

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

**Seventy-Sixth Session  
April 13, 2011**

The Committee on Education was called to order by Chair David P. Bobzien at 3:35 p.m. on Wednesday, April 13, 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/](http://www.leg.state.nv.us/76th2011/committees/). In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

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

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

Assemblywoman Debbie Smith, Washoe County Assembly District  
No. 30  
Assemblyman Pete Goicoechea, Assembly District No. 35

**STAFF MEMBERS PRESENT:**

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

**OTHERS PRESENT:**

Joyce Haldeman, Associate Superintendent, Community and Government  
Relations, Clark County School District  
Dotty Merrill, Executive Director, Nevada Association of School Boards  
Mary Pierczynski, representing Nevada Association of School  
Superintendents  
Craig Stevens, Director, Education Policy and Research, Nevada State  
Education Association  
Craig Hulse, Director, Department of Government Affairs, Washoe County  
School District  
Ray Bacon, Executive Director, Nevada Manufacturers Association  
Joshua Maury, Private Citizen, Las Vegas, Nevada  
Tanner Long, Private Citizen, Las Vegas, Nevada  
Kristina Bordinhao, Private Citizen, Las Vegas, Nevada  
Katerina Bordinhao, Private Citizen, Las Vegas, Nevada  
Mary Jean Freeman, Private Citizen, Las Vegas, Nevada  
John Wagner, State Chairman, Independent American Party  
Sheila Ward, representing Nevada Legislative Affairs Committee  
Keith Rheault, Ph.D., Superintendent of Public Instruction, Department of  
Education  
Joseph Guild, Vice President, Nevada Agricultural Foundation  
Doug Busselman, Executive Vice President, Nevada Farm Bureau  
Federation  
Alex Tanchek, representing Nevada Cattlemen's Association  
Milton Glick, Ph.D., President, University of Nevada, Reno

**Chair Bobzien:**

[Roll was called. Rules and protocol were stated.] Today we have a work session on several measures and we will be hearing three bills. I will open the work session. The first measure is Assembly Bill 314. Ms. Martini will give us an overview.

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

**Mindy Martini, Committee Policy Analyst:**

Assembly Bill 314 was heard on April 8, 2011 ([Exhibit C](#)). This measure expands the topic areas to be included for instruction in sexual education and requires the information be comprehensive, factual, and medically accurate. There are no amendments to consider for this measure.

**Chair Bobzien:**

I am going to hand my gavel over to Assemblywoman Dondero Loop for this bill.

**Vice Chair Dondero Loop:**

Is there a motion on A.B. 314?

ASSEMBLYWOMAN MASTROLUCA MOVED, WITHOUT RECOMMENDATION, TO REREFER ASSEMBLY BILL 314 TO THE ASSEMBLY COMMITTEE ON WAYS AND MEANS.

ASSEMBLYMAN KIRNER SECONDED THE MOTION.

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

Is there any discussion?

**Assemblyman Hansen:**

Why are we moving the bill out of committee without hearing anything else?

**Vice Chair Dondero Loop:**

It appears that A.B. 314 has a fiscal note. If we do not take a vote, it is the proper procedure to move the bill to the Assembly Committee on Ways and Means.

[Assemblyman Bobzien reassumed the Chair.]

**Chair Bobzien:**

We are going to move to Assembly Bill 318. Ms. Martini, could you give us an update?

**Assembly Bill 318:** Places the burden of proof and the burden of production on a school district in a due process hearing held pursuant to the Individuals with Disabilities Education Act. (BDR 34-1025)

**Mindy Martini, Committee Policy Analyst:**

This measure provides in all due process hearings held pursuant to the Individuals with Disabilities Education Act where the school district is a party, the school district has a burden of proof and the burden of production. This measure was heard on April 4, 2011 ([Exhibit D](#)). There are no amendments considered for this measure.

**Chair Bobzien:**

Is there any discussion?

**Assemblyman Hansen:**

We had testimony that there is not a single example of a parent suing the school district where burden of proof is on the school. To keep things consistent, it would seem that the responsibility for the burden should always be with the challenger. In every other case, the parents are involved, which is currently the law. I say leave things as they are and vote no on this bill.

**Assemblyman Kirner:**

I was prepared to make a motion to oppose this bill unless there is further discussion. I am not in favor of changing the burden of proof.

**Chair Bobzien:**

I would be willing to entertain a motion.

ASSEMBLYMAN KIRNER MOVED TO INDEFINITELY POSTPONE  
ASSEMBLY BILL 318.

ASSEMBLYMAN HANSEN SECONDED THE MOTION.

THE MOTION FAILED. (ASSEMBLYMEN AIZLEY, ANDERSON,  
BOBZIEN, DIAZ, DONDERO LOOP, FLORES, MASTROLUCA,  
MUNFORD, AND NEAL VOTED NO.)

Is there any discussion?

**Assemblyman Anderson:**

I think we should oppose Mr. Kirner's motion; I would rather vote on the bill. I will be saying no to this motion because I think this bill will do a lot to help bring down the incidence of due process hearings.

**Chair Bobzien:**

Is there an additional motion?

ASSEMBLYMAN ANDERSON MOVED TO DO PASS  
ASSEMBLY BILL 318.

ASSEMBLYWOMAN FLORES SECONDED THE MOTION.

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

Is there any more discussion on this measure?

**Assemblyman Hansen:**

When Assemblywoman Mastroluca presented some of the evidence, one of the things that she had was a chart of the number of lawsuits that have occurred pre- and post-school responsibility. After the burden shifted, there was a substantial reduction in the number of lawsuits that the school district was involved in. I would like to see those numbers again.

**Chair Bobzien:**

That request may not be entirely manageable, but certainly warrants a response.

**Assemblywoman Mastroluca:**

To clarify, the numbers I referred to were the number of cases that went to a hearing, not necessarily the number of cases that actually occurred. I do not have that number; I have the number of cases that went to court. Of the ones that went to court, from 2006 to 2011, every single case was won by the school district.

**Assemblyman Hansen:**

I recall the total number had substantially dropped. Is that correct?

**Assemblywoman Mastroluca:**

Yes. The number decreased.

**Chair Bobzien:**

Our next measure for consideration is Assembly Bill 393. Ms. Martini will give the Committee an overview.

**Assembly Bill 393:** Requires criminal background investigations of educational personnel upon renewal of a license. (BDR 34-8)

**Mindy Martini, Committee Policy Analyst:**

Assembly Bill 393 was heard April 6, 2011. This measure requires an applicant for renewal of a license in education to undergo a subsequent criminal background investigation including fingerprinting. There is one amendment submitted within the work session document ([Exhibit E](#)) by Assemblywoman Dondero Loop. In the amendment, you will see that the current effective date in this measure—for all provisions—is July 1, 2011.

The amendment would make the portions of the bill relating to the adoption of regulations and any other administrative tasks necessary to prepare for full implementation of the measure to be effective on July 1, 2011. January 1, 2012 would become the new effective date for implementation of all measures. The sponsor of the amendment explained the need for the amendment by saying that delaying the effective date by six months will give the Department of Education time to prepare for the full implementation of this measure.

**Chair Bobzien:**

Thank you. Is there any discussion on this measure?

**Assemblyman Kirner:**

Is there a fiscal note for this bill? It says there is, but I am not seeing it.

