

**MINUTES OF THE  
SENATE COMMITTEE ON EDUCATION**

**Seventy-sixth Session  
April 11, 2011**

The Senate Committee on Education was called to order by Chair Mo Denis at 1:16 p.m. on Monday, April 11, 2011, in Room 2134 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412E, 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 Steven A. Horsford, Clark County Senatorial District No. 4  
Senator David R. Parks, Clark County Senatorial District No. 7

**STAFF MEMBERS PRESENT:**

Pepper Sturm, Policy Analyst  
Kristin Roberts, Counsel  
Sandra Small, Committee Secretary

**OTHERS PRESENT:**

Daniel J. Klaich, J.D., Chancellor, Nevada System of Higher Education  
Crystal Abba, Associate Vice Chancellor for Academic and Student Affairs,  
Nevada System of Higher Education  
Kyle George, Nevada Student Alliance, University of Nevada, Las Vegas  
Tray Abney, Reno/Sparks Chamber of Commerce

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Dale Erquiaga, Senior Advisor, Office of the Governor  
Keith Rheault, Ph.D., Superintendent of Public Instruction, Department of Education  
Steve Canavero, Ph.D., Education Programs Director, Office of Charter Schools, Department of Education  
Kathleen Conaboy, K-12 Inc.  
Bob DeRuse, Principal, ACE High School  
Laura Granier, Nevada Connections Academy  
Craig Hulse, Washoe County School District  
Bart Mangino, Clark County School District  
Samuel McMullen, Citizens for Fire Safety  
Wendy Boszac

CHAIR DENIS:

I will open the meeting with Senate Bill (S.B.) 449 and S.B. 451.

**SENATE BILL 449**: Revises provisions governing tuition charges, registration fees and other fees assessed against students in the Nevada System of Higher Education. (BDR 34-932)

**SENATE BILL 451**: Revises provisions governing tuition charges, registration fees and other fees assessed against students enrolled in institutions of the Nevada System of Higher Education. (BDR 34-933)

SENATOR STEVEN A. HORSFORD (Clark County Senatorial District No. 4):

I have provided the Committee with my written testimony on both S.B. 449 and S.B. 451 ([Exhibit C](#)). Several of you were at the town hall meeting where a student stated his concern with what a future employer may think about the University of Nevada, Reno closing the program in which he is studying. Both of these bills are intended to strengthen the Nevada System of Higher Education (NSHE). Senate Bill 451 allows an institution to invest its tuition and fee revenue in programs aligned with economic trends. Since 2009, through letters of intent, institutions have been allowed to retain increases in tuition on their campuses. Students need to know their increased tuition will be used to support their academic programs and areas of study. Senate Bill 449 allows the Board of Regents (Board) to differentiate between academic programs in setting tuition and fee schedules. This bill requires the Board to submit an annual report to the Legislature showing the demand for each academic program with differentiated tuition, the tuition schedules and the costs.

CHAIR DENIS:

Do these bills impact Nevada's prepaid tuition plans?

SENATOR HORSFORD:

There is a guaranteed price for prepaid tuition based on when a family member is enrolled in the program. A family locks in a tuition price.

CHAIR DENIS:

What about other fees?

SENATOR HORSFORD:

These bills allow institutions to increase tuition, fees or other assessments based upon individual academic program areas. Both bills were requested by NSHE. The Governor has made a number of proposals through the budget process mirroring these bills. They provide a level of flexibility. I made a commitment to the students that, if they were asked to participate in paying for the cost of higher education, we would ensure those dollars stayed on the originating campus and, to the extent possible, stay within the academic program generating the funds.

DANIEL J. KLAICH, J.D. (Chancellor, Nevada System of Higher Education):

Prepaid tuition plans pay for basic fees which are separately stated. These proposed bills should not affect the prepaid plan contracts. One purchases the contract to cover fees. The prepaid contract does not cover other costs.

The NSHE supports S.B. 449 and S.B. 451. These bills are part of the overall discussions we have had with the Legislature and the Governor about making the NSHE autonomous. These pieces of legislation are integral to studying the formula for higher education during the interim. The bills refer to in-state fees and tuition and out-of-state tuition. This action allows the institutions, over time, to become entrepreneurial in the way they recruit and attract students to their campuses. As part of the overall formula study, we will ensure there is a smooth transition between the current policy, governed by letters of intent and budgetary practice, and the new policy generated by S.B. 449 and S.B. 451. The NSHE will reset the compact between the State and students so everyone knows what is expected in terms of relative shares of the cost of higher education. The Board has started this policy. The Board recently approved two Master of Business Administration programs. The bills apply to high-cost and high-demand programs.

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CHAIR DENIS:

Have there been any difficulties with the programs already implemented?

CHANCELLOR KLAICH:

The programs will not be charged until next fall. The Board has a carve out for financial aid. The Board's policy allows significant student input.

SENATOR GUSTAVSON:

What is the policy for forgiveness of student loans?

CHANCELLOR KLAICH:

There is no policy for forgiveness of student loans other than the Western Interstate Commission for Higher Education (WICHE).

