

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Seventy-sixth Session
May 16, 2011**

The Senate Committee on Education was called to order by Chair Mo Denis at 1:47 p.m. on Monday, May 16, 2011, in Room 2134 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Moises (Mo) Denis, Chair
Senator Ruben J. Kihuen, Vice Chair
Senator Valerie Wiener
Senator Sheila Leslie
Senator Barbara K. Cegavske
Senator Don Gustavson
Senator Greg Brower

GUEST LEGISLATORS PRESENT:

Assemblywoman Marilyn Dondero Loop, Assembly District No. 5

STAFF MEMBERS PRESENT:

Pepper Sturm, Policy Analyst
Billie McMenamy, Committee Secretary

OTHERS PRESENT:

Joyce Haldeman, Clark County School District
Keith Rheault, Ph.D., Superintendent of Public Instruction, Department of
Education
Craig Stevens, Nevada State Education Association

CHAIR DENIS:

The meeting will open with a work session on Assembly Bill (A.B.) 393.

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[ASSEMBLY BILL 393 \(1st Reprint\)](#): Requires criminal background investigations of educational personnel upon renewal of a license. (BDR 34-8)

PEPPER STURM (Policy Analyst):
My summary of [A.B. 393](#) has been provided to the Committee ([Exhibit C](#)).

SENATOR CEGAVSKE:
Should we consider an amendment that would require an employee notify the employer if the employee is arrested? The school district may not learn of an employee's criminal record until the employee's license is renewed.

SENATOR WIENER:
Self-reporting should be upon conviction rather than upon arrest.

SENATOR CEGAVSKE:
I agree. Other entities do require reporting upon conviction; not reporting a conviction can result in dismissal.

ASSEMBLYWOMAN MARILYN DONDERO LOOP (Assembly District No. 5):
I am not opposed to adding that requirement but would like the school districts to respond to that possibility.

JOYCE HALDEMAN (Clark County School District):
An applicant for a job with the Clark County School District (CCSD) must identify whether the person has been arrested, charged or convicted of a crime. Adding an amendment to [A.B. 393](#) would help us make sure we have the appropriate people in front of our children.

SENATOR LESLIE:
Is the duty to report an arrest or conviction in the school district's personnel policies?

MS. HALDEMAN:
I do not know. I will get the information to you.

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KEITH RHEAULT, Ph.D. (Superintendent of Public Instruction, Department of Education):

We would need a definition of a criminal arrest if you add this self-reporting requirement. Would a criminal arrest include misdemeanors? Perhaps all arrests would not warrant reporting.

SENATOR BROWER:

Does A.B. 393 include an increased fee for teachers?

DR. RHEAULT:

The minimum fee is \$65 for issuance of a license to teach. The renewal fee is \$80. The cost of the fingerprints would require new funding. The charge for a paper copy of fingerprints is \$51.25 in addition to the minimum \$80 basic five-year renewal. Both fees are paid by the teacher. The budget is supported by fees.

SENATOR BROWER:

Does A.B. 393 add a new fee or increase existing fees?

ASSEMBLYWOMAN DONDERO LOOP:

Licensure for educators depends on the teacher's education. With a bachelor's degree, renewal is every five years. A master's degree requires renewal every six years. A master's degree with an endorsement is an eight-year renewal. A doctorate or a board certified licensure requires renewal every ten years. Upon renewal of these licenses, A.B. 393 has an impact. The standard fee for fingerprint applicants remains the same.

SENATOR BROWER:

Would A.B. 393 require additional fees a teacher must pay?

ASSEMBLYWOMAN DONDERO LOOP:

Yes, there is the addition of the fingerprint fee of \$51.25 which, for a five-year renewal, averages \$10 each year. I taught for 30 years. We cannot shortchange our children. The health industry requires fingerprints every five years.

SENATOR BROWER:

I agree with the intent of A.B. 393. I do not want to increase the burden on teachers.

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SENATOR GUSTAVSON:

I agree with the concept of A.B. 393. This is another tax on teachers.

ASSEMBLYWOMAN DONDERO LOOP:

This is not a tax on teachers. Business licenses are paid by many professions. This is a teacher's license.

SENATOR BROWER:

The question is not whether we should do this, but who should carry the burden of the cost?

ASSEMBLYWOMAN DONDERO LOOP:

Teachers are now paying the cost of an initial application. Fingerprinting is only done prior to hiring.

SENATOR CEGAVSKE:

We could add an amendment stating: "Employee is required to report to his or her supervisor if arrested for criminal activity. Not reporting the arrest would be grounds for dismissal."

MR. STURM:

Nevada Revised Statute (NRS) 391.055 requires the Department of Education (DoE) to adopt regulations to establish a procedure for notification, tracking and monitoring the status of criminal cases involving persons licensed. This wording could apply to the reporting required under A.B. 393. It refers to other sections of NRS relating to grounds for dismissal or disciplinary action with regard to the license.

SENATOR WIENER:

The amendment should refer to disciplinary action or dismissal because the arrest may be for something of little consequence.

SENATOR LESLIE:

I would like to hear from others about the impact of this amendment.

