

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

**Seventy-Seventh Session
May 27, 2013**

The Committee on Education was called to order by Chairman Elliot T. Anderson at 2:31 p.m. on Monday, May 27, 2013, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at nelis.leg.state.nv.us/77th2013. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman Elliot T. Anderson, Chairman
Assemblywoman Marilyn Dondero Loop, Vice Chairwoman
Assemblyman Paul Aizley
Assemblywoman Lesley E. Cohen
Assemblyman Wesley Duncan
Assemblyman Andy Eisen
Assemblywoman Michele Fiore
Assemblyman Randy Kirner
Assemblyman Harvey J. Munford
Assemblywoman Dina Neal
Assemblyman Lynn D. Stewart
Assemblywoman Heidi Swank
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

Assemblywoman Olivia Diaz (excused)

GUEST LEGISLATORS PRESENT:

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

Minutes ID: 1277



STAFF MEMBERS PRESENT:

Todd Butterworth, Committee Policy Analyst
Andrew Diss, Committee Manager
Sharon McCallen, Committee Secretary
Ashlynd Baker, Committee Assistant

OTHERS PRESENT:

Nicole Rourke, representing Clark County School District
Jhone Ebert, Chief Technology Officer, Clark County School District
Seth Goolsby, Part-time Student, Virtual High School, Las Vegas
Craig Stevens, representing Nevada State Education Association
Lindsay Anderson, representing Washoe County School District
Christine Miller, representing Nevada Association of School Boards
Mary Pierczynski, representing Nevada Association of School
Superintendents
Nick Vassiliadis, representing R&R Partners Foundation
Joyce Haldeman, representing Clark County School District
Lonnie Shields, representing Nevada Association of School Administrators
Dotty Merrill, representing Nevada Association of School Boards
Constance Brooks, representing Nevada System of Higher Education
Brooke Nielsen, Vice Chancellor, Legal Affairs, Administrative Services,
Board of Regents, Nevada System of Higher Education
Rorie Fitzpatrick, Interim Superintendent of Public Instruction, Department
of Education

Chairman Elliot Anderson:

[Roll called. Protocol and procedures explained.] Please mark those not present as excused. They may be arriving, but have other obligations. We will open the hearing with Senate Bill 58 (1st Reprint).

**Senate Bill 58 (1st Reprint): Revises provisions relating to distance education.
(BDR 34-396)**

Nicole Rourke, representing Clark County School District:

Thank you for the opportunity to present Senate Bill 58 (1st Reprint). I will walk you through the statutory changes proposed by the bill. We will share specific examples how digital learning has positively impacted the achievement of students within our district and how we hope to provide additional opportunities through the Digital Learning Act.

We are requesting modification of *Nevada Revised Statutes* (NRS) within S.B. 58 (R1) to open access and remove barriers for Nevada's students. The changes in sections 1 and 2 remove restraining qualifications or criteria for defining a distance education student. These changes will allow any student who is otherwise eligible to be enrolled in a public school to participate in this program of distance learning.

Section 3 removes barriers for students who want to participate in programs of distance education on a part-time basis. Currently, students wishing to participate in either full-time or part-time enrollment not offered by their school district must seek approval from their school board of trustees in order to participate. This change removes the requirement for part-time students.

Section 5 allows us to operate in a more efficient manner using technology by allowing an unlicensed staff member to supervise students in a laboratory setting who are participating in an online class.

The teacher of record is a distance education teacher and is responsible for the content of the course, the students' grades, and progress. Previously, schools had to make decisions on which courses to offer based on a minimum enrollment of so many students per course. That means if a school wanted to offer Advanced Placement (AP) Biology, and only had 12 students who wanted to take the class, it would not be feasible to offer it within the school building. With distance education courses, you can now group students in a computer laboratory and offer a variety of courses to be taken individually.

Currently, each student has a qualified teacher assigned to them and we have to have a second licensed teacher in the room with them. We are requesting that an unlicensed employee be able to supervise students in a computer laboratory to support the licensed teachers that are at a distance. This allows students who do not have the technology available to them, either at home or elsewhere, to participate in a distance education course on their campus.

This concludes our overview of S.B. 58 (R1). I will ask Jhone Ebert to talk to you more about our distance education program.

Jhone Ebert, Chief Technology Officer, Clark County School District:

I am pleased to have the opportunity to share specific examples of how digital learning has positively impacted achievement of students within our district and how we hope to expand our reach through the Digital Learning Act to provide opportunities to support Nevada's students.

Over the last few years, we have consistently grown in the number of students who are able to access our online curriculum. At Virtual High School students are able to enroll full-time or part-time for a variety of reasons. Four specifically come to mind that I want to share with you today.

The first is that of being able to select courses that are not offered at their home school.

Next, is taking individual courses such as advanced or accelerated learning opportunities.

Third, being able to benefit from the flexibility of instruction, this can be completed at a student's own pace of learning.

Finally, is the student's ability to complete a four-year program online.

Virtual High School offers a robust catalogue of high school courses similar to many of our traditional brick-and-mortar campuses. The advantages here are that they also have the ability to offer all of the advanced placement courses as we can gather the tremendous brainpower across our entire school district to be able to do so.

