

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Seventy-sixth Session
April 1, 2011**

The Senate Committee on Education was called to order by Chair Mo Denis at 3:33 p.m. on Friday, April 1, 2011, in Room 2149 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:

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

STAFF MEMBERS PRESENT:

Pepper Sturm, Policy Analyst
Sandra Small, Committee Secretary

OTHERS PRESENT:

Samuel McMullen, Citizens for Fire Safety Institute
Debbie Shope, Services Manager 3, Motor Vehicle Pollution Control, Department
of Motor Vehicles
Bart Mangino, Clark County School District
Mary Pierczynski, Nevada Association of School Superintendents
Craig Hulse, Washoe County School District
Catherine Levy, R&R Partners, Inc.

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Brian Cruz, R&R Partners, Inc.
Melissa Morgan
Georgia Neu, Anti-Defamation League
J-Lynn VanPelt
Marlene Lockard, Nevada Women's Lobby
Susan Meuschke, Executive Director, Nevada Network Against Domestic Violence
Howard Watts III, Gay, Lesbian and Straight Education Network, Southern Nevada Chapter
Loretta Asay, Coordinator, Instructional Technology Innovative Programs, Clark County School District
Katherine Loudon, Counseling Coordinator, Safe Schools-Substance Abuse, Violence, SHARE, Washoe County School District
Dane E. Claussen, American Civil Liberties Union of Nevada
Dotty Merrill, Ed.D., Executive Director, Nevada Association of School Boards
Neil A. Rombardo, District Attorney, Office of the District Attorney, Carson City
Rana Goodman, City of Henderson Senior Citizens Advisory Commission
Janine Alwood
Dee Gregory
Orrin J. H. Johnson, Deputy Public Defender, Washoe County Public Defender's Office
Keith Rheault, Ph.D., Superintendent of Public Instruction, Department of Education

CHAIR DENIS:

We will open the meeting with Senate Bill (S.B.) 318.

SENATE BILL 318: Establishes provisions governing permissible flammability of certain components in school buses. (BDR 34-781)

SENATOR DAVID R. PARKS (Clark County Senatorial District No. 7):

The time established to evacuate a burning school bus is two minutes or less. Within three minutes, the bus can be fully engulfed in flames. The evacuation of an airplane, by federal regulation, must be possible within 90 seconds. I spent many years working at the Regional Transportation Commission (RTC). My responsibilities as chief financial officer and chief administrative officer included preparing specifications for the acquisition of transit buses. I addressed the issue of potential flammability. Fires aboard school buses occur more often than most people realize. They are caused by a variety of reasons including engine

compartment fire, electrical-circuit component malfunction and accidents with other vehicles. Fire suppression systems have been standard in transit buses and over-the-road coaches but are rarely seen in public school bus operations. Senate Bill 318 provides material flammability qualifications for school buses used or purchased on or after January 1, 2014. I suggest an amendment making the bill effective only for newly acquired buses.

SENATOR CEGAVSKE:

Have there been any school-bus fires in Nevada? Do city buses have a similar regulation?

SENATOR PARKS:

I will attempt to provide the Committee with information regarding the number of school-bus fires in Nevada. The National Transportation Safety Board (NTSB) reported that between 1999 and 2003, there was an average 2,210 school-bus fires annually.

SENATOR CEGAVSKE:

There is a fiscal note with this bill. Is there a manufacturer that produces the materials required in S.B. 318?

SENATOR PARKS:

I have no knowledge of a specific vendor. An international standard could satisfy the flammability test requirements.

CHAIR DENIS:

What is the fiscal note?

SENATOR CEGAVSKE:

It appears to be for the required materials. There may also be a fiscal note involved with the requirements in section 1, subsection 2, lines 18 to 22. Can the school districts tell us what the current standards are and if buses meeting the requirements in S.B. 318 are available?

SENATOR PARKS:

Specifications for transit buses can include fire suppression in the engine compartments and fire-resistant fabric treatment. There is flammable wood in both school and transit buses. Engine fire suppression sucks out oxygen to

prevent fires. A fire suppression standard exists for molded plastic on the seats, the upholstery panel on the interior walls and the flooring.

SENATOR GUSTAVSON:

In what types of fires were the 2,210 buses involved? Plastic flames can be toxic.