DR. RHEAULT:

If that statute were followed, there is a previous statute that defines what that is, and that would only require reporting felonies or any acts involving moral turpitude, whatever crimes go in that

vein. But it doesn't cover misdemeanors, for example, or gross misdemeanors or anything to that effect unless it was involving children or moral turpitude activities. It would be fairly limited. That is all the authority I have to reject a license—for a felony or the other act.

SENATOR LESLIE:

That sounds better to me. It is consistent with how you can reject licensure.

CRAIG STEVENS (Nevada State Education Association):

It is necessary to know what must be self-reported. There is a system in place to notify school districts when an arrest is made.

SENATOR CEGAVSKE:

The school districts find out through the newspaper and other teachers. This amendment requires an employee report to the supervisor if arrested for criminal activity.

MR. STEVENS:

Perhaps the DoE is notified.

DR. RHEAULT:

The school districts are required to notify the DoE if they are aware of any criminal activity. I do not know of any clause requiring the individual to notify the school district. It is not a State requirement.

SENATOR WIENER:

"Criminal" and "felony" are not the same terms. Criminal would include misdemeanor and gross misdemeanor. The DoE is only dealing with felony or moral turpitude.

DR. RHEAULT:

When a license is issued, based on the initial fingerprints, an applicant can only be rejected if there has been a felony or a conviction of a crime involving moral turpitude. The renewal requirements should be the same as the licensure requirements.

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SENATOR WIENER:

Because the license has been issued, there is no reporting requirement if arrested.

DR. RHEAULT:

The school districts' reports to the DoE do not necessarily involve felony reporting. It could be a second driving under the influence, for instance. I get reports on things other than felonies. For initial licensing purposes, it must be a felony or a crime involving moral turpitude. I think we should be consistent with renewals.

SENATOR WIENER:

I agree we should hold the renewals to the same standard as initial licensure.

CHAIR DENIS:

We will continue the discussion on A.B. 393 after the interested parties have worked out an amendment. The Committee will now hear A.B. 455.

[ASSEMBLY BILL 455 \(1st Reprint\)](#): Revises provisions governing athletics in public schools. (BDR 34-1137)

MR. STURM:

My written testimony for A.B. 455 has been provided to the Committee ([Exhibit D](#)). The proposed amendment 6893, page 2, [Exhibit D](#), would make A.B. 455 applicable to all organizations sponsoring or sanctioning competitive organized youth sports.

SENATOR WIENER MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 455 WITH PROPOSED AMENDMENT 6893.

SENATOR LESLIE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR DENIS:

The Committee will now consider A.B. 498.

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ASSEMBLY BILL 498: Eliminates the requirement for the administration of norm-referenced examinations in public schools. (BDR 34-1174)

MR. STURM:

The Committee has received a work session document on A.B. 498 ([Exhibit E](#)).

SENATOR CEGAVSKE:

I have concerns with A.B. 498. The bill eliminates information gained from local test results. Even though we are moving to the common core standards and their related testing, we only have one type of test, criterion-referenced tests. The State Board of Education can water down the requirements of this test and has done so. A passing grade, right now, is only 53 percent. We should get rid of all tests if we are willing to water down a national test. I am concerned we will not have testing to help us at the local level.

CHAIR DENIS:

The testimony has been either to pass A.B. 498 or extend the suspension of these tests.

SENATOR CEGAVSKE:

Until the common core standards are implemented, I would like to have some testing to help at the school level. I would like to amend A.B. 498 to extend the suspension of these tests.

CHAIR DENIS:

The Senate minority Leader has a bill to eliminate some things. Maybe as they look at that, they can look at this issue.

SENATOR CEGAVSKE MOVED TO AMEND AND DO PASS A.B. 498 TO EXTEND FOR ANOTHER TWO YEARS THE SUSPENSION OF THESE TESTS.

SENATOR GUSTAVSON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR DENIS:

The Committee will now hear A.B. 117.

[ASSEMBLY BILL 117 \(1st Reprint\)](#): Revises provisions governing the required minimum number of school days in public schools. (BDR 34-91)

MR. STURM:

The Committee has received a copy of the A.B. 117 work session document ([Exhibit F](#)).

SENATOR CEGAVSKE:

Are we talking about school days or teacher preparation days? I do not want to support a waiver of classroom instruction days.

MS. HALDEMAN:

It is our goal to stay away from instructional days. We hope we will not have to use those. The CCSD has four professional development days. The CCSD needs to continue some of the professional development days. There are also days given to teachers before school begins and after school ends to set up and take down their classrooms, for instance. Those are the days we would first waive. As we go through the negotiation process, the CCSD is looking at a budget with eight furlough days for the teachers. We are thinking of giving up two professional development days and two of the setup and take-down days, one before school begins and one after school ends. Four days of instructional days may be impacted. We are asking a lot of teachers, to accept a decrease in pay and to initiate reform.

SENATOR WIENER:

Of the 180 days in a school year, what is the budgetary impact of 1 day?

MS. HALDEMAN:

I will get that information today.