**Assemblywoman Dondero Loop:**

The fiscal note was removed because the expense will be incurred by the education personnel who need the fingerprints along with the license.

**Chair Bobzien:**

I will entertain a motion.

ASSEMBLYMAN STEWART MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 393 WITH THE AMENDMENT FROM  
ASSEMBLYWOMAN DONDERO LOOP.

ASSEMBLYWOMAN MASTROLUCA SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

**Chair Bobzien:**

I would like to move on to Assembly Bill 455. Please continue, Ms. Martini.

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

**Mindy Martini, Committee Policy Analyst:**

Assembly Bill 455 was heard on April 8, 2011. It is the measure that requires the Nevada Interscholastic Activities Association to adopt a policy concerning the prevention and treatment of injuries to the head, including a concussion, which may occur during any interscholastic activity. Assemblyman Frierson submitted one amendment ([Exhibit F](#)).

**Chair Bobzien:**

Is there any discussion?

**Assemblyman Stewart:**

I appreciate the need to protect our kids in sports, but I have a concern on the protection of the coaches and teachers. If a kid is injured and wants to go back into the game, and the coach does not realize the injury, I am concerned the teacher or coach would be held liable for the injury.

**Assemblyman Hansen:**

In high school, I had this exact situation. Playing football during my junior and senior years, I got severe concussions. The problem that I see with the bill is that the policy must require that a pupil who sustains or is suspected of sustaining an injury must be immediately removed from the activity. Typically, there is not any physical sign that someone has a concussion. Therefore, there is a high level of liability.

**Assemblywoman Mastroluca:**

I do not see where this would assign liability. I believe that districts already have policies on this issue. I would like to hear from a representative from Clark or Washoe County School District to verify this.

**Joyce Haldeman, Associate Superintendent, Community and Government Relations, Clark County School District:**

I believe Assemblywoman Mastroluca is correct. Clark County School District (CCSD) already has a Concussion Management Program and an athletic trainer in most high schools. Our existing programs will meet the requirements of the proposed bill. In addition to that, Assemblyman Hammond, who is in the

audience today and a coach, told me that when there is a head injury, students are taken out of play.

**Chair Bobzien:**

Are there any questions from the Committee?

**Assemblyman Stewart:**

As long as my colleague, Mr. Hammond, is protected I feel good about this bill.

**Chair Bobzien:**

I will entertain a motion.

ASSEMBLYWOMAN MASTROLUCA MOVED TO AMEND AND DO PASS ASSEMBLY BILL 455 WITH THE PROPOSED AMENDMENT FROM ASSEMBLYMAN FRIERSON.

ASSEMBLYWOMAN DIAZ SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

**Chair Bobzien:**

For the Committee's edification, Assembly Bill 548 is on hold due to additional questions related to procedure.

**Assembly Bill 548:** Revises provisions governing the system of governance of K-12 public education. (BDR 34-741)

[This bill was not heard.]

We will open the work session on Assembly Bill 554.

**Assembly Bill 554:** Revises provisions governing education. (BDR 34-953)

**Assemblywoman Dondero Loop:**

Assembly Bill 554 was heard on April 11, 2011 ([Exhibit G](#)). This is a complex bill that is worth more discussion.

ASSEMBLYWOMAN DONDERO LOOP MOVED, WITHOUT RECOMMENDATION, TO REREFER ASSEMBLY BILL 554 TO THE ASSEMBLY COMMITTEE ON WAYS AND MEANS.

ASSEMBLYWOMAN MASTROLUCA SECONDED THE MOTION.



THE MOTION PASSED UNANIMOUSLY.

**Chair Bobzien:**

Is there any discussion?

**Assemblyman Stewart:**

I have some concerns about this bill. In general, it is a good bill and I would vote yes as far as recommending it, but it is not perfect.

**Assemblyman Hansen:**

I recently met with Heath Morrison and we went over some ideas on this exact issue because the Washoe County School District does not like the straight A/B/C grade system. The intent of the bill is to come up with some sort of a system where parents can have a good understanding of how the local public school is doing. He suggested that we do overall achievement and overall improvement grades. Essentially, it would be a simpler way for people to understand the grade system. It would be easily adjusted to accommodate social and economic variations, the number of English-as-a-second-language students, et cetera.

I understand that we are rereferring this bill to the Assembly Committee on Ways and Means, but I think we should be looking in that direction. Regardless of party affiliation, we all want to come up with a system where the parents have an excellent, simple way to judge the local public school and it gives the school an incentive to try to improve. With that said, Mr. Morrison's idea was excellent.

**Chair Bobzien:**

I appreciate those comments.

I will now open the work session on Assembly Bill 456.

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

**Mindy Martini, Committee Policy Analyst:**

Assembly Bill 456 was heard on April 8, 2011. This is the measure that provides that a pupil who has failed to pass the same subject of the High School Proficiency Exam (HSPE) at least six times may still receive a standard high school diploma under certain circumstances. [Continued to read ([Exhibit H](#)).]

**Chair Bobzien:**

Many of you may find parts of this bill to be familiar, and that is why Ms. Haldeman is at the table if the Committee requires clarification. Are there any questions?

**Assemblyman Stewart:**

I think this is a very important bill and one that will affect many of the bright students from Durango High School we see in our audience today. This bill still has high standards: a student must have a 2.75 GPA and a cumulative score on the four proficiency exams set by the State Board of Education/State Board for Career and Technical Education. After failing one part of the test six times, if a student comes close but fails again, he can still graduate with a standard high school diploma. I appreciate the efforts from everyone on getting this piece of legislation forward and I support it.

**Chair Bobzien:**

I would like to entertain a motion.

ASSEMBLYMAN STEWART MOVED TO DO PASS  
ASSEMBLY BILL 456.

ASSEMBLYWOMAN DONDERO LOOP SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN MCARTHUR VOTED  
NO.)

Our final work session measure is Assembly Bill 557.

[Assembly Bill 557](#): Makes an appropriation for pilot programs of performance pay for teachers. (BDR S-1160)

**Assemblywoman Dondero Loop:**

Assembly Bill 557 was heard on April 11, 2011 ([Exhibit I](#)). This is another complex bill worthy of more discussion. It has some pieces that are reflected in *Nevada's Promise*, but I think we need more time to work on it.

**Chair Bobzien:**

I will entertain a motion.

ASSEMBLYWOMAN DONDERO LOOP MOVED, WITHOUT  
RECOMMENDATION, TO REREFER ASSEMBLY BILL 557 TO THE  
ASSEMBLY COMMITTEE ON WAYS AND MEANS.

ASSEMBLYWOMAN MASTROLUCA SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

**Assemblyman Stewart:**

I would like to applaud the Governor for bringing this bill forward. As my colleague said, this is a very complex issue. It is difficult to measure the excellence of a teacher, but this bill is a step in the right direction. I hope it makes its way through the Assembly Committee on Ways and Means.

**Chair Bobzien:**

I would like to add my appreciation to Mr. Erguiaga. We had discussion during the hearing trying to align this with *Nevada's Promise*. Knowing that needs more time, we certainly want to send this to the Assembly Committee on Ways and Means.

That concludes our work session today. To be clear, the Committee is holding off on Assembly Bill 548 because of additional procedural questions.