CRYSTAL ABBA (Associate Vice Chancellor for Academic and Student Affairs,  
Nevada System of Higher Education):

Other than WICHE, there is no specific Board policy on the forgiveness of loans. Several sessions ago, loan forgiveness was implemented in a nursing program for students who practiced nursing in Nevada. It has not been an incentive to get students into the program.

SENATOR BROWER:

Does tuition refer to out-of-state tuition?

CHANCELLOR KLAICH:

Correct.

SENATOR BROWER:

Nevada does not have an in-state tuition; there are fees which are not the same as tuition.

CHANCELLOR KLAICH:

Correct. A student enrolling in a three-credit class would pay fees based on an hourly credit rate. An out-of-state student pays the same per credit fee plus an out-of-state tuition. We are not allowed to charge tuition to Nevada residents; we charge fees.

SENATOR WIENER:

The Chancellor stated the prepaid tuition programs include base fees. What would those be?

MS. ABBA:

I bought a prepaid program for my three-year-old two weeks ago. As a result, I have read the master agreement for prepaid tuition. The program does not cover any type of special course fees, differential fees, lab fees or anything of that nature. When you purchase the contract, you purchase registration fees only. For instance, I purchased a 120-credit program. When my son goes to school, the value of the contract will be the cost of 120 credits.

SENATOR BROWER:

I too have purchased these contracts. I hope we do not get to the point where we increase the extra fees so much people purchasing the prepaid tuition plan will not be buying a college education.

CHANCELLOR KLAICH:

The Board has been careful in implementing the intent letters. We want to move cautiously. We approved four programs this summer and two business programs recently. Some education programs cost more than others. The question is whether the higher-cost programs should bear the weight of that cost.

MS. ABBA:

The Board has been specific in terms of how fees can be applied. Differential tuition can only be applied to graduate level or upper division courses in specific defined program areas. At the University of Nevada, Las Vegas, the programs are architecture, nursing and physical therapy. At the University of Nevada, Reno, the only program is engineering. The business programs at both universities were approved last Friday.

CHANCELLOR KLAICH:

The point of selecting upper division classes for differential tuition is to prevent students from gaming the system by not declaring a major. The programs we have chosen are consistently more expensive at the upper division level.

SENATOR BROWER:

There is a lot of merit in these bills. It is an interesting way of recouping costs. There are people purchasing the prepaid tuition plans thinking they have paid for

their children's education. Now there is potential for the actual cost of education to be substantially higher.

SENATOR HORSFORD:

The bills are in the Senate Committee on Education because these are policy issues. There is a basic level of support which should be provided to in-state students based on programs we want in public colleges and universities. Beyond that, there is a policy directive to NSHE to become more entrepreneurial and more autonomous. One way to do that is to benchmark fees in line with the market. Nevada has great academic programs in its public colleges and universities that are a fraction of the cost charged by private institutions. There are Internal Revenue Code section 529 college savings plans which are investment accounts. I pay into one every month with the expectation my children will have funds available for their college educations. The reality is, based upon the increased cost of college today, what I save for my children will not be enough to cover all of their college expenses. The cost of higher education in some areas has gone up and will continue to rise. We want to have safeguards so those who are disadvantaged will not be priced out of enrolling in science or engineering, for example. A person should not be directed into an academic program based upon what one can afford. If a differentiated fee program is approved, strategies must be available to ensure disadvantaged students are not financially prohibited from pursuing a career in that area of study.

SENATOR BROWER:

Has there always been differential tuition in graduate programs?

CHANCELLOR KLAICH:

Graduate fees are higher than undergraduate fees. There is an assumption that as one moves along the higher education ladder, the cost of education rises. Graduate fees are significantly higher, but they are not differentiated at this point.

SENATOR BROWER:

Are the fees the same for medical school or law school? Are the fees differentiated based upon the cost of providing the program?

CHANCELLOR KLAICH:

The fees are set with respect to peer groups. It depends upon the competition, the location the students are drawn from and the relative tuition. The professional school fees, as part of the budget process we are going through now, will be increased and pegged more to a level of the peer groups with which each school competes.

KYLE GEORGE (Nevada Student Alliance, University of Nevada, Las Vegas):

The Nevada Student Alliance (NSA) received no opposition from its members to the concept of differential tuition and therefore supports S.B. 449. The mission of maintaining access to public higher education is hinged upon affordability. Establishing tuition based on private market rates will drive students out of Nevada. We do not want to force students to attend private institutions to receive a similar education. The provisions regarding scholarship, loan forgiveness and reduced fees are important to students. More students are graduating with debt. The NSA has requested the NSHE ensure that graduate student support in the form of grants-in-aid and tuition waivers be proportional to programs with higher costs.

The NSA supports S.B. 451. This is an entrepreneurial approach to award campuses which are successful in recruiting students. As we move forward to a model where NSHE focuses on programs having a direct economic impact on the State, we must not forget the value of a broad-based liberal arts education which develops well-rounded graduates. Disciplines such as fine arts may have a limited financial impact upon our region; however, the contribution from these areas should not be neglected. We should not focus strictly upon economic impact and contribution to the economy. The reputation of any institution of higher education is rooted in the breadth of its curriculum more than its economic contribution.