Enrollments in digital learning at Virtual High School have continued to increase rapidly over the last four years, with the number of course enrollments nearly doubling. In 2008-2009 enrollment was 3,212. In 2010-2011, it was 6,122. In just one year, we doubled, yet again, 12,613 for the 2011-2012 school year.

As part of our statewide healthy test-drive program last summer, students were able to complete either health or drivers' education online from March through June at a significantly reduced cost. This program was tremendously successful as over 5,600 students across the state completed credit during the 2012 summer session.

With all of this said, the best examples of the positive impact digital learning could have on students comes from students and teachers themselves.

I have a young man to join you today. Seth Goolsby is currently attending Del Webb Middle School in Henderson, Nevada, while concurrently enrolled in high school Biology 1 Honors as a part-time student at Virtual High School. He will speak to you about the benefits of online learning.

Seth Goolsby, Part-time Student, Virtual High School, Las Vegas:

Hello, my name is Seth Goolsby and I am in eighth grade at Del Webb Middle School. I have been taking classes with Virtual High School for about a year. [Read from prepared testimony ([Exhibit C](#)).]

The important thing about having online learning available is that it will allow students who want to excel to do so. The system, if applied properly, will allow Nevada students to achieve more educationally now and in years to come.

Chairman Elliot Anderson:

Thank you, Mr. Goolsby. Are there any questions from the Committee?

Assemblywoman Dondero Loop:

Do you have to, at any time, go into a classroom or a school? Can you do this all from your house?

Seth Goolsby:

I can do it all from my house. I just took the final examination last Friday.

Assemblywoman Dondero Loop:

Ms. Ebert, is there ever a time when students have to go into an actual brick-and-mortar facility?

Jhone Ebert:

Full-time students must come onto campus for the Nevada High School Proficiency Examinations (NHSPE). They must do that face-to-face and we follow all of the NRS and testing requirements. If our part-time students are not moving at a pace and keeping up with our coursework, we do require them to come on campus to receive individualized tutoring. In Mr. Goolsby's case, as a very self-motivated young man, and on task, he was not required to come on campus to receive additional support.

Assemblywoman Dondero Loop:

Mr. Goolsby, I think whomever you lost the lottery to, lost out. They lost out, not you.

Assemblyman Kirner:

This allows students to take online courses across district lines? You are shaking your head in the affirmative. How does the Distributive School Account (DSA) resolve that? Obviously, if you take classes in one district and live in another district, is there a DSA issue with that?

Nicole Rourke:

The reason we only effected part-time is we have agreements with other districts to allow students to participate in our classes part-time. We have not had much participation where we had to request partial DSA payments. The intent is not to impact another district's per pupil allocation. If we got to the point where we needed to request funding, we would do it through an agreement with that district rather than through the DSA.

Assemblyman Kirner:

In section 2, page 3, line 20, of the bill, it talks about children in private schools or home schools are not able to participate. I assume that has to do with the DSA and how it is constructed and school districts are reimbursed.

Nicole Rourke:

That is existing statute. That is not part of this bill. I am not exactly sure why that was put in there previously. You could be correct.

Assemblyman Kirner:

Could be what?

Nicole Rourke:

You could be correct. They are not currently in the public school system and this is an offering of the public school system.

Assemblywoman Swank:

In looking at a study that was put out in 2010 by the U.S. Department of Education, it compared distance learning by looking at in-class, solely distance learning, and blended classes. It found that the blended classes where you had some online learning and some face-to-face interaction did noticeably better than either of the other two. This sounds like distance is going to be only online interaction? Is that correct? I am wondering if that is a good idea in dealing with a large number of students if the U.S. Department of Education did not see that was appreciably better for students than face-to-face interaction.

Jhone Ebert:

I am very glad you have read that research. In Seth's instance, he is a completely online student and very successful. There are students who are very successful and are face-to-face. You can also flip those two instances where we have students who are not successful in a face-to-face, brick-and-mortar building—unfortunately, many more than we would like—who are extremely successful in an online class given their own time, their location, and their pace.

I have been involved in distance learning for 14 years and what you see over time is the blended model becoming more prevalent across the United States. It takes the best of both worlds, where the student can take the learning online, and the environment where they succeed and get to the point where they need the teacher's assistance then they have the face-to-face opportunity. You will see many types of models. There are four specifically across the nation which the Innosight Institute follows and which we follow as well for a blended learning environment.

You have to match the environment with the student's way of learning. Each student is unique. Whether the student is full-time, blended, or face-to-face, we have never said that a student must be 100 percent in any of those.

Assemblywoman Cohen:

I am wondering about classes with laboratories in them that require lab time. How does that happen with distance education?

Seth Goolsby:

There is a website called ExploreLearning on Gizmos. It is a program where you can virtually dissect a frog by picking up a scalpel with your mouse and making the incision while conducting the animated virtual experience. That is how laboratories work with distance learning.

Chairman Elliot Anderson:

Good job on identifying yourself for the record. We have adults who do not get that right.