SENATOR PARKS:

Most transit buses use a form of molded plastic which is then padded and upholstered. A bus transporting disabled nursing-home residents to Dallas caught fire; all 23 occupants died.

CHAIR DENIS:

If flame-resistant materials are available, what is the reason manufacturers do not use them?

SENATOR PARKS:

When purchasing a bus, the components are specified, materials are identified and the bus is then built. There is a wide latitude in selecting components for the vehicle.

SAMUEL McMULLEN (Citizens for Fire Safety Institute):

The Citizens for Fire Safety Institute (CFSI) is a consortium interested in fire safety standardization across the country. The CFSI has worked with Senator Parks on issues related to various chemical standards or upgrades. Manufacturers of buses will build according to standards set. Senate Bill 318 provides set standards, supported around the country, for manufacturers. If there is a test others here today would prefer, the CFSI will perform a technical matrix to determine the test's acceptability. The CFSI has no problem with any of the amendments suggested by Senator Parks and will be happy to help in any way to develop the technical issues.

SENATOR WIENER:

Has a national campaign been proposed? Is the January 1, 2014, date appropriate for manufacturers and acceptable to the CFSI?

MR. McMULLEN:

The date was chosen to give Nevada time to make the changes. This can be an expensive issue. Buses cannot be retrofitted. The changes cannot be made until

new buses are ordered. January 1, 2014, is not a national due date, but one practical for Nevada.

DEBBIE SHOPE (Services Manager 3, Motor Vehicle Pollution Control, Department of Motor Vehicles):

The Department of Motor Vehicles is neutral on S.B. 318.

BART MANGINO (Clark County School District):

The Clark County School District (CCSD) believes the use of the ASTM International Standard ASTM E1537 is an incorrect application of this fire test. The purpose of ASTM E1537 is to determine the burning behavior of upholstered furniture used in public occupancies. The National Congress on School Transportation (NCST) has a standard, the School Bus Seat Upholstery Fire Block Test (SBSUFBT), in place regarding the flammability of bus seats. In the National School Transportation Specifications and Procedures Manual that specifically outlines the school-bus seat, this test is the standard test for school buses in Nevada and across the country. The manual establishes flammability and identifies how easily fire spreads between seats. The fire test recommended in S.B. 318 tests one seat versus testing three seats as required in the SBSUFBT. The SBSUFBT determines how fast fire spreads from seat to seat. The current Nevada test is in addition to, and above, the requirements identified for flammability of interior vehicles, passenger cars, trucks and buses.

Section 1, subsection 2, refers to the Underwriters Laboratories Inc. (UL) Standard 94 for engine blocks. This may be an inappropriate standard because it relates to insulation found in consumer electronics products. There is a cost related to identifying the results of the test.

Section 2, subsection 4, makes S.B. 318 effective for "buses purchased or used." The CCSD expects the cost to retrofit each bus would be \$9,000 for regular school buses and \$6,000 for special education buses. There was a fiscal note attached to S.B. 318 which outlines those costs.

SENATOR WIENER:

Is the CCSD using the three-seat test now?

MR. MANGINO:

The buses purchased by CCSD are aligned with the three-seat test standard.

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SENATOR WIENER:

Is there something the CCSD is using rather than UL Standard 94?

MR. MANGINO:

There is a UL standard specifically designed for automotive applications. I will confirm the standard used by the CCSD for both fire testing and the engine component test.

SENATOR CEGAVSKE:

Could each of the school districts inform the Committee of any bus fires? How many CCSD buses are there?

MR. MANGINO:

The CCSD currently has 1,300 buses.

SENATOR CEGAVSKE:

Is Senator Parks suggesting an amendment to have S.B. 318 apply to newly purchased buses only? Is there already a national standard? Could you provide information comparing the two standards? Did the request for S.B. 318 come from the NTSB?

MR. MANGINO:

I will attempt to provide that information. The CCSD will provide information on the number of school-bus fires.

CHAIR DENIS:

Senator Parks intends to amend the bill to be effective for newly acquired buses, not existing buses.

MARY PIERCZYNSKI (Nevada Association of School Superintendents):

The Nevada Association of School Superintendents opposes S.B. 318. The school-bus fleets meet safety tests. This bill adds costs. Retrofitting would be expensive.

CHAIR DENIS:

Do you know of any school-bus fires in Nevada?