I will now open the hearing on Assembly Bill 551. Welcome, Mrs. Smith.

**Assembly Bill 551:** Requires school districts to assess the feasibility of consolidation of services, functions and personnel. (BDR 34-877)

**Assemblywoman Debbie Smith, Washoe County Assembly District No. 30:**

I am here to present A.B. 551. Over the last few years, the state of Nevada has gone through a financial crisis. We are continually looking at ways to better perform services at the state level to streamline, be more efficient, and consolidate where necessary, especially in local governments. One of the things that I spent a lot of time thinking about is the school districts have the opportunity to be more efficient and save money. While we are looking to cut costs and save funds for the classroom, this is the time to do it.

I have talked to school superintendents during meetings about this issue. I have drafted this bill in order to nudge the school districts to begin looking at where they might be able to save money and become more efficient and effective. Small districts may be able to share a chief financial officer (CFO), personnel director, or a superintendent especially when it is hard to recruit certain types of professionals, especially in rural Nevada. Large districts have the opportunity to provide those services with the smaller districts they are adjacent to.

This bill would have the district board of trustees consider whether sharing services or consolidating services with another school district would be feasible.

Page 2, section 1 of the bill lists the various areas such as, purchasing, accounting, recruiting, transportation, CFO, human resources, and superintendent of schools. These areas appear to be areas where the districts could begin looking at the possibilities of saving costs and being more efficient by sharing those services. This legislation would enable districts to enter into an agreement to share services. Section 1, subsection 4 requires the Committee on Local Government Finance to adopt regulations that identify how this can take place.

Currently, a lot of local governments share services and work together on purchasing and personnel work. The Committee on Local Government Finance is a perfect group to help facilitate this process. Section 2 of the bill requires that the boards of each of the districts submit a report to the Interim Finance Committee regarding the outcome of their exploration and the feasibility of sharing those services. It is a basic concept, but one that nudges school districts in that direction. Every other jurisdiction in the State of Nevada is looking at how it can do this—from the state level to the local government level—and I would like to see the same thing amongst our 17 school districts.

**Chair Bobzien:**

Are there any questions for Mrs. Smith?

**Assemblyman Kirner:**

It appears that this bill is primarily focused on the rural areas or those adjacent to Clark County and Washoe County. Would you also be saying that we would consolidate down to less than one school district per county, not maintain 17 school districts?

**Assemblywoman Smith:**

No, I am not saying that. I am looking at partnerships and sharing services where it makes sense.

**Joyce Haldeman, Associate Superintendent, Community and Government Relations, Clark County School District:**

We stand in support of A.B. 551. One of the advantages of being a large school district is the economies of scale that you are able to get when you purchase things in large quantities. If there are opportunities to work with partners in districts that could also take advantage of the contracts that we have been able to leverage, we certainly would want to do that. We recognize that sometimes school districts are going through the same thing. If there is any opportunity for us to save taxpayer dollars, we will. The Senate heard a bill that has to do with mandates that have been passed down through the years. Mainly, it has to do with a lot of reports we are required to write. Here is

another report that is being added to that long list we are required to do. The reporting requirements are not something we are particularly fond of, but if it will help other school districts save money, then we are happy to do it.

**Chair Bobzien:**

Are there any questions?

**Assemblyman Hansen:**

The first area of business would be consolidation of lobbyists. [Laughter.]

**Joyce Haldeman:**

This morning, we had eight bills in six committees at the same time; we three lobbyists had to divide and conquer.

**Assemblyman Stewart:**

I would like to make sure that my colleagues from the North note the generosity of the Clark County School District.

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

We appreciate the work and thought Assemblywoman Smith has embodied in the proposal of this bill. We believe that it is an important policy statement that will encourage boards to conduct the exploration and move forward with partnerships if that can be done. I would note we already have districts working together to reduce the cost in regard to the area of purchasing. Page 2, line 22 mentions the Committee on Local Government Finance; we believe that is an appropriate place for such regulations to be developed. The Nevada Association of School Boards has two representatives on that body. We believe there is a good match between the committee and boards to make those recommendations.

**Mary Pierczynski, representing Nevada Association of School Superintendents:**

We would like to thank Assemblywoman Smith for coming to a superintendents' meeting to discuss the possibility of bringing this bill forward. With all the budget issues that everyone is dealing with, if there are other opportunities where we can save money, we are anxious to do so; therefore, we are in full support of A.B. 551.

**Craig Stevens, Director, Education Policy and Research, Nevada State Education Association:**

The Nevada State Education Association would like to lend its support for A.B. 551. We believe that school districts working together in order to provide a great service to our kids is always something positive.

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

This is something that we clearly support. We are part of the Shared Services Elected Officials Committee in Washoe County, the City of Reno, and the City of Sparks. We support the idea of local government working together with other school districts, especially given the challenges we have in the city of Gerlach and certain rural areas of Washoe County.

**Chair Bobzien:**

I am glad that you brought up the city of Gerlach. Can you talk through some partnerships—I am guessing you already have—with Humboldt County, Pershing County, or other districts?

**Craig Hulse:**

I do not believe we currently have any. It is something that we will need to do, and the bill further enhances that.

**Ray Bacon, Executive Director, Nevada Manufacturers Association:**

This bill is a concept that Mrs. Smith and I have discussed over the last five years. I am glad to see it introduced as a bill. I do not believe the bill needs to change; however, there may be an additional concept. *Nevada's Promise* is about excellence, rigor, and equity. One of the equity issues is that we have unequal costs in the rural districts, especially the smaller districts because there is still an overhead cost. In theory, this bill should eliminate or reduce some of that overhead cost. Occasionally, there are concepts we run across in programs that work. Superintendents get together and say, "Here is something that is working in rural Nevada, northern Nevada, and southern Nevada."

I would like to share a specific example from Ms. Carole Vilardo from the Nevada Taxpayers Association. When Utah got into the No Child Left Behind Act of 2001, it found it was doing a very poor job with Hispanic kids. A company in Utah created a program called Imagine Learning, which is used extensively in CCSD. Last I knew there were about 65 schools using the program with their English language learner kids in CCSD. When we run across a program like that, there should be the provision or thought process that perhaps there should be a master state purchasing contract, so that any districts can get the same service at the same price. This would start to bring down the high overhead cost for some of the rural districts, and potentially, put more money into the classrooms, and less into the overhead.

I would go as far to say it might get to the point where large school districts would help and might be the purveyor of the master statewide contract for certain areas, and everybody gets the advantage of standardizing the pricing for

commodities or items. Conceptually, this bill is on the right track, but we need to think bigger. On the top of page 2, it says, "without limitation," so there is nothing that says we cannot do that.

**Chair Bobzien:**

I will close the hearing on A.B. 551. I would like to welcome Mr. Kirner to the table to present Assembly Bill 129.

**Assembly Bill 129:** Repeals the statewide requirements for class-size reduction and authorizes the boards of trustees of school districts to establish pupil-teacher ratios for elementary schools. (BDR 34-639)

**Assemblyman Randy Kirner, Washoe County Assembly District No. 26:**

I am here to present A.B. 129 with a proposed amendment ([Exhibit J](#)). This is a class-size bill, not intended to usurp the notion of class sizes, but intended to move the subject of class size in the regulatory environment from the state to the local districts. For example, in my district, there are certain elementary schools where there is high parent involvement; the socioeconomic levels are medium to upper class. The number of students with English as a second language is not an issue. In those class sizes, my vision would be that the Washoe County School District Board of Trustees, as an example, would be able to say, "We are comfortable with a class size larger than the current regulations," which varies. They may say we could go to a 20-to-1 student/teacher ratio, or to a 22-to-1 ratio, or something of that nature.