I think my question has been satisfactorily answered, but to reconfirm, I believe it is explicitly mentioned in section 5 of the bill in terms of licensure. Any instruction would have to be done by a licensed educator versus an unlicensed educator. Is that how you read the bill as well?

Nicole Rourke:

Yes, the intent is for the teacher of record, who is the distance-learning teacher, to guide the instruction, provide assistance, and ensure that appropriate progress is being made. The purpose of the unlicensed staff for supervision is in the instance we bring together students in a computer laboratory. Right now, we are required to have a second teacher actually supervising them. It could be a teacher's aide, a lab assistant who is there for technology assistance. It would still be a staff member of the school.

Chairman Elliot Anderson:

Currently, when you have people in the room supervising that are not doing the instruction, are they just there monitoring and not teaching? Is that correct?

Nicole Rourke:

That could be correct. If you have ten different students in a computer lab at a given time, you might have ten different classes they may be taking. The teacher in the lab with them would not be certified in all of those areas.

Assemblyman Stewart:

If a student was trying to make up credits or graduate early and going to take distance learning during the summer, would they have to pay for each class they took during the summer or even during the regular school year? How does the financing work on that?

Jhone Ebert:

Summer school is not paid for out of the regular DSA. Our students, whether they are face-to-face or online, do pay for summer school.

Assemblyman Stewart:

Can they take as many classes as they wish and can finish during the summer?

Jhone Ebert:

Yes, that is correct.

Assemblyman Stewart:

They can take four or five classes, and they would have to pay for each individual class? Is that correct?

Jhone Ebert:

Yes, that is correct.

Assemblyman Stewart:

Those students operating from home or from a long way off, how would the security work for that when taking tests?

Jhone Ebert:

With online education, the coursework is developed through project-based learning, not just multiple choice. They also have quite a bit of writing, whether in drivers' education, health, or an AP course. The teachers learn who their students are through that process just as you would in a normal face-to-face building. When the students are taking their final exam, it is not just multiple choice, it is some response. Some of our instructors also use a tool, which we

call Centra, and you can virtually see the students as well. We have many different methodologies for working with and ensuring that is the student taking the exam.

Assemblywoman Swank:

I would like to follow up on my colleagues question regarding the online lab. Dissecting a frog online sounds fine, except having been a teacher I know that hands-on interaction even with a dead frog really inspires students—seeing the heart, and all of the pieces. I am not a biological person, but as an anthropologist, we know this is what keeps students engaged. I am hesitant about a program that would have students getting a high school degree and never having dissected a frog or other hands-on experiences. Mr. Goolsby is very intelligent and is successful with this, but if we are going to be expanding this to a larger number of students, we do want them cutting up the frogs and getting into the gunk.

Nicole Rourke:

I will just say that I would have much preferred the online version of the frog dissection. However, I will defer to Jhone Ebert to tell you more about how we address those issues.

Jhone Ebert:

I would go back to Nicole as a perfect example. When I first became assistant superintendent over curriculum and instruction, there was a young person who refused to dissect a frog. At that point, we did not have in policy the ability to create an alternative assignment for the student. The student was issued a C in that course. Having those alternative assignments are very important.

What are important are the content and the curriculum of what they are learning. Did they meet the scope and goals of what we expect of them and the expectations for the course? Did they understand where the heart is, not necessarily how formaldehyde smells? There are different ways you can look at it, but in the end, whether we meet the course scope and goals is very important.

In addition, with the AP classes, the College Board has been tracking those students who take online curriculum as well as face-to-face and their pass rate. Virtual High School is one of only three high-achieving high schools in Nevada this last year. Our students scored just the same because our teachers are face-to-face as well as online. In those lab courses, our students are scoring the same as their face-to-face counterparts.

Finally, the use of all of the tools in especially chemistry courses where you traditionally use hands-on materials, if you are looking for a reaction, you can only use those materials once. Online, you can use the materials multiple times through a simulation and adjust the types of chemicals you use. It actually expands the experience for a student

Assemblywoman Swank:

I think that actually doing something is very different than knowing how to do something. I never wanted to run in track, but I had to as a student. We need to encourage students to get involved in the world outside of the computer.

Chairman Elliot Anderson:

Just to clarify for the record, we are not discussing the merits of distance education, because these are already in statute. However, for the record we can note the Committee's concerns.

Assemblyman Munford:

Is there any physical activity required by the student? There is so much emphasis on obesity and health is there any type of activity to make up for lack of being at the building where there would be physical education (P.E.) classes?

Jhone Ebert:

My son actually took his P.E. online. In that instance, they are required to run laps, and do sit-ups. They have to track all of that activity online. Even though they were not in a face-to-face classroom or on the high school campus with a gym, he did have to participate in physical activity and record it for the class.

Assemblywoman Dondero Loop:

I have had a lot of discussion with several school districts regarding this very thing, and we need to remember we may have a school district aside from Clark County that may not have enough students in their district to take a specific class such as an AP chemistry class or a French class. They may want to take those classes virtually.