MS. PIERCZYNSKI:

I will get the information. I am not aware of any school-bus fires.

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CRAIG HULSE (Washoe County School District):
The Washoe County School District (WCSD) is concerned with the cost of implementing S.B. 318.

CHAIR DENIS:
Do you know of any school-bus fires in WCSD?

MR. HULSE:
I will provide that information.

SENATOR CEGAVSKE:
Are there manufacturers to provide school buses to the specifications in S.B. 318?

SENATOR PARKS:
The normal process to acquire a school bus is first to identify the components and specifications and then have the manufacturer build the bus. Manufacturers do exist to provide the buses required in S.B. 318.

SENATOR CEGAVSKE:
Could you provide the names of the manufacturers so I can do some research?

SENATOR PARKS:
I will provide the information.

CHAIR DENIS:
There being no further comments, the hearing on S.B. 318 is closed. The Committee will hear S.B. 276.

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

SENATOR PARKS:
During the past decade, harassment and anti-bullying bills have been presented to the Legislature: Assembly Bill (A.B.) No. 459 of the 71st Session; A.B. No. 202 of the 73rd Session and S.B. No. 163 of the 75th Session.

I am going to show you a YouTube clip uploaded over a week ago which addresses the need for a safe and respectful learning environment in our public

schools. There are hundreds of YouTube clips similar to the one you just viewed. Harassment and intimidation in the school setting is not getting better, and it is getting worse, especially cyber-bullying and cyber-texting.

Senate Bill 276 makes various revisions to existing law. It is modeled after New Jersey's Anti-bullying Bill of Rights Act. The anti-bullying organization, Bully Police USA, reviewed states with harassment and intimidation statutes and programs. Nevada received a B+ and New Jersey received an A+ + rating from this group. It is not my intent to redirect funds from other education programs to an anti-bullying program. There is much we can do to improve current programs.

School districts should identify an anti-bullying district coordinator with the expertise and the responsibility to oversee programs. Suicide, as the result of bullying, tends to occur within the first few weeks of school. For that reason, section 32 of S.B. 276 establishes an annual "Week of Respect" in October.

SENATOR CEGAVSKE:

As a result of the implementation of the previous legislation you mentioned, has there been reporting to let us know if what has been done is working?

SENATOR PARKS:

There have been improvements. In 2001, rampant bullying and inaction by administration were brought to my attention. Records were requested in 2005; one school with a number of problems reported none. Sweeping problems under the carpet is a major concern. Last October, I requested a copy of a report all school districts are required to submit to the Department of Education (NDE) which in turn submits a report to the Office of the Attorney General. Only 8 of the 17 school districts compiled and submitted the report.

SENATOR CEGAVSKE:

Last year, a middle school parent reported her son's bullying experience to me. I was disappointed at the amount of paperwork a parent must complete to report concerns about bullying. After completing the paperwork, the parent assumed someone would look into the situation. The principal reported to me that everything was fine. Unfortunately, the bullying continued from one grade to the next. This parent was fearful, knowing of a recent suicide as the result of bullying. In the second year of bullying, this parent was required to complete another form. I put this parent in contact with Parents Empowering Parents

(PEP) which has an anti-bullying program. The PEP acted as advocates to help the parent and child through the process. The school districts should streamline what a parent must go through to resolve a bullying problem.

VICE CHAIR KIHUEN:

Will every school district be required to have an anti-bullying coordinator?

SENATOR PARKS:

At this time, there is no requirement. Each school district pursues its own method of handling the issue.

SENATOR WIENER:

After passage of S.B. No. 163 of the 75th Session, I spoke about cyber-bullying at an Anti-Defamation League meeting attended by educators, administrators and school police. The League presented a cyber-bullying awareness program coordinated with one of the Las Vegas television stations. Senate Bill No. 163 of the 75th Session requires curriculum to be developed and integrated into school programs beginning in second grade. The curriculum is age-specific and creates sensitivity about responsibility when using technology. In 2009, at least half of the teenagers in this country had been cyber-bullied at least once; about 20 percent of those students had ideations of suicide at least once.

SENATOR LESLIE:

There is a gifts and grants clause in S.B. 276. Are there any national groups funding in this area? Is there any hope of private funding?

SENATOR PARKS:

There are not-for-profit organizations and foundations which may provide funding. Years ago, Mirage Resorts, Inc. donated pamphlets for an elementary school program in CCSD.