TRAY ABNEY (Reno/Sparks Chamber of Commerce):

The Reno/Sparks Chamber of Commerce supports the concepts in S.B. 449 and S.B. 451.

DALE ERQUIAGA (Senior Advisor, Office of the Governor):

The Office of the Governor supports both S.B. 449 and S.B. 451. The Governor has spoken of autonomy and differentiated tuition for the NSHE. If the Committee decides to add to these bills, sections 15 and 16 of S.B. 434, a bill

requested by the Governor, contains additional accountability reporting requirements of NSHE.

[SENATE BILL 434](#): Makes various changes regarding funding and autonomy of Nevada System of Higher Education. (BDR 31-1175)

CHAIR DENIS:

There being no further testimony, the hearing on [S.B. 451](#) and [S.B. 449](#) is closed. We will open the hearing on [S.B. 212](#).

[SENATE BILL 212](#): Revises provisions governing charter schools. (BDR 34-900)

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

At the initial hearing, there were a number of groups supporting the concept of [S.B. 212](#), but there were a few items that needed further review. At the direction of Chair Denis, the Department of Education (NDE) facilitated meetings to develop amendments to the bill. One of the amendments is for a charter school state board or authority. There is a fiscal note related to the amendment.

STEVE CANAVERO, PH.D. (Education Programs Director, Office of Charter Schools, Department of Education):

The discussions of the work group not only centered on the specific aspects of [S.B. 212](#) but included discussions on national models for quality charter school sponsoring as well as quality charter schools. We looked at the standards defined by the National Association of Charter School Authorizers, as they publish the principles and standards for quality school authorizing, and by the National Alliance for Public Charter Schools, which publishes the model charter school law for high-quality public charter schools. The Committee has received a copy of "Mock-up Proposed Amendment 6139 to Senate Bill No. 212" (Amendment 6139) ([Exhibit D](#)).

Amendment 6139, [Exhibit D](#), includes several changes which I will summarize. A legislative declaration is added emphasizing the importance of Nevada's charter schools, the need for a high-quality charter school environment and the role of the charter school authority within that system. Amendment 6139 changes the name of the State Board of Charter Schools to the State Public Charter School Authority (SPCSA). The amendment contains certain changes referenced within the accountability statute to specify that public charter school



choice under the No Child Left Behind Act is offered to the pupil within the district the pupil resides rather than where the charter school is located to allow for virtual charter schools and to allow students from other districts to attend. A school governing body and sponsors were added to the list of those receiving any required school turnaround plans. The SPCSA mission is created to authorize high-quality charter schools, particularly those expanding opportunities for at-risk students, and to provide quality oversight. The SPCSA's board members shall demonstrate a commitment to charter schools as a strategy to strengthen public education. Amendment 6139 contains language that the SPCSA's list of charter school associations shall consist of those recognized by the State Board of Education (SBE). The amendment specifies the director of the SPCSA will have an understanding of and a commitment to the charter school strategy and will assure that the core autonomies for sponsored charter schools are maintained. The amendment authorizes a charter school to contract for purchased services with its sponsors, excluding services covered by the oversight fee. Charter schools are not required to purchase services from their sponsors as a condition of their charter approval. Charters choosing to purchase services from their sponsors shall execute an annual service contract. Within 60 days of the end of the fiscal year, sponsors shall provide their charter schools with an itemized list of the services purchased by the charter reflecting the amount charged, along with the actual cost, and reconcile any discrepancies. Disputes may be arbitrated by a third party. The NDE reviews and makes the final determination on any dispute.

Amendment 6139 deletes old language in section 37, [Exhibit D](#), because it was rejected by the U.S. Department of Education creating a charter school district for the purpose of local educational agency (LEA) status to access certain federal funds. That language is replaced with language declaring the authority to be an LEA for the schools it sponsors and that the LEA directs proportionate state and federal categorical funds to charter schools for the students eligible for such aid, including special education units for a student with a disability.

Amendment 6139, [Exhibit D](#), specifies the powers, duties and liabilities of a sponsor, including school district sponsors. The duties, powers and liabilities include receiving and evaluating applications, approving and denying of applications, negotiating charter contracts, monitoring charter terms, administering charter renewal and revocation matters, delegating duties and adopting policies and practices after considering nationally recognized principles and standards. The sponsors that fail to carry out their duties are at risk of

losing their charter-sponsoring powers. The committee to form a charter school submits its application directly to the sponsor. The sponsor may approve or deny an application. The sponsor may request that the NDE determine if an application is complete. The existing requirement for an application to form a charter school includes a goal for increasing student achievement. The statement for improving the opportunities to learn has been deleted. The term innovative has been added to the goal of effective teaching methods. Public school transparency is an added goal.

Amendment 6139, [Exhibit D](#), revises the process for charter schools to change sponsors. The process must not include all of the original requirements of the initial application, and the authority is required to adopt objective criteria under which such a request may be granted.