A few years ago when Elko had an earthquake, their chemistry laboratory was ruined and their students could not finish their chemistry course, so through a virtual chemistry lab, they could. There are many reasons we do online courses or other avenues of learning for students. It is not just the ease of use. It is flexibility and accessibility and we need to put that into perspective.

Chairman Elliot Anderson:

Are there any further questions? Seeing none, I will open the table here or in Las Vegas for support of S.B. 58 (R1).

Craig Stevens, representing Nevada State Education Association:

We are in full support of S.B. 58 (R1). What we like most about this is enabling an assistant to take over the courses when it comes to distance learning. What we hope this bill will do is free up this educator to be put back in the normal rotation so we can actually get the class sizes smaller by allowing this educator who, right now, has to be in that class even though their skills are not being used to the full benefit of the students. They can actually go into a class where they can teach and be more effective.

Lindsay Anderson, representing Washoe County School District:

We are in support of S.B. 58 (R1). We believe this will allow us to make better use of our resources and improve our efficiency.

Christine Miller, representing Nevada Association of School Boards:

I currently serve as President of the Nevada Association of School Boards (NASB) and I am a member of the Storey County School Board. I am here representing NASB to support S.B. 58 (R1). [Read prepared testimony ([Exhibit D](#)).]

Mary Pierczynski, representing Nevada Association of School Superintendents:

We are in full support of S.B. 58 (R1). The opportunity to have unlicensed personnel in our computer laboratories where our students are interacting with licensed teachers is a very important part of this bill.

Having this type of distance education allows students in our more remote rural districts to engage in courses they could not have otherwise.

Chairman Elliot Anderson:

Is there any further support either in Carson City or in Las Vegas? [There was none.] Is there anyone opposed? [There was no one.] Is there anyone in the neutral position? [There was no one.] Are there any concluding remarks? [There were none.] We will close the hearing on Senate Bill 58 (1st Reprint).

ASSEMBLYWOMAN DONDERO LOOP MOVED TO DO PASS
SENATE BILL 58 (1ST REPRINT).

ASSEMBLYMAN STEWART SECONDED THE MOTION.

Chairman Elliot Anderson:

I would note that the rules are still suspended and we could take action if that is the pleasure of the Committee. Is there any discussion?

Assemblywoman Swank:

I will vote yes on this, but reserve the right to change my vote on the floor.

THE MOTION PASSED. (ASSEMBLYWOMEN DIAZ AND NEAL
WERE ABSENT FOR THE VOTE.)

Chairman Elliot Anderson:

I will assign the floor statement to Ms. Dondero Loop. We will open the hearing on Senate Bill 164 (1st Reprint).

Senate Bill 164 (1st Reprint): Revises provisions governing safe and respectful learning environments in public schools. (BDR 34-454)

Nick Vassiliadis, representing R&R Partners Foundation:

We are in support of S.B. 164 (R1).

Chairman Elliot Anderson:

Please note there is a mock-up that I produced over the weekend ([Exhibit E](#)). We do have Senate Bill 442 (2nd Reprint) out there, which alters the reporting for bullying. The mock-up is to keep S.B. 164 (R1) consistent with S.B. 442 (R2). The rest of the bill should be the same.

Nick Vassiliadis:

Current law provides for the safe and respectful learning environment in public schools and prohibits bullying and cyber-bullying, harassment, and intimidation. Current law also requires reports to be made on these activities in schools. The law is required for those reports to occur if a bullying incident resulted in an expulsion or suspension.

This bill would expand those reporting requirements to also involve any reported incidents.

Section 3 of this bill requires each school to disseminate information on bullying and facilitate a safe and positive learning environment.

Section 4.5 of this bill actually revises the definition of bullying. This was brought to our attention by the school districts believing that the existing definition did not quite cover it and that we needed to focus on what bullying really is.

Sections 5 through 7 of the bill require boards of trustees for districts to go through bully prevention identification training. It also expands this to principals and other administrators.

Finally, the bill strengthens some of the punishments for violating these requirements. It specifically points out that there can be disciplinary actions taken against a pupil for making a false report. There was some concern that pupils would use the bully policy as a way to exact revenge against other students. We wanted to remove that concern.

That is a brief overview of what the bill does. The reason the R&R Partners Foundation is here in support is through the foundation we started a program called Flip the Script. It is to specifically look at how to identify and prevent instances of bullying in the school.

Over the last two years, we have worked hard with the districts, individual schools, principals, teachers, and students to really see what the problem is. What we have been able to do in the last two years is raise awareness of the issue. However, we have not been able to get a strong understanding of what is actually happening in those schools. That is why we think expanding the reporting requirements will give us a better grasp of what is actually going on in the individual schools, thus, giving us a better angle on how to attack the problem.

Chairman Elliot Anderson:

Are there any questions from the Committee members?

Assemblywoman Swank:

On page 22, the language was struck that concerned 'one time' in the definition of bullying. I was wondering why the 'one time' was taken out?

Nick Vassiliadis:

Because a one-time incident is not really bullying. Bullying is a repeated set of occurrences; almost behavioral or pattern forming. We did not feel it was right to capture into the bullying umbrella in terms of an actual picture of the bullying problem in our schools. We want to narrow it down and get the bully-specific definition.