SENATOR CEGAVSKE:

Could the PEP national program be utilized in the school districts? Could a fund be created through the Nevada Public Education Foundation for distribution to programs outlined in S.B. 276?

SENATOR PARKS:

There are a number of award-winning programs. The Anti-Defamation League has a stellar program. There are opportunities to incorporate and emulate other programs.

CATHERINE LEVY (R&R Partners, Inc.):

The R&R Partners, Inc. (R&R) supports S.B. 276. Billy Vassiliadis, R&R's Chief Executive Officer, was bullied as a young Greek immigrant. Bullying has always existed but is now widespread and easier to engage in with the advent of Facebook, YouTube and other social media sites. Last year, R&R gathered a variety of organizations to address what each is doing to combat bullying. There are many anti-bullying resources but no central repository for information. Limited financial means make it difficult to let people know how to find the resources. This group decided to launch the "Flip the Script" campaign described in "Anti-Bullying: Create a Rallying Cry in Nevada" ([Exhibit C](#)).

BRIAN CRUZ (R&R Partners, Inc.):

The R&R team is developing the "Flip the Script" campaign in partnership with other organizations. The objective of the campaign is to decrease bullying in Nevada. We determined what key points the creative message should communicate and what resources are already available. The "Bullying in Schools" report by the Office of Community Oriented Policing Services, U.S. Department of Justice, and other models and resources were reviewed. Focus groups with Clark County students were held. Some key findings were: bullying is less physical and more verbal; it is more of an issue during middle school; and parents need education to reinforce school efforts and help students at home. To change behavior, we targeted parents, teachers, administrators and students. The message to this audience is to know the signs of bullying, to look out for it and to stop it, page 7, [Exhibit C](#). With the information gained, we developed the "Flip the Script" campaign, pages 9 through 14, [Exhibit C](#). We hope to shoot this campaign April 19, 2011. Community partners, including the media, have been supportive of this campaign.

MS. LEVY:

Organizations from which donations were requested have been supportive. The school districts have been willing to work with us on this problem which they face every day. The goal is to have all of the assets of this campaign ready to launch this fall. We have asked the CCSD to set aside a 15 minute block of time

on a given day for students to stop and address the issue of bullying, its prevention and how each of them can "Flip the Script."

CHAIR DENIS:

This sounds like a great campaign. Anything that can be done on this issue is important.

MELISSA MORGAN:

I support S.B. 276. I graduated from the University of Nevada, Las Vegas in 2008, with a master's degree in special education. I am a member of the Human Rights Campaign steering committee and a volunteer for the youth group of the Gay and Lesbian Community Center of Southern Nevada. The severity of the negative consequences of bullying became apparent to me ten years ago while in high school when my best friend attempted suicide. After an extended stay in intensive care, he survived but never returned to school. Because of his sexual orientation, he suffered from uncontrolled and ignored bullying daily in the classrooms, hallways and school grounds before, during and after school. Bullying continues to be minimized and overlooked in the school system. As a special-education teacher in a CCSD middle school for three years, I continuously saw students made victims of bullying for a number of reasons including appearance, class, race, sexual orientation and gender identity. Research shows a significant number of children do not feel safe going to school; in some cases they attempt suicide or quit school. Why are educators, parents, politicians and community members not doing everything possible to make sure all children have a safe learning environment? Establishing training programs, requiring schools to take action against bullies and adopting a policy to govern safe and respectful learning environments are vital in guaranteeing our children feel safe in the place where they spend the majority of their time.

GEORGIA NEU (Anti-Defamation League):

I am the regional program director for No Place For Hate, an anti-bias and anti-bullying national initiative. We do peer counseling and assemblies in high schools and middle schools. The No Place For Hate program is primarily in the elementary schools. We have worked with PEP, Communities in Schools, Safe and Drug Free Schools and R&R. We try to cooperate with, rather than compete with, these organizations. We raise funds and give our programs to the schools. Las Vegas is the only regional office of the Anti-Defamation League providing this service. Schools vary in the way they address bullying. Counselors may be uncomfortable asking administration for assistance with bullying issues. Other

schools have no tolerance for bullying. A child being bullied may suffer from depression, have trouble making friends, have slipping grades, be a truant and worse. Teachers work long hours and need support for the additional programs they acquire. Humanities teachers are working on bullying programs. I encourage the use of people who are committed to this type of work. Senate Bill 276 provides a plan to address bullying.