Regulatory authority is an issue on which we were unable to reach a consensus. In Amendment 6139, there are two suggestions. One is to retain section 43, subsection 2, pages 59 and 60, [Exhibit D](#), as it is in S.B. 212 with the new SPCSA authorized to adopt regulations with the ability of the SBE to veto the regulations under certain circumstances. The second suggestion was offered by the Washoe County School District (WCSD). It would delete the ability of the SPCSA to adopt regulations to carry out the provisions of the charter school statutes and deletes the resultant unneeded ability of the SBE to veto regulations.

With regard to sponsorship fees, we propose to amend section 46, subsection 3, pages 63 and 64, [Exhibit D](#), by requiring the NDE to pay sponsors a yearly sponsorship fee from the amount of the quarterly apportionment it makes to the school. A charter school may request the amount be less than 2 percent, but at least 1 percent if the superintendent of public instruction determines the charter school has met the criteria set forth in *Nevada Revised Statute* (NRS) 386.515. That specific section of NRS concerns criteria that are required to be met by a school in good standing and one that meets certain performance standards.

The new SPCSA and all other charter school sponsors will be required to include in their annual reports the status of charter school applications and approvals, charter schools in operation, charter schools approved but never opened, the sponsor's strategic vision for chartering, a cost breakout for its authorizing functions and an accounting of services provided to the schools.

To address the staffing gap between the time the director of the SPCSA is hired and the anticipated transfer of NDE staff to assist the director, section 60, page 77, [Exhibit D](#), adds "or before" after the word "on."

The Committee has a copy of "Proposed by the National Alliance for Public School Charters" ([Exhibit E](#)) recommending two amendments to S.B. 212. The first amendment specifies a process for registering charter school sponsors. It would require the authority to register charter school sponsors annually and, before January 2013, adopt regulations that set forth a process for registering those interested in serving as sponsors. Currently, NRS 386.515 requires sponsors apply to the NDE for approval to sponsor schools. The second amendment builds on some of the existing language in Amendment 6139, [Exhibit D](#). The recommendation brings in some of the model law, deletes certain sections and sets forth new provisions for the required components of a charter contract including performance expectations. It also specifies the content of the performance framework which sets forth the academic and operational performance indicators to guide the sponsor's evaluation of the school. The sponsor would be responsible for collecting and analyzing reporting assessment data in accordance with the performance framework.

SENATOR CEGAVSKE:

I do not agree with all of the proposed amendments. The most objectionable is in section 43, subsection 4, page 60, [Exhibit D](#). There are so many stipulations and regulations for charter schools. We do not charge public schools 2 percent for setup or to help them. We do not tell failing public schools that they will be closed. Why is everything so different for a charter school? In many aspects, they should be treated the same.

DR. RHEAULT:

If Senator Cegavske is referring to the SBE having authority to disapprove of regulations, this would only be in the instance where the authority remains with the SPCSA to do their own regulations for all charter schools in the State. There was an amendment saying school districts may not develop regulations for their own schools.

DR. CANAVERO:

The working group considered three nationally recognized ways to fund an independent statewide authorizer as contemplated in S.B. 212. The three funding possibilities are a fee per pupil, a sponsor's budget line item or a

State appropriation. Seven states and Washington, D.C., do have independent entities. It is considered a better practice to have a per pupil fee. Nationally, the average per pupil fee is 3 percent to support the core functions of quality authorizing.

CHAIR DENIS:

The national practice is 3 percent; the working group's recommendation is 2 percent. Which states are using 3 percent?

DR. CANAVERO:

Colorado uses an independent commission at 3 percent.

SENATOR WIENER:

Does the proposed Amendment 6139, [Exhibit D](#), follow the Colorado model?

DR. CANAVERO:

In 2004, Colorado started their commission. A lot has been learned since that time. The Colorado institute is an LEA as contemplated in S.B. 212. The quality language is new to Nevada and is not in Colorado's law.

SENATOR WIENER:

If you are proposing a 2 percent fee, Colorado uses 3 percent and there is another amendment from the Academy for Career Education (ACE) to qualify the 2 percent, what is the substantial difference to qualify for a 50 percent greater fee?

DR. CANAVERO:

Colorado has 13 staff members to serve their charter schools. The schools in Nevada will have the ability to contract with their sponsors. The core functions in Nevada would be supported by the 2 percent; other services could be contracted through the sponsor.

SENATOR WIENER:

How many charter schools are there in Colorado?

DR. CANAVERO:

Colorado has between 10 and 13 charter schools.

SENATOR WIENER:

Is there a significant difference, when ranking academic performance, between those who attend charter schools and those who attend traditional public schools in Colorado?

DR. CANAVERO:

I do not know. There is a state-of-the-state comprehensive report on their charter schools.

SENATOR WIENER:

How many of Colorado's charter schools are virtual?

DR. CANAVERO:

I do not know.

KATHLEEN CONABOY (K-12 Inc.):

The K-12 Inc. is an education management organization for Nevada Virtual Academy, a statewide SBE-sponsored, distance-education charter school. The K-12 Inc. supports S.B. 212. There are, however, a few questions. The purpose of the SPCSA is outlined in section 28.5, page 45, [Exhibit D](#). As S.B. 212 evolves, there are substantive reasons for the SPCSA to exist. Those reasons should be listed in this section of S.B. 212.