In other parts of our county, parent involvement is not nearly as intense, the socioeconomic factors are quite different, and English as a second language may be more of a problem. We often think of that as Spanish to English, but it may be several languages to English. The need for a different ratio needs to be supported. In business, we would call this a decision that should be made at the best management level, and that level is more local than state. I noticed that the Department of Education has put a fiscal note on this bill. The amendment would call for reporting to the state, for the state to work on the report, and send it back to the Legislative Counsel Bureau and the Legislative Committee on Education depending on whether or not we are in session.

**Assemblyman Anderson:**

My biggest concern is a planning issue. Since 1991, the Nevada State Legislature has been working on class-size reduction. Since that time, we have been expanding it. A lot of us who come from Clark County know, through experience, that you have a lot of schools designed with these class-size reduction goals in mind. A lot of these classrooms are particularly small. New schools were developed within this period.

Last Saturday, I talked to a teacher, and she told me that she is already having a problem. She has class-size reduction rooms, but tinkering with those requirements in the 26th Special Session (2010) allowed for a temporary increase in class sizes. We are already having problems. What could Clark County do with all these small classrooms if we take away their money and class-size requirements?

**Assemblyman Kirner:**

My bill in no way takes away money. The money that is allocated for class-size reduction, currently part of the Distributive School Account (DSA), would remain in the DSA. This is not a money bill in that respect. I had thought all counties, except Clark and Washoe, had waivers, but the Nevada State Education Association informed me that all counties have waivers. In a sense, we are already doing this. Clark County School District is in the best position to decide whether a school has the facilities to accommodate larger classes—not only facilities but other issues that I talked about in my previous statement.

**Assemblyman Anderson:**

I do not want to overload teachers. We are asking a lot and are going to keep asking more. I got an earful a couple Saturdays ago from the teacher I spoke with. This is a real concern for a lot of people. I hope you can find a way to make this work for the districts.

**Assemblyman Kirner:**

From a management environment, when you push the decisions down to the best level to make that decision, you usually get better quality decisions. I am trying to move this to the districts because they are in the best position to do so.

**Assemblywoman Dondero Loop:**

I would like to clarify the summary of the bill. It clearly says pupil-to-teacher ratios. Am I correct?

**Assemblyman Kirner:**

Yes, that is correct.

**Assemblywoman Dondero Loop:**

The reason I needed to clarify that is because, as a Clark County teacher for 30 years, and a mom who raised three kids, you can have class-size ratios and you can say—in the higher economic areas—that parents are there to help. However, I can tell you that on any given day, parents have kids at home who are sick. Parents decide to go play golf, parents have to go to work, and they have a family to tend to. While I used parents a lot, some of whom reside in



this building, I can tell you—as one who travels to many schools in the state—it does not matter what high school you are at. You see parents there, but when you have 30 to 50 kids in one classroom, it is too much. If a parent cannot show up who you were depending on, your plans for that day could go awry.

While I appreciate what this bill is trying to, and I know that we have reviewed and allowed for some deviation from the original class-size reduction plan, I would hate to see us say that this is law because we are trying to do some important things with education. Starting to overload classrooms would be a detriment to that piece.

**Assemblyman Kirner:**

This bill does not attempt to say that a parent could take the place of a teacher. This bill intends to say that the district can look at any number of factors, including parents; I mentioned parents early on because parent involvement makes a difference in a child's education and life. In certain circumstances, it may be acceptable to have a 20-to-1 ratio or a 10-to-1 ratio may be more acceptable. To mandate an 18-student classroom when 10-to-1 is the right answer or an 18-to-1 ratio when 20-to-1 is the right answer would be wrong. Let us use our resources because the money has not changed in this situation. I am not trying to create an argument against what you are saying. I am saying that the decision is better made at the local level.

**Assemblyman Hansen:**

I had the Legislative Counsel Bureau do a pupil/teacher ratio in the public elementary schools. Right now, the Legislature has directed this since 1991. In 2006, we had an average of 26 students; Nevada was ranked fourth worst in the United States. In 2007, Nevada ranked sixth worst with 25 students; in 2009, Nevada ranked third worst in the U.S. with 26.5 students. The idea that we are doing a great job in the schools and keeping the ratios down does not stand up to the evidence.

I understand your bill to give the local school boards and local parents an opportunity to adjust the things that we have failed to do at the legislative level. By allowing that level of flexibility, they are going to be able to make some adjustments in a meaningful way without being locked in place by the Legislature. Is that correct?

**Assemblyman Kirner:**

I would think the parents might have an involvement, but I am putting the responsibility on the local boards. They need to be held accountable. I support the Washoe County School District's strategic plan. The one piece of it that I am particularly excited about is the accountability. To the extent that the

parents are involved with the school board—which I think they are—is good, but I put the responsibility solely on the school board. The answer to your question, Mr. Hansen, is yes.

**Assemblywoman Mastroluca:**

I wanted to share what I have experienced as a parent. In my daughter's half-day kindergarten class, there were 35 students, one teacher, for 2 1/2 hours a day. My daughter would come home crying, "Mommy, I need paper." I would ask why she needed paper, and she would say, "Because I need to write my name because the teacher does not know my name." This was October; it was not the first week of school.

Looking at the situation my son experienced—a half-day kindergarten class, 2 1/2 hours a day, with 18 students—the difference was night and day, comparing what my son versus my daughter was able to achieve. Both have gone on to be good students, but it took time. It was very difficult. The teacher had trouble bringing the students to attention, and had trouble moving around the classroom. My son is in high school in classes of 40 to 50 students in a room filled with desks, not quite as big as this committee room. It is not conducive to learning.

I appreciate the opportunity for flexibility, but I do not think this is the place to do it. It is important to continue to talk about class size. I recognize that class size ends at third grade, but we need to continue to talk about it; it is a reality. I wanted to correct Mr. Kirner's comment about what ratios would be appropriate. The current law says "must not exceed." So, you could have ten students in a classroom if you were lucky enough to be in a place where there were enough classrooms, or few enough students in order to reduce the size that much. I understand what you are trying to accomplish and I appreciate your commitment to it; I just disagree with the way you are going about it.

**Assemblyman Kirner:**

Your daughter should have been in a smaller class. That was a violation of the law. I am not arguing that class sizes are not important. It would be incredible to keep class sizes down, even beyond third grade. I went to a college where my class sizes were 1-to-15. It did not always work, but I felt better about it. I would imagine that your children would feel better about those class sizes as well. I am not trying to dilute class sizes or end them. I want to make a decision at the local level where somebody would look at his school and say, "A 35-to-1 ratio is not right." School districts would be able to enforce that much better because it is a local decision and they can plan for it. I appreciate that there are different perspectives on this bill.

**Assemblywoman Mastroluca:**

Are you willing to help fund schools so that they can achieve the lower class sizes? Giving permission without giving dollars is a taunt.