J-LYNN VANPELT:

I have been teaching for 11 years. I work with teachers providing professional development for safe schools and inclusive classrooms for the lesbian and gay community. The lesbian and gay community is disproportionately represented as bullied victims. Nationally, over 90 percent of children perceived to be lesbian or gay in kindergarten through Grade 12 school systems reported bullying. The teachers do not feel they have enough professional development or information regarding this problem. They do not know the chain of command. Senate Bill 276 creates all of this structure: a process for parents, teachers and students; representatives at each school; a committee of concerned parents, teachers and experts and it mandates professional development.

VICE CHAIR KIHUEN:

My father, a teacher, sees bullying on almost a daily basis. How often do you observe bullying?

MS. VANPELT:

I teach at the University of Nevada, Reno preparing pre-service teachers. I conduct various projects in the school districts. Especially in the middle and high schools, I see bullying every day. Teachers and administrators see this happening but do not know how to handle the issues. The leadership provided in S.B. 276 will address this problem.

VICE CHAIR KIHUEN:

If a student is being bullied, what is the process?

MS. VANPELT:

Generally, teachers are told to report incidents to the school counselor. If it is vicious or violent, we are encouraged to report to the administration. However, the administration does not always follow up on the problem.

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VICE CHAIR KIHUEN:

Sometimes a student just needs to be heard and given a way to resolve the problem. A student does not need to be expelled or get into a fight.

SENATOR GUSTAVSON:

Is there a problem with the humanities teachers continuing their work with bullying?

MS. VANPELT:

Identifying a certain group to carry the burden of a social justice issue is not wide enough. Professional development should be provided to all teachers. There should be leadership at each institution specifically focused on this issue.

SENATOR GUSTAVSON:

We need to develop a method of reporting these incidents.

MARLENE LOCKARD (Nevada Women's Lobby):

The Nevada Women's Lobby supports S.B. 276.

SUSAN MEUSCHKE (Executive Director, Nevada Network Against Domestic Violence):

The Committee has received a copy of my written testimony in support of S.B. 276 ([Exhibit D](#)). Data collection, awareness and training are critical pieces of S.B. 276. Children learn from everything they see. Children need to be empowered to understand it is not alright to bully.

SENATOR WIENER:

One of the common threads in major episodes of school violence is that the perpetrators were bullied. Children who were bullied learned to lash out by bullying.

HOWARD WATTS III (Gay, Lesbian and Straight Education Network, Southern Nevada Chapter):

The Gay, Lesbian and Straight Education Network, Southern Nevada Chapter (GLSEN) supports S.B. 276. This bill creates a safe environment for all students. It creates transparency in the school districts and the Nevada System of Higher Education by reporting incidents of bullying and accountability for teachers and administrators who do not take appropriate actions and it provides professional training.

MR. MANGINO:

The CCSD appreciates the continuing efforts to keep students safe. The CCSD is committed to providing all students and employees with a safe and respectful learning environment in which persons of different beliefs, characteristics and backgrounds can realize their full potential and personal academic growth. The CCSD has and will continue to train our employees and provide educational opportunities to our students and parents. The CCSD is in partnership with the R&R program. Yesterday, March 31, 2011, Board of Trustees member Chris Garvey and Superintendent Dwight D. Jones facilitated a parent workshop on cyber-bullying.

LORETTA ASAY (Coordinator, Instructional Technology Innovative Programs, Clark County School District):

Policies and procedures have been instituted by the CCSD to promote and maintain a safe and respectful learning environment for our students ([Exhibit E](#)). Each year, our school technologists participate in professional development about cyber-bullying. They have sample workshop materials and share resources and ideas for helping teachers and students. All employees have opportunities for professional development courses, which carry licensure credit, on creating and maintaining a safe and respectful learning environment. We see the results of this training in our classrooms where teachers and students feel safe in pointing out examples of disrespectful behavior and reporting incidents of more serious situations. In elementary school, students participate in units of instruction through their librarians. In middle school and high school, specific units are introduced in required computer classes. We integrate the NDE's "Computer and Technology Standards" throughout different courses providing timely and relevant instruction. Many of our schools use open houses and parent nights as opportunities to help families understand the dangers of cyber-bullying. Student handbooks, which students can take home, spell out the importance of everyone contributing to the environment and supporting the consequences of violations. Each year, parents and students sign an acceptable use policy governing the use of technology resources. We provide access to different curriculum resources. We work with many partners in the CCSD, including the Federal Bureau of Investigation (FBI), U.S. Department of the Treasury. The Del E Webb Middle School just earned the January 2011 FBI Safe Online Surfing sixth grade national championship.