Assemblywoman Swank:

On page 25 where it says that each pupil involved in a reported violation, the parent or legal guardian would be notified. Would this include the student who was bullied? I would think you would want to bring the student's parents in as soon as possible to help that student.

Nick Vassiliadis:

It is our understanding that is supposed to include both sets of parents. You cannot get to the heart of the problem if both parties are not involved in that resolution process.

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

Thank you for hearing Senate Bill 164 (1st Reprint). For a number of sessions I have brought forward various bills dealing with the issue of harassment, intimidation, and antibullying to the Legislature

Two years ago, I presented a relatively comprehensive bill and the testimony that came out of that dealt with the fact that the bill put certain requirements on the local school districts as well as the Department of Education because of the severe financial situation. We worked together and passed a bill that took anything that contained a cost item out of the bill yet kept the bill intact.

What is in front of you today is trying to move the issue a little further along and does put additional requirements on both the school districts as well as the Department of Education.

I would like to go quickly through testimony I have given and the need for legislation. It is 11 facts about bullying. [Read from prepared talking points ([Exhibit F](#)).]

Chairman Elliot Anderson:

Are there any comments or questions for Senator Parks? Seeing none, I will say thank you, Senator for bringing this piece forward. It is certainly something we have to keep focused on. I hear too many stories about kids killing themselves after a bad day on Facebook. We definitely have something wrong that we need to fix. I appreciate your efforts in the past and now.

We will open the tables for support here in Carson City or in Las Vegas for S.B. 164 (R1).

Joyce Haldeman, representing Clark County School District:

We are here in support of S.B. 164 (R1). We would like to thank Senator Parks for bringing it forward and for working closely with us so the bill is something we think improves the current situation. We really appreciate changing and improving the definition so that it more closely mirrors a national definition for bullying.

We also appreciate the training components. We are quite proud of the training we do in our school district and feel the training is essential and is not a burden.

I have two comments regarding the reporting requirements. We appreciate the recognition of false reporting. Sometimes that is actually an aspect of bullying that students use. Having some penalties connected to false reporting is important.

As we talk about Senate Bill 442 (2nd Reprint), the bill that is reducing mandates, it is important that we coordinate those reporting requirements. The intent is we would have one report that fulfills all of the responsibilities rather than duplicate reporting.

Finally, I wanted to mention the Week of Respect. The Clark County School District (CCSD) feels this is a very important component to help students to be aware of the issue. You may have budding bullies, who are not aware that they are becoming a bully. These types of events help them recognize that they sometimes have an imbalance of power. Sometimes things they think are funny or sarcastic, or just being cool, are harmful.

We appreciate the R&R Partners Foundation and all of things they have done to work with us so that we have materials and effective ways to reach our students. We are very proud of that effort in CCSD.

Assemblyman Munford:

Once you are able to determine a bullying incident, is it zero tolerance for bullying? What are the consequences and the punishment? Are students expelled or sent to alternative education? Sometimes it is difficult to determine what is bullying because there are so many levels.

Joyce Haldeman:

Like other incidents that take place on our campus, there is a set of consequences arranged for the students depending upon the violation. Our counselors and deans work very closely with the students and with their parents. Once the determination is made, if there has actually been a violation, then here is a series of consequences geared to be relative to the violation. We take it very seriously. It is important for us to note that every one of our schools have more than one mechanism of how students can report bullying. That is probably one of the reasons we do have some false reporting. An elementary school student might report someone as bullying because they were not chosen for a team.

We follow up on all of those references and investigate. In cases where there is bullying, or any other incident or altercation that takes place, we follow through and make sure the consequence is matched to the situation.

Assemblyman Munford:

Is bullying ever confused with just a fight or someone defending themselves, or someone who just cannot tolerate any more and finally strikes back? Maybe they are just not going to take it any longer. That is a gray area when someone is just defending themselves against even personal verbal attacks and it leads to a fight. Is that bullying?

Joyce Haldeman:

That is part of the reason we wanted to tighten up the definition of bullying. The repeated action is an important part of it. Sometimes people lose their temper, or there might be a fight based on other reasons. That is not necessarily bullying. The fact that it is a repeated action, and it involves an imbalance of power are important parts of the definition so we can make sure we capture bullying correctly.

Let me assure you, as Mr. Vassiliadis correctly pointed out in his testimony, if there is an act of aggression, a fight, we are going to take that very seriously. We are not going to let it go because it does not meet the definition of bullying. It is just for the purposes of bullying that we want to make sure we distinguish correctly.

Lindsay Anderson, representing Washoe County School District:

We took the legislation that came out of the 2011 Session very seriously. We have incorporated the safe and respectful schools into our school district through a variety of ways including the Week of Respect and board policies. We are here in support of this legislation. We support our board members getting training about the intricacies of this if they are ultimately going to be setting policies.

Lonnie Shields, representing Nevada Association of School Administrators:

I am also representing the Clark County Association of School Administrators and Professional Employees. We also want to thank Senator Parks for bringing this bill forward and for defining bullying more closely. Many times we have been asked by principals, exactly what is bullying? Is this a bullying incident, or is this not a bullying incident, and how do I define it?