**Assemblyman Kirner:**

As I stated earlier, the money does not go away. I do not intend to cut the money.

**Assemblywoman Mastroluca:**

I did not say cut; I said give more.

**Assemblyman Kirner:**

I do not have enough money in my back pocket, but I would love to be able to do that.

**Assemblyman Stewart:**

I see the dilemma that we are in, but there are many problems in a school district. I agree with Mr. Kirner that the decisions on how to allocate those meager funds should be left up to the lowest level where they are most accountable to the people that they are serving.

**Assemblyman Munford:**

At this point, there is no actual regulation on class size in high school. Is that correct?

**Assemblyman Kirner:**

That is correct.

**Assemblyman Munford:**

I guess students in high school can tolerate a larger class. When I was teaching, I never had fewer than 30 students in a classroom. I am not advocating large classes, but I think it is easily handled on a high school level because the kids are more mature and disciplined. However, when they possibly continue on to college, there will easily be 200 kids in one class.

**Assemblyman Kirner:**

Having 30 students in your classroom was probably an honor.

**Assemblyman Munford:**

I never had fewer than 30 students, but I have reached 40 students.

**Assemblywoman Neal:**

The way I understood the bill was that flexibility should not be “cookie cutter” in the approach of what class size looks like, and allowing school boards the capacity to decide. The first thing that came to my mind was high-achieving students. If I have the capacity to take 25 of those students in a room because there is no control issue, then it is easier to teach because what you are teaching is conveyed in an easier way than if you have an at-risk student where you have to spend more time with the individual.

It is more logical to have 15 at-risk students in a classroom because you are one teacher and you need to figure out how to visit with each kid within the allotted time. This is a solid concept because each school district can decide what is suitable for each classroom. This bill is moving away from this standardized viewpoint of what it should look like, and allows a teacher to take on additional kids because we group by level anyway. I understand this bill and do not have a problem with it.

**Assemblyman Hansen:**

I have the pupil-to-teacher ratios in public secondary schools from the Legislative Counsel Bureau. In 2006, it was 15.1; in 2007, 15.4; and 18.8 in 2009. Mr. Munford’s point is excellent in that it would be something under your proposal. A school district could look at it and say, “We need more teachers at the elementary school level to lower the pupil-to-teacher ratio,” which is higher in the secondary schools. My daughter is in a parochial school, Little Flower Catholic School, and there are 37 kids in her class. Those students’ test scores are very high. The whole idea is to allow a greater level of flexibility. Are you shooting for ideas like more teachers in elementary schools and fewer teachers in high schools?

**Assemblyman Kirner:**

We have to be careful when we toss the word *flexibility* around. This bill is not intended to be for the sake of flexibility; it is intended to allow school districts to focus on instruction. It offers a level of flexibility to respond to, but I see it as an opportunity to provide a better education and to focus attention on where it is most needed. It allows school districts to do what they need to do.

**Assemblywoman Diaz:**

Mr. Kirner, I can appreciate the thought behind the bill. Sometimes, things are not a one-size-fits-all. We are putting the boards of trustees in the “hot seat,” especially in the larger urban school districts. How can they debate giving a school allotment to reduce their class sizes where some will have to raise it? How is the board going to respond to the parents?

My concern is that if parents do not show up to advocate for their students, they might be slighted and will be stuck with bigger class sizes when they should have smaller ones. This will put the board of trustees between a rock and a hard place to make the right decisions when you have such a large school district. I do not see how trustees are going to make everybody happy if they are going to scrutinize every school. How are you going to make all the schools agree to the changes needed for each campus?

**Assemblyman Kirner:**

I hate to say this, but it is the responsibility of the board of trustees. If they are not in the hot seat, they need to be. In your example, the parents have a better opportunity to advocate than they do at the state level. I would think that the superintendents would support this. Everybody wants their respective board of trustees to be held accountable to that extent.

**Assemblywoman Diaz:**

Making things equitable and as fair as possible is a concern. There are a lot of parties involved. I think streamlining that process is not going to be easy.

**Chair Bobzien:**

There are a number of people signed in, in support of this legislation. I would like to start with support from the school districts.

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

We are here in support of the bill for a lot of reasons discussed by Mr. Kirner. We appreciate the sentiment from Assemblywoman Diaz. Those decisions can and should be made at the local level by school districts. It is a lot easier for parents in Washoe County to get to a board meeting that is in the City of Reno than it would for them to get to Carson City at the Legislature. It would even be easier for Clark County parents.

We have asked for flexibility for a lot of things in this 76th Legislative Session. When we oppose unfunded mandates of certain things, it is always because of a lack of resources. A lot of concerns that came up when discussing class size were because of the continued budget cuts that we deal with. Those decisions get more difficult; the word *flexibility* is thrown around a lot, but the closer the decision making gets to the board of trustees—who, in Washoe County, is elected by the people to make difficult decisions for the school—the better.

We support this legislation and the funding of class size reduction staying intact. We agree having it separate and having it as a pot of money that can be

supported for reducing class size is important. Flexibility to make those decisions at the local level is something we support.

**Joyce Haldeman, Associate Superintendent, Community and Government Relations, Clark County School District:**

We are in support of A.B. 129. There are a couple of key reasons why we like this version of what should happen with class-size reduction. First and foremost, is that it maintains all of the funding for class-size reduction that we currently have, and keeps it in the class-size reduction money pot. That is so important to us; other proposals out there would dilute those monies for other purposes, and we think that class-size reduction would generally go away over a period of time. Even though there is not enough money in class-size reduction, it maintains the pot.

I was a parent with children in elementary school in 1991 when class-size reduction was first being implemented. I was a volunteer who came to the Grant Sawyer Building in Las Vegas fighting for the importance of class-size reduction. It is interesting that we are still having this discussion. My son, a beneficiary of class-size reduction, now has children who are in classes that need to be reduced in size. This is an issue that has never gone away. Even though there has been some success in class-size reduction, we all know that they have not been reduced enough. It is also important because it allows us the flexibility.

When we built schools after one of the iterations of the building program, we wanted to make sure that class-size reduction was funded. As a result, districts started building schools that had very small classrooms for Grades 1, 2, and 3. Those teachers who taught at that generation of schools are in very small classrooms as discussed by Assemblyman Anderson. This bill would allow us, even if we were increasing class sizes in other parts of the district, to save them in these schools.

In addition, we have a lot of data used to make decisions within the Clark County School District (CCSD). There are opportunities for us to say, "In this particular school, larger class sizes may work, but in this neighborhood, this school has greater challenges and may need smaller class sizes." The trustees, with the advice of the superintendent and the administrators who work specifically in these areas, can decide who needs the smallest class sizes.

Assemblyman Munford noticed that my son teaches at Bonanza High School. It was beyond belief that my son, in his first year of teaching, had a minimum of 38 students in every one of his classrooms, and he was teaching remedial English. I do not know how you teach remedial English to classrooms of

38 kids, most of whom did not speak English as a first language, particularly when you are a brand new teacher.

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

I want to reiterate what Mr. Hulse and Ms. Haldeman have said before in communicating appreciation to Assemblyman Kirner for bringing this bill forward. We strongly agree that this is an important opportunity for flexibility for all 17 school boards. The school boards are up to the challenge in making this decision, and they would give careful consideration to all the factors that have been previously mentioned. Local boards have been unanimous in their request to the Legislature for flexibility. In some ways, this is a perfect opportunity for flexibility while retaining the categorical funding.