The K-12 Inc. is interested in section 29, [Exhibit D](#), because of its experience in other states, and suggests that minority leadership in the Senate and Assembly be represented on this SPCSA. There are inconsistencies in the discussion of fees, section 35.3, page 48, [Exhibit D](#), because NRS 386.570 requires 2 percent the first year for new charter schools, 1 percent for district-sponsored schools thereafter and 1.5 percent for SBE sponsored schools thereafter. One of the challenges in the discussion regarding fees is there is not a good discussion on the services to be provided. There is not a baseline of services outlined in S.B. 212 for the 1.5 percent or 2 percent charged. How would a school decide between baseline services available and other things it needed for which it would enter into a service agreement?

An LEA receives federal funding on behalf of the schools it sponsors. The language regarding proportionate share, section 35.5, pages 48 and 49, of Amendment 6139, [Exhibit D](#), is important to K-12 Inc. It is an important concept to preserve.

There is language I have never seen before in section 5, subsection 5, line 30, page 50, [Exhibit D](#). Clarification is needed particularly for section 5, subsection 5, paragraph (a), [Exhibit D](#), which references the number of charter schools an entity is equipped to sponsor. If interpreted broadly, the sponsors could cap the number of charter schools sponsored. That would be a giant step backwards for charter school legislation in Nevada.

There is a discussion about the NDE review process, section 39, subsection 3, line 12, page 53, [Exhibit D](#). The NDE does not approve an application; it reviews an application and deems it to be or not to be substantially complete and compliant. This language needs to be clarified. [Assembly Bill 171](#) also deals with this language.

[ASSEMBLY BILL 171](#): Revises provisions governing charter schools. (BDR 34-812)

There is a discussion about the 2 percent fee in section 46, subsection 3, line 30, page 64, [Exhibit D](#). The existing statute reads "not to exceed" 1.5 percent for school district sponsored schools and 2 percent for SBE sponsored schools. We need to look at the services provided to determine if the fee is reasonable. A jump in fee for my school, the largest charter school in Nevada, represents an \$85,000 increase based upon this year's enrollment. Is there an opportunity to cap the fee? The reference to NRS 386.5515 in section 46, subsection 3, line 40, page 64, [Exhibit D](#), covers standards for charter schools. No charter school would be eligible to request a 1 percent discount until it has been in operation for five years.

BOB DERUSE (Principal, ACE High School):

The ACE High School supports most of [S.B. 212](#). The Committee has received the written testimony of Leigh Berdrow ([Exhibit F](#)) which I will read. The ACE does not support the proposed sponsorship fee increase in [S.B. 212](#). The ACE recommends an amendment to Amendment 6139, section 46, subsection 3, line 35, page 64, by adding after the 2 percent statement "...or 1 percent if the charter school has met the criteria set forth in NRS 386.5515, subsection 1, paragraphs (a) - (e)."

LAURA GRANIER (Nevada Connections Academy):

The Nevada Connections Academy (NCA) is a statewide virtual charter school sponsored by the SBE serving hundreds of children in Nevada. The NCA supports S.B. 212. Under existing law, upon startup, SBE sponsored charter schools must pay a 2 percent fee to the SBE. In subsequent years, the schools pay a 1.5 percent fee. This bill allows SBE sponsored charter schools access to federal funds which they do not currently receive. Amendment 6139, [Exhibit D](#), strikes section 37, NRS 386.508, and adds section 35.5. The intent of this bill is to help charter schools flourish and create good policy. The NCA would oppose any amendment to eliminate the SPCSA's authority to enact regulations governing charter schools. The SPCSA would have expertise in charter school law and policy and could develop law aimed at governing charter schools. We are also concerned that section 38 of S.B. 212 does not create a cap on the number of charter schools that can be sponsored. There has been a moratorium on new charter schools. There are references to the NDE reviewing or approving an application, section 39, subsection 3, pages 52 and 53, [Exhibit D](#), which are consistent with State law; this actually occurs. The NDE makes a determination of completeness and then the sponsor either approves or disapproves. The language in section 39, subsection 3, page 53, line 12, [Exhibit D](#), should be consistent.

MR. ERQUIAGA:

The Office of the Governor supports the overall intent of S.B. 212. The Governor is a strong supporter of the charter movement and appreciates the intent language in this bill. The purpose of the organization, section 28.5, page 45, [Exhibit D](#), needs additional work. Section 38, subsection 5, paragraph (a), lines 36 and 37, page 50, [Exhibit D](#), should not be construed to limit the number of charter schools. Someone needs to have the authority to adopt regulations, whether it be the SPCSA or the SBE. I understand Senator Cegavske's concerns about the limits placed on charter schools. I would like further time to review this bill.

CRAIG HULSE (Washoe County School District):

The WCSD participated in the amendment discussions and supports S.B. 212.

BART MANGINO (Clark County School District):

The Clark County School District (CCSD) supports charter schools. The proposed Amendment 6139, [Exhibit D](#), raises questions.



The charter governing body may contract with the sponsors to purchase services, section 35.3, page 48, [Exhibit D](#). The CCSD believes the sponsor must have the ability to determine if the contract needs to be entered into. The potential exists for additional costs to the sponsor and the charter school.