DR. RHEAULT:

All school districts are required to have 180 days. There are regulations allowing the use of up to 5 of the 180 days for professional development. If a school district chose to follow A.B. 117, there is no way to cover the ten days with just professional development days. Some of the ten days would have to be instructional days.

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CHAIR DENIS:

Do all school districts use the five days of professional development?

DR. RHEAULT:

The use of professional development days varies by school district. It ranges from two days to five days if the school district is in a reform effort and making district-wide changes. Perhaps 50 percent of the school districts use all five days.

CHAIR DENIS:

We will continue with A.B. 117 later in this meeting. The Committee will hear A.B. 138.

[ASSEMBLY BILL 138 \(1st Reprint\)](#): Revises provisions governing pupils.
(BDR 34-113)

MR. STURM:

The Committee has received a copy of my work session comments on A.B. 138 ([Exhibit G](#)). Senator Leslie proposed an amendment, [Exhibit G](#), for accountability reporting as specified in Senate Bill (S.B.) 276.

[SENATE BILL 276 \(1st Reprint\)](#): Revises provisions governing safe and respectful learning environments in public schools. (BDR 34-643)

SENATOR WIENER MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 138 TO INCLUDE SENATOR LESLIE'S PROPOSED AMENDMENT.

SENATOR LESLIE SECONDED THE MOTION.

SENATOR CEGAVSKE:

I would like to add Frank Schnorbus' proposed amendment, [Exhibit G](#). Is the reporting requirement permissive as indicated in Mr. Sturm's work session document [Exhibit G](#)?

MR. STURM:

The reporting in Senator Leslie's proposed amendment would be required.

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SENATOR LESLIE:

The required reporting should be added to A.B. 138 in case S.B. 276 never makes it out of the Senate Committee on Finance due to a fiscal implication. Mr. Schnorbus previously testified that he was more concerned with a different part of S.B. 276 which provided more flexibility. The Assembly has addressed Mr. Schnorbus' concern. I am not in favor of Mr. Schnorbus' proposed amendment to A.B. 138, [Exhibit G](#).

SENATOR CEGAVSKE:

Is there still a fiscal note on A.B. 138?

MR. STURM:

The proposed amendment removed the fiscal note.

SENATOR WIENER:

The proposed amendment would not create a fiscal note because the information is already gathered.

MR. STURM:

Craig Hulse, Washoe County School District, indicated his agreement that there would not be a fiscal impact.

THE MOTION CARRIED. (SENATOR GUSTAVSON VOTED NO.)

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CHAIR DENIS:

We will continue the discussion on A.B. 117.

MS. HALDEMAN:

A one-day furlough for teachers only is \$6.5 million. The CCSD would save \$8.4 million each day in salaries because we would close the entire school district. There would be an additional savings for such things as electricity and school bus gas. A 5 percent salary decrease for teachers is the equivalent of eight workdays.

SENATOR WIENER MOVED TO DO PASS A.B. 117.

SENATOR KIHUEN SECONDED THE MOTION.

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THE MOTION CARRIED. (SENATOR CEGAVSKE VOTED NO.)

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CHAIR DENIS:

The Committee will hear A.B. 318.

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)

MR. STURM:

The Committee has received a copy of my work session comments for A.B. 318 ([Exhibit H](#)).

SENATOR LESLIE MOVED TO DO PASS A.B. 318.

SENATOR WIENER SECONDED THE MOTION.

SENATOR BROWER:

I am concerned with the potential impact of A.B. 318 on the school districts. Congress did not make clear where the burden should lie, whether it be the student and the parents or the school district.

SENATOR LESLIE:

When things are close, the edge needs to go to parents who are fighting for their child. School districts used to do this until the U.S. Supreme Court decision. It seems to be working in the states that have gone back to this method.

SENATOR CEGAVSKE:

Staff is looking at how other states handle this situation but does not have information at this time. One case could bankrupt a small school district. The impact of this bill should be reviewed in two years.

CHAIR DENIS:

The Committee could prepare a letter of intent requesting a report on the impact of A.B. 318.

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SENATOR WIENER:

Testimony we heard said the number of due process hearings went down in some states.

SENATOR BROWER:

Putting the burden on the moving party seems to be backwards, but seeking a determination that an Individualized Education Program is not appropriate should be placed on the moving party. We should monitor the effects of A.B. 318.

SENATOR GUSTAVSON:

I do have concerns with A.B. 318.

CHAIR DENIS:

If we are going to err, I prefer to err on the side of the child.

THE MOTION CARRIED. (SENATOR GUSTAVSON VOTED NO.)

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CHAIR DENIS:

There being no public comment or further business to come before us, this meeting is adjourned at 2:47 p.m.

RESPECTFULLY SUBMITTED:

Sandra Small,
Committee Secretary

APPROVED BY:

Senator Mo Denis, Chair

DATE: _____

<u>EXHIBITS</u>			
Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 393	C	Pepper Sturm	Work Session Document
A.B. 455	D	Pepper Sturm	Work Session Document
A.B. 498	E	Pepper Sturm	Work Session Document
A.B. 117	F	Pepper Sturm	Work Session Document
A.B. 138	G	Pepper Sturm	Work Session Document
A.B. 318	H	Pepper Sturm	Work Session Document