We especially like the part on training that is included in the bill as well as the part for new administrators, which allows that to take place within 90 days of starting work. That will help solve this problem in the future. We are in support.

Mary Pierczynski, representing Nevada Association of School Superintendents:

Over the years, Senator Parks and legislators have done a lot to draw attention to all of us who work in the school system with the big problem of bullying. Now, of course, it is such a big issue on the national level. We want to thank the Senator. He was ahead of his time on some of this.

This legislation is an important piece in giving us the definition that we need so that we are reporting bullying and cyberbullying, we are getting accurate data for those who are studying this issue of how to stop bullying in schools. As Ms. Haldeman stated, we are not going to ignore bad behavior by students, but we need to be very clear on what we are identifying as bullying.

Dotty Merrill, representing Nevada Association of School Boards:

The Association supports Senate Bill 164 (1st Reprint) because it will continue the series of steps already taken in prior legislative sessions to emphasize the importance of a safe and respectful learning environment for all of Nevada's students. [Read from prepared testimony ([Exhibit G](#)).]

Chairman Elliot Anderson:

Is there any further support either here in Carson City or in Las Vegas for Senate Bill 164 (1st Reprint)? [There was none.] Is there anyone in opposition? [There was no one.] Is there anyone neutral? [There was no one.] Senator Parks do you have any concluding remarks?

Senator Parks:

Earlier today I was provided with a mock-up of a proposed amendment. My concern was the repealed sections, and I see they are also repealed sections under Senate Bill 442 (2nd Reprint). I am looking to see where the replacement language is because someone has to be doing the compiling and my experience indicated that unless there are specific requirements, individual schools might be reluctant to report.

Chairman Elliot Anderson:

Senator, that is on page 7, line 26 of the mock-up ([Exhibit E](#)). That is to keep it as one report for the whole school district. An earlier bill passed through the Senate that was trying to repeal multiple reports. To make it consistent, as you saw, Senate Bill 442 (2nd Reprint) has already passed deleting individual school reports and putting it through the existing Nevada Annual Reports of Accountability. All of the same information would still be reported, but it would be done in one report. That was the request of the school districts.

Mary Pierczynski:

What you just said is exactly our understanding. This information will be going into the Nevada Annual Reports of Accountability. We have talked with people at the Department of Education and it will all be included in one report. Previously, school districts had to present information in multiple reports. Anyone who wants to know about bullying, and cyberbullying, the information will be in one spot.

Chairman Elliot Anderson:

The big thing that I see is that it takes away the responsibility of the principal for individual reports and for it to be collected by the school district. Is that correct?

Mary Pierczynski:

That is correct.

Chairman Elliot Anderson:

I would envision the implementation to be where the principal would have records of every incident and those records would be available to whoever is responsible for the reporting.

Mary Pierczynski:

Yes, that is our plan.

Nicole Rourke, representing Clark County School District:

It is our intent to report all of the information, but to do it one time through one format so it is easily accessible, and to be collected in a manner similar to the other information collected from our schools.

Chairman Elliot Anderson:

Senator, I am prepared to take a motion at this point, but if you want extra time, we could consider this a different day. Which would be your preference?

Senator Parks:

I realize we are into the last week of the session and I certainly do not want to hold anything up. I would reiterate my concern in that years ago, some of the initial reporting was overlooked by some of the schools so it was really quite incomplete. As long as there is complete reporting, I have no problem.

Chairman Elliot Anderson:

I feel confident. When Senate Bill 442 (2nd Reprint) came through, some of the language as it referred to *Nevada Revised Statutes* (NRS) 388.135 and the policies concerned me very much. We did double-check to ensure that we

would still get that reporting data because, like you, we are very concerned about bullying. If you need more time to feel comfortable, we have the mock-up done and Legal could turn over an amendment quickly. It is up to you.

Senator Parks:

I will yield to your best interest.

Chairman Elliot Anderson:

We will close the hearing on Senate Bill 164 (1st Reprint). Is there a motion for amend and do pass with the mockup?

ASSEMBLYWOMAN FIORE MOVED TO AMEND AND DO PASS
SENATE BILL 164 (1ST REPRINT).

ASSEMBLYMAN STEWART SECONDED THE MOTION.

Is there any discussion?

THE MOTION PASSED. (ASSEMBLYWOMEN DIAZ AND NEAL
WERE ABSENT FOR THE VOTE.)

I will give that floor statement to Ms. Fiore. We will open the hearing on Senate Bill 446.

Senate Bill 446: Revises provisions governing education. (BDR 34-1077)

Constance Brooks, representing Nevada System of Higher Education:

I am the director of Government Relations for the Nevada System of Higher Education (NSHE), and with me is our Vice Chancellor of Legal Affairs, Ms. Brooke Nielsen. She is here to provide answers to any technical questions relative to the legal portion of the bill and the reciprocity agreement.