**Assemblywoman Mastroluca:**

Ms. Haldeman, I have two questions for you. I realize that currently class-size reduction is in Grades 1 to 3. In discussing flexibility, are you saying that you believe that the school board would consider implementing class-size reduction in other grades, if they had the flexibility, with the dollars they currently have?

**Joyce Haldeman:**

It is possible. I know that my trustees feel strongly about early grades needing smaller class sizes more than other grades. Those grades are key to literacy and math skills. We embrace the notion that students must be able to read by Grade 3.

Assemblyman Kirner said that nobody has class-size reduction because everybody has waivers. This is not exactly true. All districts except Washoe and Clark Counties have flexibility on the use of class-size reduction. The districts, because of lack of funding every year, have had to request waivers to allow us to put more students in the classroom. The trustees might consider looking at other areas with an emphasis on the elementary level.

**Assemblywoman Mastroluca:**

This is a lot of responsibility for the Legislature and the school boards and a huge burden to carry. Is that a concern to your school board members?

**Joyce Haldeman:**

During the most recent round of budget cuts, we looked at adding students to classes and class-size reduction. For every student that is added to a class, we save \$7 million. There are also a corresponding number of teachers who we are bumping out. It got to the point of ridiculousness because we were protecting those class sizes in Grades 1, 2, and 3 at 16, 17, and 18 students, respectively. Meanwhile, my son is teaching 38 students. There seemed to be

such a disconnect. "Shuffling" students around would allow the opportunity to do a little leveling. That is why we requested waivers because, instead of doing more at the secondary schools, we needed to increase class sizes at some of the elementary schools.

**Assemblywoman Mastroluca:**

Would you not consider it a mandate to be responsible for this decision?

**Joyce Haldeman:**

The flexibility should be at the most local level.

**Joshua Maury, Private Citizen, Las Vegas, Nevada:**

I am a senior at Durango High School. I am on track to graduate, and I will be attending the United States Air Force Academy next semester. As a student, I feel my concern for this topic is the funding of our education. Every year, in the last four years, there has been a cut to the education budget. My questions are: Would giving the power to the board of trustees encourage it to increase class sizes more, or are class sizes going to be reduced?

**Tanner Long, Private Citizen, Las Vegas, Nevada:**

I am also a student at Durango High School. You might have fond memories from high school of playing sports, old friends, competing in speech and debate, or embarrassing memories of an awkward first kiss. But, I bet one of your memories was not of being crowded into a small room with 50 students with only 40 desks and having a complete lack of textbooks and school supplies.

Due to budget cuts to schools in Nevada, those are exactly the kinds of memories being created. My third-period class has 53 students, my fifth period has 49 students, and students struggle for a place to sit in both. In my fifth-period class in particular, I, and six others do not have desks to sit at. We have to pull up a chair and juggle our books and handouts in our laps. Walking room is minimal, talking is excessive, and learning is completely disrupted. Lacking a place to sit and learn is one thing, but not having that class available in the first place, is even worse. At my school, all the performing arts, graphic arts, and many other electives have been cut. Improper budgeting has taken away the opportunity for students to learn, improve talents, express themselves, and obtain a diverse education rather than just be educated on math and science. Because of the No Child Left Behind Act of 2001, more money and resources are put into hunting down and whipping into shape the students who do not care about the school, do not want to do well in school, and rarely show up to school. As a result, Advanced Placement (AP) and honors classes, electives, and other extracurricular activities are taken away



from the students who care. It is almost like we are being punished for working hard and trying to take advantage of our education.

Students like the ones before you today are left with fewer opportunities to succeed and excel despite their extreme hard work and dedication to their education. Why should people who care the most and deserve the best be held back because the State of Nevada's legislators refuse to allocate enough funds to the education system? When you take away money from schools, you are taking away money from your own future and not just the future of kids who live across the state. How can today's students be expected to become tomorrow's leaders if they are not given the opportunity to expand their knowledge beyond Algebra I and earth sciences? We stand before you today to remind you that the education system is not something that can be underfunded and function properly. We suffer from overcrowded classrooms, outdated textbooks, run-down facilities and supplies, and a fear that no one is willing to do anything about it. I challenge you to prove that education comes first. Save Nevada's schools and save Nevada's future.

**Kristina Bordinhao, Private Citizen, Las Vegas, Nevada:**

I have experienced a lot of good years being a senior at Durango High School. This year was the biggest change. In these crowded classrooms, I find myself not being able to hear the teachers, myself, or my fellow students. I am also in the third-period AP statistics class containing 53 students. This class is held in an art room, so we have to go find chairs and bring them to the tables. The room size does not accommodate us. Our teacher cannot control us. I found myself sitting next to honors students, but they have come to have no respect for the class and no desire to learn. By the third quarter, the students end up giving up.

In these classrooms, teachers cannot teach; we are using textbooks from 2004, but our AP exams are current. I did a project and saw the statistics—in fourth-grade, students who cannot read, are more likely to become high school dropouts. It is hard for seniors to go through all these budget cuts. How are you expecting kids in Grades 1, 2, and 3 to be able to learn and succeed when they will have a hard time listening or have problems with attention span?

All these problems are arising in my senior year at Durango High School, and I am hearing that there a lot more complications to come the following year. It is a shame and a disappointment that we have to ask our state to care about us. I am positive that no parent would want his child to have to suffer the consequences that could and will affect his child's education for the rest of his life. We are the children of Nevada and as parents and guardians, Nevada is failing us. If you invest in us and our education, then you are investing in

Nevada's future. If you do not, the best and brightest students of Nevada will leave.

**Katerina Bordinhao, Private Citizen, Las Vegas, Nevada:**

I am a senior at Durango High School. I understand that times are tough and certain budgets must be cut and certain actions must be taken, but continuing to reduce the educational budget is wrong. Cuts next year will affect so many students and teachers. Those who wish to pursue their educational careers are being forced to lower their standards, settle for less, and be put among the ranks of those who do not. Education always seems to be the first thing cut and should be the last. Recently, our AP classes consist of 45 or more students. We had a class of 54 students that was thankfully reduced to 52. This Committee mentioned earlier that your classes consisted of 38 students. That would be a good class size for us. We attend classes every day where students do not have desks to sit at. It is hard to be in a class like that, and it is easy to get distracted. Assemblyman Kirner wishes to increase class size, but has no intention of supplying those classrooms with the necessary supplies. Education is not a business; it is an important necessity. I sometimes feel like our Assemblymen and Legislature fail to look at our situations.

**Mary Jean Freeman, Private Citizen, Las Vegas, Nevada:**

I also attend Durango High School and am in the AP statistics class of 53 students. Each student who attends that class is on the honor roll and in multiple AP classes. If AP students cannot keep up and are struggling, what about when you increase class size at the lower levels? They are going to struggle even more. If you choose to expand class sizes, you are setting the students up for failure.

**Chair Bobzien:**

Thank you all for joining us today. Is there any additional testimony in support or opposition?

**Mary Pierczynski, representing Nevada Association of School Superintendents:**

I want to echo what my colleagues, Dr. Merrill, Ms. Haldeman, and Mr. Hulse stated. Although we wish there was more money for class-size reduction, we appreciate the local control and categorical funding staying where it is.