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SENATOR CEGAVSKE:

What are the standards for bullying? I would like to see what the schools and the State are doing in this regard.

CHAIR DENIS:

We can ask the schools and the NDE to furnish that information.

MR. MANGINO:

The CCSD supports certain parts of this bill. We support the communication requirements of S.B. 276. The training component needs to continue, particularly involving various community organizations. The Bullying Prevention Fund is appreciated to expand programs. The reporting portion of S.B. 276 is critical; we would like to work with interested parties in this area.

The CCSD has concerns regarding additional personnel and reporting due to funding requirements. We would appreciate further discussion on the investigation and appeal process of S.B. 276. There are issues with the Family Educational Rights and Privacy Act (20 U.S.C. section 1232g; 34 CFR Part 99).

SENATOR CEGAVSKE:

Could Mr. Mangino provide the specific sections with which the CCSD has concerns?

MR. MANGINO:

I will provide that information.

KATHERINE LOUDON (Counseling Coordinator, Safe Schools-Substance Abuse, Violence, SHARE, Washoe County School District):

Senate Bill 276 is an exemplary bill. The WCSD has implemented a process for reviewing and renewing what we are doing. Many of the things required in this bill are already in place in the WCSD. We have attempted to improve our reporting and follow-up. The WCSD is concerned with its ability to comply with S.B. 276 because of the fiscal impact in such areas as human resources, public policy, accountability and counseling.

SENATOR LESLIE:

I would like the CCSD and the WCSD to provide a list of the parts of S.B. 276 with which you are concerned as well as the parts you believe can be implemented. We are hearing conflicting evidence about this topic. There is a

large disconnect between the schools and the students. Something is not working. We are sympathetic with the fiscal situation.

DANE E. CLAUSSEN (American Civil Liberties Union of Nevada):

The American Civil Liberties Union of Nevada (ACLU) is neutral on S.B. 276. The ACLU has defended minority groups throughout its history. Most state affiliates of the ACLU have opposed such things as hate speech codes on college campuses and elsewhere due to their infringement on the U.S. Constitution's First Amendment rights. The issues of regulating and punishing bullying and cyber-bullying overlaps our concerns with hate speech. We are concerned with the vagueness and overbreadth of terms such as "harm" and "environment which is hostile" which are undefined in S.B. 276. Some of the definitions come from well-settled First Amendment law. In First Amendment litigation, standards are extremely difficult to meet. As language is chosen, the ACLU suggests some effort be used to define the terms used. The training contemplated in S.B. 276 needs to include an effort to inform teachers, principals, counselors and others that there are First Amendment considerations involved. The typical school employee is not well versed on current and complex First Amendment law.

DOTTY MERRILL, ED.D. (Executive Director, Nevada Association of School Boards):

The Nevada Association of School Boards (NASB) supports the spirit of S.B. 276. This bill contains extensive mandatory requirements, particularly those included in sections 5, 6 and 12. The NASB recognizes the importance of having a reporting process, but this process requires resources the school boards cannot dedicate to this single purpose. The school boards will be cutting more than \$980 million from their budgets. The "Week of Respect" is something that can be done using existing resources. The NASB would like to work with the sponsors of S.B. 276.

CHAIR DENIS:

There being no further testimony on S.B. 276, the Committee will hear testimony on S.B. 275.

[SENATE BILL 275](#): Makes various changes concerning bullying. (BDR 34-732)

SENATOR SHEILA LESLIE (Washoe County Senatorial District No. 1):

The sponsors of S.B. 275 and S.B. 276 may consider combining the merits of these bills. School districts have policies and procedures. Everyone is against bullying, but it happens often.