I would like to begin by thanking the Senate Education Committee for their sponsorship and their support and Senator Woodhouse in particular for bringing this bill forward on our behalf. This is a bill that promotes fiscal prudence and will ultimately be a cost-saving measure for NSHE institutions.

In October 2010, the U.S. Department of Education issued "Program Integrity" rules that essentially provided that institutions of higher education must comply with state authorization rules governing distance education in every state in which they are serving students. [Read from report ([Exhibit H](#)).]

What exactly does state authorization for distance education mean for NSHE institutions? Any state in which an institution is serving a student via distance education must be authorized to do so. For example, if the University of Nevada, Las Vegas (UNLV) is serving just one student in South Dakota, then UNLV must secure authorization from the state of South Dakota and pay any necessary fees. For any given year, UNLV has estimated they will have to spend approximately \$150,000 in fees for state authorization. That is not to mention the full-time position they have to hire to keep track of the states where they need to seek authorization.

The cost of compliance is high, but it is a considerable administrative burden on institutions, hence the need for a state reciprocity agreement. A reciprocity agreement will establish common, high-quality, cost-effective, and consistently applied standards, review processes, and over time, should provide a cost savings for our institutions. The Board of Regents will continue to act as the authorizing entity for Nevada's public institutions. Reciprocity means that the authorization that occurs in Nevada, either by the Commission on Postsecondary Education, or the Board of Regents will be honored by other states that join the State Authorization Reciprocity Agreement, otherwise known as the SARA.

Institutions participating in the SARA will not have to seek authorization in every state where they serve students, thus, saving time and money.

Senate Bill 446 authorizes the Nevada WICHE Commission to opt Nevada into the Western Interstate Commission on Higher Education (WICHE) State Authorization Reciprocity Agreement (SARA). Once Nevada opts into the WICHE SARA, individual institutions, both public and private, can then decide if they want to opt into the WICHE SARA. WICHE is not alone in the development of the SARA; the Midwestern Higher Education Compact (MHEC), the New England Board of Higher Education (NEBHE) and the Southern Regional Education Board (SREB) are drafting similar agreements. Conceptually, there is very little difference between those agreements and there is some consistency in the various regional compacts. Participation in the WICHE SARA will save NSHE institutions both time and money. We urge your passage of this legislative measure.

Brooke Nielsen, Vice Chancellor, Legal Affairs, Administrative Services, Board of Regents, Nevada System of Higher Education:

I am here to answer any technical questions with regard to any legal issues or other matters members of the Committee may have on Senate Bill 446.

Chairman Elliot Anderson:

In looking through the bill, I know the WICHE commissioners will be in charge of entering into the agreement. Can you explain how that process would work? How would they implement this authority?

Constance Brooks:

WICHE would serve as the parent to other compacts that are in place, whereby if WICHE agrees, or if your legislative body approves us to be a part of this agreement, through WICHE our institutions would have the opportunity to opt into this agreement. Using UNLV as an example, they would work through WICHE and they could say they would like to opt into this agreement. Therefore, they would not have to seek authorization for each of the students from various states that receive distance education.

Chairman Elliot Anderson:

Would you expect all of the WICHE members would enter into this agreement? It is obviously something that will be affecting many states, correct?

Constance Brooks:

That is definitely the assumption. At this time, it is a national movement. There are other states participating and in the foreseeable future, the entire country will be participating in this agreement so that it can defray costs at each institution.

Assemblyman Stewart:

How many states are already involved in this agreement? Are we one of the last ones?

Brooke Nielsen:

I attended a meeting in April in Indianapolis with regard to the SARA, and 47 states were represented at that meeting. However, at this time, every state is at the beginning stage of obtaining authorization just as we are doing in asking the Legislature to provide through S.B. 446. There was a lot of confidence at the meeting that within three to five years there will be far more than a majority of states around the country involved in this. It is expected that almost every state will join.

Chairman Elliot Anderson:

We will open the tables for support either here in Carson City or in Las Vegas. [There was none.] Is there anyone in opposition? [There was no one.] Is there anyone in the neutral position? [There was no one.] We will close the hearing on Senate Bill 446. What is the pleasure of the Committee?

ASSEMBLYMAN EISEN MOVED TO DO PASS SENATE BILL 446.

ASSEMBLYWOMAN SWANK SECONDED THE MOTION.

Is there any discussion? [There was none.]

THE MOTION PASSED. (ASSEMBLYWOMAN DIAZ WAS ABSENT FOR THE VOTE.)

The floor statement will go to Dr. Swank. We will open the hearing on Senate Bill 447 (1st Reprint).

Senate Bill 447 (1st Reprint): Makes various changes relating to education. (BDR 34-197)

Rorie Fitzpatrick, Interim Superintendent of Public Instruction, Department of Education:

Although Senator Woodhouse is not here, I would like to take this opportunity to thank her for bringing us together and for her leadership and support to produce the amendments in Senate Bill 447 (1st Reprint) for you. This has been an act of collaboration by a number of entities who I am sure will come forward in a moment.

It is my charge to provide information regarding the Regional Professional Development Program (RPDP) and Nicole Rourke will provide additional information about the other two areas of the bill. This bill addresses the following content areas. [Read from talking points ([Exhibit I](#)).]