**John Wagner, State Chair, Independent American Party:**

The students were very vocal, but they are solely talking about the money. They did not talk about who is going to control class size. Right now, as I understand it in Clark County, it is being controlled by the Assembly and the Senate. The control should be at the local level because trustees know more about what happens within the local community. Mr. Bobzien, you live in

Washoe County. Do you know what goes on in Clark County? I do not think so.

If I was on the school board, I would be working with the principals at the schools. The principals should be working with the school board. How is the school board going to know what is going on unless the principals get on board? They may have to change the boundaries of the schools in order to accommodate the students. The flexibility at the local level is an excellent idea and should be in statute for all counties.

**Sheila Ward, representing Nevada Legislative Affairs Committee:**

I am a citizen and a grandmother of children who went through Carson City schools. I highly commend Assemblyman Kirner for this bill. It is long overdue. I did not hear any testimony about the results of class-size reduction as far as achievement is concerned. We had class-size reduction about ten years ago. Dr. Keith Rheault, in a State Board of Education/State Board for Career and Technical Education meeting, mentioned that it created jobs for 2,000 more teachers. What is the result regarding achievement gain? It has been flat. Class-size reduction does not help student achievement.

I was a school board member from 2000 to 2006. I can tell you that school board members are interested in their neighborhood schools. We find this our responsibility and are happy to tackle it. Some of the testimonies made it appear as a draconian bill, and it is not. It does not repeal class-size reduction. It moves the decision from the school trustee to the local level. I agree with everyone who has said that. I am in support of A.B. 129.

**Craig Stevens, Director, Education Policy and Research, Nevada State Education Association:**

The Nevada State Education Association opposes the bill. We have had a very lengthy and open discussion on this bill. The class-size reduction issue is the No. 1 complaint we get from our members. There is no room to walk down the aisle, and teachers cannot control their classrooms. One of the things they can do best to control classrooms is to make class sizes smaller.

There are pros and cons to this bill. Assemblywoman Diaz brought up a good point about the inequities, which this bill could bring forward. I could imagine a child in a third-grade class being in a room full of 30 kids, when down the street, a child could be in another third-grade class consisting of 15 students. Why is it fair that the school district—while it is doing the best it can—provide a difficult learning environment for one third-grader, and an easier learning environment for another third-grader? All school children should be able to have

smaller class sizes. We believe that fully funding class-size reduction is the best way to go.

**Chair Bobzien:**

Are there any questions?

**Assemblyman Hansen:**

If the current system is so lousy, as your members seem to indicate, and it is directed by the Legislature, which meets once every two years, why would you oppose allowing a greater level of local government control?

**Craig Stevens:**

We do not believe that it is the flexibility or the local control issue that is the problem. It is the fact that not enough money has been appropriated to do what class-size reduction is supposed to do. We are hoping this legislative body can put in place a system that will work and can fully fund it. We see the results other states have, such as Florida, that has class-size reduction.

**Assemblyman Hansen:**

The worst case scenario is we do not pass the tax increases. Would you then favor allowing more local input on class sizes?

**Craig Stevens:**

This 76th Legislative Session, we may not be able to. In the future, because one or two legislatures do not provide the necessary funding, that does not mean that we should throw the baby out with the bath water. We believe that this is a program that needs to be and should be funded. It is incredibly important for every student across the State of Nevada.

**Assemblyman Anderson:**

Money is going to be an issue. If there is no money, and we remove class-size limits, do you think the school district would take advantage of that and put more kids in these classes than they could handle?

**Craig Stevens:**

I believe the school districts will do the best they can to provide the best learning environment; however, with money being so tight—not just with state revenues being down, but local revenue down—it is going to put a huge burden on them.

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

The reason I signed in as neutral is because I agree with the deletions in section 1 where it deletes the requirement that the state board sets class size. It is an unenforceable statute. We have class sizes that are enforced for special education. That is more a federal mandate than a state mandate. We have recommended class sizes for career and technical education programs, primarily for safety reasons. For the most part, the other pieces for academic and other courses are not forceful so I would support deletion of that.

When Mr. Kirner informed me of the amendment, I let him know that I would put forward a fiscal note to the bill. This would be primarily for subsection 4 of section 3 that would require the Department of Education to compile and summarize the effectiveness of the plans developed by school districts. It is primarily due to the reports that get added. It takes staff time to do this, and most of the time, I do not have a staff person waiting around to do reports; it is added work that we pay overtime for. I did not submit the fiscal note prior to this meeting.

I am reluctant in supporting the other piece on deleting the current requirements for Grades 1 to 3. It is not because of the flexibility to the school districts; it is a financial issue. I have seen a lot of programs come and go that were funded by the Legislature. If you make it a generic class-size funding bill, down the road, I can see three sessions from now new legislators coming in and saying, "Why are we paying for class size? That is something the school district should be paying for."

**Chair Bobzien:**

Given the testimony and the strong opinions voiced in this hearing, the impacts of what has actually happened in the classroom is something that we are going to want to hear about if this bill moves forward. I appreciate your fiscal note.

I will close the hearing on A.B. 129 and move on to Assembly Bill 357. Welcome, Assemblyman Goicoechea.

**Assembly Bill 357:** Limits the use of certain property or the proceeds of certain property by the Board of Regents of the University of Nevada. (BDR 34-1065)

**Assemblyman Pete Goicoechea, Assembly District No. 35:**

I am presenting Assembly Bill 357 which concerns the Max C. Fleischmann College of Agriculture at the University of Nevada, Reno (UNR). A college of agriculture was established in the *Nevada Constitution* as a land-grant

institution. The *Nevada Constitution* requires that we maintain a college of agriculture. The first college of agriculture was established in Elko, Nevada, and ultimately moved to the City of Reno.

In the last round of budget cuts, we have seen a gradual erosion from the College of Agriculture, Biotechnology and Natural Resources (CABNR). With the new movement, there will not be a CABNR at UNR. I believe there is a place in this state, as required by the *Constitution*, for the College of Agriculture.

The College of Agriculture has a number of very valuable assets, which most of the people in Nevada are familiar with. My concern is that ultimately these properties will be disposed of and sold, and proceeds will gradually be rolled in to General Fund, or to the Board of Regents. It has happened in the past. The Board has been able to circumvent some of the requirements and use funds from properties that have been disposed of.

This bill deals with properties that are sold or leased with the Governor's approval. This new language requires that the sale or lease proceeds—or any property received in exchange for property that is dedicated exclusively for use by the College of Agriculture—must be held and maintained for agriculture programs, either at UNR, or other institutions.

**Chair Bobzien:**

Are there any questions?

**Assemblywoman Flores:**

I love higher education. I want to do as much as I possibly can for it. Unfortunately, the current budget is not helping. As you know, we have debated a long time what to do with funding and what is going to get cut. The College of Agriculture is absolutely vital to our rural areas. Why is this particular program more important than social work, music, or landscaping programs, which were recently on the chopping block in southern Nevada? It seems that all programs are equally important. We should focus on saving all the programs in higher education.