NEIL A. ROMBARDO (District Attorney, Office the District Attorney, Carson City):

I have provided written testimony supporting both S.B. 275 and S.B. 276 ([Exhibit F](#)). I am involved with "Fight Crime: Invest in Kids," a law enforcement organization which recognizes that bullying affects education. It has been proven a child without a proper education is six times more likely to commit crimes than one with a proper education. Section 1 of S.B. 275 adds specifics to the definition of bullying; sections 2, 3 and 5 provide a civil remedy; and section 4 outlines penalties.

SENATOR CEGAVSKE:

Section 4 of S.B. 275 is useful. Has the act of bullying been adequately defined?

MR. ROMBARDO:

The current definition of bullying in *Nevada Revised Statutes* 388.122 is not provable. Sections 1, 2, 3 and 4 of S.B. 275 make the offense provable. The phrase "highly offensive to a reasonable person" is a difficult standard. There is similar "reasonable fear of harm" language used in other states.

SENATOR CEGAVSKE:

It is difficult to prove the harm in technology crimes. I am concerned with the number of different entities which can be sued: NDE, school boards of trustees, school districts and school officials. It seems extreme.

MR. ROMBARDO:

The law outlines responsibilities, but does not provide a remedy if those responsibilities are not fulfilled.

RANA GOODMAN (City of Henderson Senior Citizens Advisory Commission):

I moved from the United Kingdom to the United States when I was 13 years old. Because I spoke funny, I was bullied. Bullying continues into adulthood. This bill should also address adult bullying. I support S.B. 275 but would like all references to the word "pupil" changed to "person." I have worked with seniors in my community who have been bullied by e-mail and blog postings only to be

told the cyber-bullying statute only covers children. Harassment statutes require threats of physical harm.

MS. VANPELT:

Widening the definition of bullying in S.B. 275 is necessary. This bill also provides an outlet beyond the school district if a problem is not addressed.

MS. LOCKARD:

The Nevada Women's Lobby supports S.B. 275.

MS. MEUSCHKE:

The Nevada Network Against Domestic Violence supports S.B. 275.

MR. WATTS:

The GLSEN supports S.B. 275.

JANINE ALWOOD:

I support S.B. 275. The story of my son Gideon's traumatic experiences with bullying over several years is contained in my written testimony ([Exhibit G](#)). The law does not protect my son. Schools are ineffective. My son needs your help.

SENATOR CEGAVSKE:

When the school districts have an issue like this, usually both students are automatically expelled without determining who was right and who was wrong.

MRS. ALWOOD:

According to witnesses, Gideon was never responsible for the bullying. He has never been suspended.

DEE GREGORY:

I am the father of five adopted special-needs children. I have provided my written testimony in support of S.B. 275 ([Exhibit H](#)). I do not need to tell you my son's humiliating and intimidating experience with students and staff; it was covered statewide in the media. At this time, there is no mandatory reporting for bullying or hazing.

SENATOR LESLIE:

Would the definition changes in S.B. 275 have allowed prosecution of the bullies who hurt your son?

MR. GREGORY:

Yes. The reporting and prosecution portions of S.B. 275 would have made prosecution possible.

MS. MORGAN:

I support S.B. 275. As a former CCSD teacher, I was unaware of any procedures to follow if I witnessed bullying. The required viewing of a bullying video is ineffective. It is available on the Web and requires only a signature confirming one has watched the video. The interventions taught in after-school, staff-development programs are rarely used in the classroom or school setting.

MR. CLAUSSEN:

The ACLU is neutral on S.B. 275. However, the ACLU is concerned with undefined terms in S.B. 275, such as "infringement on rights." Section 1, subsection 4 is a low standard to meet. A toilet backing up is interfering with the operation of a public school. There should be a higher standard since it may affect the First Amendment rights of students, teachers and others. We are also concerned with section 4, subsection 1, "... bullying, cyber-bullying, harassment or intimidation of a pupil at any place or by any method, ..." takes the law outside the education arena. Senate Bill 275 and Senate Bill 276 put school officials in the position of doing something about a person in another state. If both bills are passed or merged, school officials would be required to act in place of parents if, for example, a student at home engages in cyber-bullying with parents in the room. Nevada citizens may be alarmed by the prospect of the Legislature outsourcing parenting to school officials.

