.B. 395	E	Mindy Martini	Work Session Document
A.B. 456	F	David P. Bobzien	Written Testimony
A.B. 314	G	David P. Bobzien	Written Testimony
A.B. 314	H	Mindy Martini	Quick Poll Survey
A.B. 314	I	Elisa P. Cafferata	Amendment
A.B. 314	J	Laura Deitsch	Written Testimony
A.B. 314	K	Laura Deitsch	PowerPoint Presentation
A.B. 314	L	Laura Deitsch	PowerPoint Presentation from Shawnta Jackson
A.B. 314	M	Jazmine Gaona	Written Testimony
A.B. 314	N	Adrienne Conley	Written Testimony
A.B. 314	O	Susan Meuschke	Written Testimony/Facts
A.B. 314	P	Bart Mangino	Amendment
A.B. 314	Q	Jennifer Stoll-Hadayia	Written Testimony
A.B. 314	R	Janine Hansen	Photo
A.B. 314	S	Stacie Brady	Written Testimony
A.B. 547	T	Jennifer Stoll-Hadayia	Letters of Support
A.B. 547	U	Jennifer Stoll-Hadayia	Amendment
A.B. 547	V	P. Donnell Barton	Statewide School Wellness Policy
A.B. 547	W	P. Donnell Barton	Healthy Hunger-Free Kids Act
A.B. 455	X	Stacey Whittaker	Amendment from James Porter
A.B. 455	Y	Eddie Bonine	Impact Concussion Management Information
A.B. 455	Z	Parley Anderson	Amendment
A.B. 227	AA	Deborah Williams	Testimony in Support
A.B. 227	BB	Christopher Roller	Written Testimony
A.B. 314	CC	Sheila Ward	Written Testimony
A.B. 314	DD	Kayla Bihler	Written Testimony
A.B. 314	EE	Keith Brill	Written Testimony
A.B. 314	FF	Sandra Koch	Letter
A.B. 314	GG	Renee McConey	Letter
A.B. 314	HH	Andrea Sundberg	Letter
A.B. 314	II	Erin Neff	Letter