With regard to the duties and responsibilities outlined in section 38, subsection 4, page 50, [Exhibit D](#), the CCSD is concerned about the sponsor's liability. The CCSD would like language that would hold harmless a sponsor. The language could state: "A violation of the sponsor's duty as set forth in section 1 does not create a private cause of action for any person or entity against the sponsor."

It is not clear what "review" and "evaluate" mean in section 38, subsection 5, page 50, Amendment 6139, [Exhibit D](#).

The CCSD believes the State should retain regulatory authority until the new SPCSA's responsibilities have been delineated, sections 41 through 43, pages 55 through 60, Amendment 6139, [Exhibit D](#).

The CCSD believes the flat fee should remain. Amendment 6139, [Exhibit D](#), contains language reducing the fee based upon the charter school's annual yearly progress performance. The CCSD would like to identify the fact there are still responsibilities and costs entailed by the sponsor and does not want to give up the opportunity to be reimbursed for those charges.

The CCSD is in favor of the audit proposal [*sic*], section 51, [Exhibit D](#).

CHAIR DENIS:

There being no further testimony, the hearing on S.B. 212 is closed. The Committee will begin the work session with a hearing on S.B. 275.

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

PEPPER STURM (Policy Analyst):

Senate Bill 275 clarifies the definition of bullying and creates a civil cause of action for failure to comply with provisions governing a safe and respectful learning environment. The Committee has received my written testimony ([Exhibit G](#)). Amendments were proposed at previous Committee meetings, pages 1 and 2, [Exhibit G](#).



SENATOR LESLIE:

This is one of those cases where no one likes the bill. There are parts of the bill I like. I am willing to give up the civil penalties with a message to the school districts saying they need to take bullying more seriously. The testimony at previous meetings clearly outlined the disconnect between the students being bullied and the school districts. What the school districts are doing is not working. Some of the provisions in S.B. 276, especially in the area of data tracking, I will support. There appears to be some denial on the part of the school districts. Some school officials are not acting. Hopefully, S.B. 275 has made the schools sufficiently aware of their inaction. When we have the data available next Session, we can take another look at this situation. I met with representatives of the public defenders regarding section 1 to see if we could do something about the definition of bullying. The Carson City District Attorney, Neil A. Rombardo, felt the definition needed to be expanded to provide more opportunities to charge violators. The public defenders walked me through the cases the Committee heard. It appears there are sufficient ways to charge in those cases. Why the students were not charged, I do not know. We do not have all of the facts. It worries me that people are not taking the bullying issue seriously. Clearly, there is no support for criminal penalties. Charging children and putting them in the juvenile justice system is not necessarily going to make things better. I am still concerned with how to handle bullying from a prosecutorial perspective. We are failing many children.

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

SENATOR BROWER:

The testimony we heard was appalling. I do not believe prosecution is the answer. I am wondering, in all the bullying instances, where was the principal, where was the teacher, where were the parents and where were the other students. It is appalling. How can bullying continue to happen? There do not seem to be any consequences. Every one of the students perpetrating bullying has parents; where is the person responsible for the student's conduct? Does the parent not learn of the bullying? Someone needs to focus on this issue. This is a policy issue and a policy enforcement issue in the school districts. I do not believe S.B. 275 or S.B. 276 are necessary, other than they have brought forward the issue. I do not believe a new crime needs to be legislated. I do not believe administrators need to be opened to new causes of action. Somehow, within the education establishment, there must be more focused attention,

commitment, education and training on bullying. There does not need to be another bureaucracy. I would imagine every principal would say bullying can be handled within the school. Why are they not handling the situation? I do not believe legislation is needed on this issue at this time.

SENATOR CEGAVSKE:

There is an absolute need for a shake-up in the school districts to say this is an issue the Legislature takes seriously. The parents I have spoken to convinced me bullying is a serious issue. When I have asked how a parent resolves the problem, I have found there are forms to complete. Forms are not the answer. The bullying situations need to be dealt with quickly. One of the young men we heard of was bullied for a year and a half in two schools. All of the schools have received information through the school districts. There is training to show and tell people about bullying. The schools have procedures in place; they have information available so teachers and administrators know how to recognize bullying. I do not know if S.B. 275 or S.B. 276 are bills we need to pass at this time. I am concerned the schools are not taking bullying seriously. Other than passing bills, I do not know how else to send the message. The NDE, the school districts and the boards of trustees do not want to be responsible. It is the site-based management's responsibility to make sure the students are safe; then it goes up the ladder to the boards of trustees and then to the NDE. All are responsible for the student's safety. I do not understand why both students are suspended in the instance of something like fighting. That does not make sense. There is always a right and a wrong. Someone causes the problem, and someone is the victim. Suspending the victim does not make sense. The NDE provides the school districts with policies. The school boards of trustees adopt the policies. What is the present circumstance for bullying?

MR. STURM:

The existing language in section 2, S.B. 275, requires the NDE to adopt a bullying policy. Section 3, S.B. 275, requires the boards of trustees to adopt that policy.