**Assemblyman Goicoechea:**

That is a fair question. We are all concerned about higher education programs. The bottom line is that with this bill, these programs have been established under the *Constitution* and the College of Agriculture has acquired properties. It would be unfortunate if we allow them to dispose of those properties. I understand that all the other programs are equally important, but if you saw the agricultural experiment station in the Truckee Meadows, you would never acquire those again. It is not a classroom.

**Assemblywoman Flores:**

That is completely understandable. The *Constitution* was written a long time ago when Nevada had mining and agriculture. I will point out that 70 percent of the population is in southern Nevada, and that is not our industry anymore. However, we are focusing on economic development; if we could get more agriculture in the state that would be fabulous. While it may be in there constitutionally, we are certainly living under different times.

**Assemblyman Goicoechea:**

The fact is, maybe there is not a place for the College of Agriculture at UNR. There are other community colleges, or maybe a good economics class would be more suitable at Western Nevada College in Fallon where there is a true agricultural background. We need to be looking at our range in natural sciences at Great Basin College in Elko, where those students can be there and learn. Again, that is the main focus. If they are going to dispose of those properties, then maybe we need to invest in another area that is better suited, even in southern Nevada.

**Chair Bobzien:**

The College of Agriculture, Biotechnology and Natural Resources, which includes a wide range of programs, has a high degree of value to a number of constituencies. We will now hear support for the bill.

**Joseph Guild, Vice President, Nevada Agricultural Foundation:**

I am here in support of A.B. 357. The purpose of the Nevada Agricultural Foundation is to provide scholarships to Nevada students wishing to seek agricultural education, not necessarily in Nevada, although many of our grantees study in Nevada. The Foundation grants and endows research projects with a particular emphasis on the Great Basin and our unique agricultural range, plant, and animal science needs in the Great Basin.

We are in support of this bill for the purpose of making sure that there is an agricultural education alternative in the State of Nevada. As Mr. Goicoechea stated, we believe there are alternatives in the event that CABNR is someday, no longer a part of UNR. President Glick and I have talked about this at length over the last year. He has had to make some difficult choices, which I respect. We want to make sure that there is some other underpinning for agricultural education in the state of Nevada.

I would like to answer Assemblywoman Flores' question in more detail. The University of Nevada, Reno is a land-grant institution established under the Morrill Act—a federal act. Under the constitutional provision it requires that there be a department or college of agriculture, among other things, at a

land-grant institution. I acknowledge that we are a changed state, but we are also a vibrant and varied agricultural state. We need an agricultural endeavor to support agriculture in Nevada. The Great Basin is a unique ecosystem in that it is unlike any other place in the world with vast agriculture. We need research to support agriculture. This bill will help to further that.

**Doug Busselman, Executive Vice President, Nevada Farm Bureau Federation:**

Nevada Farm Bureau Federation strongly supports the passage of A.B. 357 and the inclusion of the protections outlined by the bill for agricultural properties from being sold off or otherwise lost to agricultural purposes. [Continued to read from ([Exhibit K](#)).]

We hope that you will support the enactment of A.B. 357 to fulfill the intentions of those who sought to provide for agriculture's future.

**Alex Tanchek, representing Nevada Cattlemen's Association:**

The Nevada Cattlemen's Association wanted to be on record in support of A.B. 357. We wanted to echo the sentiments of those who have previously testified. It is necessary to protect the assets for the future of the College of Agriculture.

**Chair Bobzien:**

Thank you. Are there any questions?

**Assemblyman Anderson:**

My heart aches for all higher education right now. There is no easy way to say it. We have to make decisions, and flexibility is a part of this process, which we just discussed in another subject. Does the Hatch Act of 1887 require a specific amount of matching funds?

There are so many other federal programs for which we miss a lot of matching funds because we do not spend enough. Is there anything in the Hatch Act that says we have to fund it at a certain amount of what the federal government gives us?

**Doug Busselman:**

I cannot give you the exact specifications of the funding match requirements. I know that through the appropriations process that the Legislature provides to the agriculture experiment stations, there is actually a line item budget in our state budget. I am assuming that a portion of the federal dollars are combined with the state dollars to go through the budget allocation process.



**Chair Bobzien:**

Are there any additional questions? [There were none.] Is there anyone in opposition to A.B. 357? Welcome, President Glick.

**Milton Glick, Ph.D., President, University of Nevada, Reno:**

The decisions we are making as a University are decisions no leader in higher education—and I believe no citizen—wants us to make. We are not choosing between good and bad decisions; we are choosing between bad and worse decisions. We are aware of both gift and deed restrictions and are committed to fulfilling those.

Last year, we worked with the CABNR Advisory Board as we worked through difficult decisions that took substantial money out of CABNR. We worked with them on some agreements, first, that we would establish an agricultural science degree. That is going forward for approval at the Board of Regents meeting in June. Secondly, we would establish a range science degree, also going forward at the upcoming meeting, and retain research capacity in range science. Third, we would retain the preveterinary program which we are doing. Fourth, we would keep the Nevada Regional Economic Development Center, which focuses on rural development.

An important element to the CABNR Advisory Board was to keep a dean of agriculture, which we have also done. As we face a \$59 million reduction in our budget, administration is a target in order to maintain the integrity of the academic programs. Our first priority is to protect students, student access, and student success. Our second priority is to protect research.

**Chair Bobzien:**

Could you give us a quick overview of the Morrill Act? Some of these comments would be in violation if there were further cuts.

**Milton Glick:**

The Morrill Act, which was one of the more important acts in this country's history, requires that we establish a program or department of agriculture. It does not require that we have a college of agriculture. It provides a certain level of support, which UNR matches.

The Hatch Act establishes the Agricultural Experiment Station, which is not a place, but a funding mechanism, although it often funds places. That money has to be matched, which UNR achieves. The Smith-Lever Act of 1914 establishes cooperative extension and requires a match from the state, which Nevada overmatches. Even with the proposed reduction, we overmatch it by \$1 million a year.

**Assemblyman Goicoechea:**

I want to close by saying this bill is not about the programs. It is not about CABNR. This is replacing the statute and the mechanism that protects the agricultural experiment stations, and those assets we have acquired. We want to make sure that they do not dispose of assets. We are not talking bricks-and-mortar or parking lots; we are talking about experiment stations that we would never acquire again. I do not want to see those sold or disposed of. This bill takes the temptation away.

**Chair Bobzien:**

I will close the hearing on A.B. 357. The meeting is adjourned [at 5:49 p.m.].

RESPECTFULLY SUBMITTED:

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Janel Davis  
Committee Secretary

APPROVED BY:

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Assemblyman David P. Bobzien, Chair

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

**EXHIBITS**

**Committee Name:** Committee on Education

**Date:** April 13, 2011

**Time of Meeting:** 3:35 p.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
A.B. 314	C	Mindy Martini	Work Session Document
A.B. 318	D	Mindy Martini	Work Session Document
A.B. 393	E	Mindy Martini	Work Session Document
A.B. 455	F	Mindy Martini	Work Session Document
A.B. 554	G	Assemblywoman Dondero Loop/Mindy Martini	Work Session Document
A.B. 456	H	Mindy Martini	Work Session Document
A.B. 557	I	Assemblywoman Dondero Loop/Mindy Martini	Work Session Document
A.B. 129	J	Assemblyman Kirner	Amendment
A.B. 357	K	Doug Busselman	Written Testimony