MR. MANGINO:

The CCSD supports changing the bullying definition in section 1 of S.B. 275. The CCSD is concerned with the risk of bypassing the opportunities available in the school setting to change student behavior. The consequences outlined in the bill will severely impact and compound the difficulties facing our juvenile justice system and law enforcement. Much of the bullying occurs outside the school building. We are sometimes faced with conflicting reports. We do take these reports seriously. The CCSD's Policy P-5137 and its related poster for a safe and respectful learning environment ([Exhibit I](#)) require reporting of violations. There are consequences for violations of behavior guidelines which I will provide to the Committee. The CCSD has control over what occurs within the building.

SENATOR LESLIE:

Does the CCSD have control over what happens in the school bus?

MR. MANGINO:

Yes; the CCSD has guidelines which include suspension from bus riding privileges.

SENATOR CEGAVSKE:

Can the CCSD provide me with the forms parents must complete and how parents know what to do when a child is bullied? Mrs. Alwood was never told there is a form to complete. Is there a bullying incident form or a bus incident form?

MR. MANGINO:

There are many forms in the CCSD such as parent concern forms and incident reporting forms. I will provide the information.

ORRIN J. H. JOHNSON (Deputy Public Defender, Washoe County Public Defender's Office):

The Washoe County Public Defender's Office (WCPD) opposes S.B. 275. Before we make the decision to criminalize behavior in which children are frequently involved, we must keep in mind that children are harmed when they are in the criminal justice system. Even when there is no adjudication of delinquency or criminal conviction, the arrest will often follow the child in lengthy and unexpected negative ways. I was bullied; if I had those people arrested, I would have done more harm to them than they did to me even though what they did was bad. A suspension does not follow a person in the same way a juvenile adjudication of delinquency does. The penalties in this bill step up steeply. A felony arrest or conviction will substantially impact a person's ability to get a job. There are some concerns this bill may, even if it is not constitutionally overbroad, lead to significantly increased caseloads leading to additional expense for the WCPD, the juvenile probation system, the prosecutor's offices, juvenile courts and everyone else dealing with juvenile justice issues. Some of the language, as others have stated, is vague. The especially egregious behaviors are already criminalized and should be treated as such. Theft, assault, battery and harassment laws already exist. Children can be prosecuted through the juvenile justice system if they meet the elements of the offense. The instances discussed today could fit within some preexisting definition of criminal law.

The New Jersey law, which was referenced in the discussion on S.B. 276, has no criminal sanctions but has significant noncriminal sanctions. I urge this Committee to look at those sanctions and look at sanctions which do not involve handcuffs, judges and lawyers, because once that becomes a normal part of a child's life, that child will be my client for a long time in the adult felony world. Please do not turn some of these children who are on the edge into adult felons. Punishment enforcement is necessary. It does not need to include criminal sanctions. I am willing to work with the bill sponsors to make any changes.

SENATOR LESLIE:

Suspension is not working. I would like to have Mr. Johnson review the definition in section 1 and have further discussions with him.

DR. MERRILL:

The NASB has concerns and will provide additional information to the Committee on section 3, subsection 3, section 5 and section 6. We could work with Senator Leslie, Mr. Rombardo, Mr. Johnson and others who are interested.

CHAIR DENIS:

That would be great.

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

The NDE is neutral on S.B. 275. However, the intent of section 2 is unclear. It requires the NDE to develop regulations for a policy aimed at school districts and all public schools regarding a safe and respectful learning environment. Section 2, subsection 3 infers the NDE carries out the policy; it is the schools and school districts that carry out the provisions of the policy.

MS. LOUDON:

The WCSD agrees with section 1 but has concerns with section 4. We would like input from juvenile services and law enforcement. The civil liability is duplicative and may bring frivolous lawsuits. As someone who deals with these cases on a daily basis, I would like to see something in this bill related to victims and victim services.

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CHAIR DENIS:

There being no further business to come before the Committee, the meeting is adjourned at 6:28 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
S.B. 276	C	Catherine Levy	Anti-Bullying: Create a Rallying Cry in Nevada
S.B. 276	D	Susan Meuschke	Written Testimony
S.B. 276	E	Loretta Asay	Safe and Respectful Learning Environment
S.B. 275	F	Neil A. Rombardo	Written Testimony
S.B. 275	G	Janine Alwood	Written Testimony
S.B. 275	H	Dee Gregory	Written Testimony
S.B. 275	I	Bart Mangino	Clark County School District Policy P-5137