SENATOR CEGAVSKE:

Is the bullying policy being enforced?

DR. RHEAULT:

There is an anti-bullying policy in every school district. It is a matter of enforcement and making it a priority. White Pine Middle School has an

award-winning policy. The principal at White Pine Middle School makes bullying a priority. It is difficult to enforce a bullying policy. The action never happens in front of a teacher or principal. The action is reported. Bullying could be prioritized and enforced. Streamlining the process to address problems as they arise would help.

CHAIR DENIS:

There are policies, but what can we do to make it a priority in the schools?

DR. RHEAULT:

Without speaking on behalf of the districts, I may come back to you with some examples of how enforcement could occur. It could be done at the district level with a review of each district's policies and having a group look at what is being done and how to make the policies more effective.

SENATOR LESLIE:

If the NDE would do that, I would be willing to let S.B. 275 go. Some schools, frankly, are ignoring the policies. There is more work to be done. Perhaps progress can be made, with the NDE's help, without passing a law.

DR. RHEAULT:

I will look at the NDE's authority to make it a priority and require reporting on improvements and enforcement.

SENATOR WIENER:

This Session, I have a measure on "sexting," the transmission of sexual images by juveniles. If the bill passes, sexting is integrated into the definition of cyber-bullying. I initially approached the bill from an adult perspective: gross misdemeanor, felony... . There was little response other than being told it was under control. The criminal justice system did not know how to react because of the penalties. I then brought the bill in under the juvenile justice system. A child who transmits an image of self to another is considered to be a child in need of supervision. We get in early to redirect behavior. A second occurrence is considered a delinquent act. The punishment escalates if the behavior recurs. If S.B. 275 could be brought to the juvenile arena where this behavior is occurring, it could coordinate with the sexting measure.

SENATOR LESLIE:

Some of the bullying incidents are clearly criminal cases. I do not know why they were not charged or if they were reported properly. Many of the bullying incidents do not happen on the school grounds. We can work with the juvenile justice system, but this problem is bigger.

SENATOR WIENER:

The sexting measure is billed as alternative; there is prosecutorial discretion.

DR. RHEAULT:

Bullying is a national issue. The federal government eliminated funding for the Safe and Drug-Free Schools program, resulting in the loss of an NDE position to which I would have assigned bullying. Until safety issues are made a priority, this is an added assignment.

SENATOR CEGAVSKE:

The CCSD has an anti-bullying program and education for teachers and administrators. The Voluntary Incident/Witness Statement is not a parent-friendly form and needs to be reviewed by the board of trustees.

CHAIR DENIS:

There being no further discussion on S.B. 275, the work session will continue with S.B. 276.

MR. STURM:

A summary of S.B. 276 is included in my written testimony, pages 1 and 2 ([Exhibit H](#)). A number of amendments were proposed by the CCSD, pages 2 through 9, [Exhibit H](#). The WCSD has provided a list of the provisions of S.B. 276 it can accomplish with current resources and would support, page 36, [Exhibit H](#). At the April 1, 2011, Senate Committee on Education meeting, Ms. Goodman suggested the bill include adult bullying, and Mr. Claussen was concerned with First Amendment considerations, page 3, [Exhibit H](#).

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

There may be portions of S.B. 276 which the Committee may choose to delete. The CCSD's amendments attempt to retain the spirit of S.B. 276 while deleting provisions with significant fiscal impact. This is a good start at keeping this issue alive and moving in a positive manner. I have not seen the WCSD statement. It appears to be consistent with CCSD. I would like S.B. 276 to

remain an education issue. I would need further discussion to understand the American Civil Liberty Union's First Amendment challenge to section 31.

SENATOR LESLIE:

Is there any difference between the CCSD and the WCSD in terms of the data? It appears both school districts are willing, but CCSD does not want to report by school. They reference different sections, but it appears to be the same thing.

MR. STURM:

It appears WCSD can support the section 13 reporting. The CCSD proposed amendment eliminates written reports.

SENATOR LESLIE:

I would like to have some reasonable reporting included in S.B. 276. Until bullying is tracked, we will never know where the discrepancy is between what parents and students are telling us and what the school district tells us.

SENATOR CEGAVSKE:

One of the concerns I have with the reporting is, for instance, when we asked for a weapons report. One of the things clear in Clark County is that nothing is consistent. Each school has its interpretation of what should be reported. At Bonanza High School, the principal listed the actual weapons confiscated. The parents in the area went ballistic. It was a real report. The other schools were not reporting the weapons confiscated. There should be guidelines for the reporting in this bill.

SENATOR LESLIE:

I do not know how the definitions of bullying translate to reporting. Section 2, page 11 of S.B. 276 suggests adding information to existing reports. Can the NDE define what needs to be reported so we get the real information?

DR. RHEAULT:

The NDE could do this through regulation because the NDE has the authority to collect the information. The NDE would get input from the school districts to determine what can be done and what we are looking for.

SENATOR LESLIE:

I would advocate for that process. Is it necessary to require training elements in S.B. 276. Reporting seems to be the first step in raising awareness. Collecting information on whether or how people are being trained would be beneficial.

DR. RHEAULT:

The training is important. There is a requirement now but I am not sure if fiscally it can be done. If we know the problems and they are reported, appropriate training could be developed.

SENATOR BROWER:

This issue is one of leadership, human decency and human rights. There is a failure on the part of the school districts at all levels to exercise appropriate leadership to ensure the basic human rights of students are not violated. The well-intentioned language in S.B. 276 cannot adequately address the matter. It is a matter of every principal adopting a zero-tolerance bullying policy with respect to students and parents, and to do whatever it takes, with an expectation from the school boards, to address each incident as it comes up and make sure it does not happen again. We do not need this law to make change happen. It is apparently a hard thing to do because we are failing miserably. The principals must focus on dealing appropriately with bullying. We do not need more bureaucracy and reporting; we need leadership.

SENATOR LESLIE:

Until the Legislature makes it a priority, the schools will not make it a priority. Adding the four elements in section 2, subsection 1, paragraph (f), subparagraph (6), line 37, page 11, of S.B. 276 to the SBE's responsibility would give the NDE the authority to issue regulations and have the school districts report the information in a standard fashion. Until we know the scope of the problem, we cannot do anything systemic. There are no resources to provide the training needed. We need to do something.

MR. STURM:

Section 2 would give the SBE the ability to collect the information from the school districts in a uniform manner.

KRISTIN ROBERTS (Counsel):

The Committee would need to follow up with section 3, page 13, S.B. 276, where the school districts report that information to the NDE.

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SENATOR LESLIE:

The CCSD did not want to report each violation for each school.

MR. MANGINO:

Section 3, subsection 2, paragraph (ee), page 20, S.B. 276, looks at the number of reported violations. Section 13, subsection 1, page 27, requires the school districts to provide information with the report including the number of violations and the actions taken. The intent of the CCSD was to provide a report to the NDE including the number of violations and actions taken.

SENATOR CEGAVSKE:

As I read section 2 of the bill, the schools already report the number of instances. Why is section 3, subsection 2, paragraph (ee), page 20, needed?

DR. RHEAULT:

These sections refer to the student accountability information system requirements. Section 3 on page 20 has the requirements for the school districts; page 10 has the requirements for the NDE. Normally we would need to mention both as Ms. Roberts has recommended. The State system is set up for numbers and not descriptions. We assign a number to each of the most common reasons for dropouts, for instance, so the number can be entered into the system. We would have to do something similar to collect the data required in S.B. 276.

SENATOR LESLIE:

Would we need to include all of section 2? I do not know if we need specific language stating the school districts must provide the NDE with the information. I do want that to happen if it is needed.

DR. RHEAULT:

If Ms. Roberts believes section 3 should be included in S.B. 276, then it should be included.

SENATOR CEGAVSKE:

Are the dates on page 16 required?

SENATOR BROWER:

Could counsel redraft the bill so we have something to look at?

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CHAIR DENIS:

The recommendation is to gut the bill except for sections 2 and 3.

SENATOR PARKS:

Would you consider including section 32, page 37, and section 9, page 24, of S.B. 276?

CHAIR DENIS:

We will add the fund in section 9 and "Week of Respect" in section 32.

We will close the discussion on S.B. 276 and open the hearing on S.B. 318.

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

SENATOR PARKS:

An amendment to S.B. 318 has been proposed which answers the questions presented at the April 1, 2011, Committee meeting.

SAMUEL McMULLEN (Citizens for Fire Safety):

The Committee has received a copy of "Proposed Amendment to SB 318" ([Exhibit I](#)) which will resolve the questions and financial issues presented at the April 1, 2011, meeting. The amendment makes clear that S.B. 318 relates to the purchase of new school buses, not used school buses. Used school buses may be transferred from school district to school district without a problem. The School Bus Seat Upholstery Fire Block Test is the acceptable and equivalent test utilized in Nevada. The amendment attempts to satisfy Senator Cegavske's concern to set a minimum standard.

SENATOR BROWER:

I need to disclose that Mr. McMullen and I work for the same law firm. After reviewing the Senate's rules and consulting with counsel, I do not have a conflict.

WENDY BOSZAC:

I have been an administrator in three different states and want to offer my help to the Committee with the bullying issues.



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CHAIR DENIS:

There being no further public comment or business to come before the Committee, this meeting is adjourned at 3:41 p.m.

RESPECTFULLY SUBMITTED:

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Sandra Small,  
Committee Secretary

APPROVED BY:

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Senator Mo Denis, Chair

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

<b><u>EXHIBITS</u></b>			
<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
S.B. 451 and S.B. 449	C	Senator Stephen A. Horsford	Written Testimony
S.B. 212	D	Steve Canavero	Mock-up Proposed Amendment 6139 to Senate Bill No. 212
S.B. 212	E	Steve Canavero	Amendments Proposed by the National Alliance for Public School Charters
S.B. 212	F	Bob DeRuse	Written Testimony of Leigh Berdrow
S.B. 275	G	Pepper Sturm	Work Session Document
S.B. 276	H	Pepper Sturm	Work Session Document
S.B. 318	I	Samuel McMullen	Proposed Amendment to SB 318