Those are the sections that specifically deal with the RPDPs.

Nicole Rourke, representing Clark County School District:

Sections 1 and 2 and 9 and 11 of the amendments in S.B. 447 (R1) are the result of a request to the Legislative Committee on Education during the interim to allow an attendance officer to issue a citation to a student who is proven truant. This facilitates their job. With as few attendance officers as we have on staff, it saves time and energy in bringing the student back to school for the police officer to issue that citation or to send the officer out to the location where the student has been found.

In section 4 of the bill, as you heard in Senate Bill 58 (1st Reprint), this provision, again, was requested during the interim so that an unlicensed member could supervise students in a computer laboratory setting when they are participating in an online class conducted by the teacher of record.

Chairman Elliot Anderson:

I will note for the Committee that I did check with Legal when I realized we were changing the same section, that it is not inconsistent with S.B. 58 (R1).

We had a similar bill from Assemblyman Bobzien, Assembly Bill 357, that did not move. Anything we change here with the RPDP is trying to get to the same goal of budget accountability and coordinating with other parts of our state education infrastructure. However, it would not be inconsistent because that bill did not move as this bill was also working through the process.

I personally like having the RPDP focusing on those evaluations. Since we are going to be grading people on their performance, we also have to be providing them support to make sure we are teaching them the skills they need to do well on those evaluations.

We will open the table for those in support of S.B. 447 (R1).

Craig Stevens, representing Nevada State Education Association:

We echo the comments you just made. This is the most important thing in this bill and why we support it so adamantly. If you look at section 7, not only do we finally provide responsibly for who is going to be training those doing the evaluation, but also there is finally a nexus between an educator's evaluation and the professional development they receive. This was a top priority of our association coming into the session. We are happy this bill does exactly that. We hope you will support it as well.

Lindsay Anderson, representing Washoe County School District:

We are here in support of Senate Bill 447 (1st Reprint). We were grateful to be part of the working group that came up with the compromise governance structure for the RPDP. That is something we feel we can support going forward.

Lonnie Shields, representing Nevada Association of School Administrators:

The Clark County and Association of School Administrators and Professional Employees are also in full support of S.B. 447 (R1). The training of the administrators and evaluation piece is vital for the success of the Teachers and Leader Council and for the evaluation process that is expected to go into effect in two years.

Mary Pierczynski, representing Nevada Association of School Superintendents:

We also were appreciative of being part of the working group. The fact that the rural districts could still keep their three regional councils was important to the

rural districts and that is included in this new structure. We also believe that the new state council is going to add some accountability to this process.

Christine Miller, representing Nevada Association of School Boards:

I am currently the president of the Nevada Association of School Boards and a member of Storey County School Board. I am here to support S.B. 447 (R1). [Read from prepared testimony ([Exhibit J](#)).]

Chairman Elliot Anderson:

Are there any questions from the Committee? Seeing none, and there is no one else in support, we will open up for opposition on S.B. 447 (R1) either here in Carson City or in Las Vegas. [There was none.] Is there anyone in neutral? [There was no one.]

ASSEMBLYMAN EISEN MOVED TO DO PASS SENATE BILL 447
(1ST REPRINT).

ASSEMBLYWOMAN DONDERO LOOP SECONDED THE MOTION.

Is there any discussion?

Assemblywoman Fiore:

I am going to vote yes, but reserve my right to vote differently on the floor. I would like to do more research on this.

Chairman Elliot Anderson:

Is there any further discussion?

Assemblyman Aizley:

I have a question for Craig Stevens. Does a nine-member group make the appointment with only one guaranteed teacher? Is that acceptable?

Chairman Elliot Anderson:

What page are you on, Professor Aizley?

Assemblyman Aizley:

Page 26, section 5.3, "The Statewide Council for the Coordination of the Regional Training Programs," seems to have one teacher of the nine.

Craig Stevens:

Yes, sir. This is okay with us. Through the RPDPs, there are several folks who are educators who work with the RPDPs and have experience. We feel that, not just on this council, but in the whole process, educators are fully informed

and developed on what is coming down the road. We feel comfortable with this, thank you.

Chairman Elliot Anderson:

Seeing no further discussion, all of those in favor please signify by saying aye.

THE MOTION PASSED. (ASSEMBLYWOMAN DIAZ WAS ABSENT FOR THE VOTE.)

We will give that floor statement to Dr. Eisen. We will open up the hearing for Senate Bill 467 (1st Reprint).

Senate Bill 467 (1st Reprint): Revises provisions relating to education.
(BDR 34-1130)

Rorie Fitzpatrick, Interim Superintendent of Public Instruction, Department of Education:

I am pleased to bring before you today, Senate Bill 467 (1st Reprint) relating to education provisions. [Read from prepared testimony ([Exhibit K](#)).]

Chairman Elliot Anderson:

Ms. Fitzpatrick, are you referring to the mock-up? ([Exhibit L](#))

Rorie Fitzpatrick:

Yes.

Chairman Elliot Anderson:

Committee members, there is a mock-up on Nevada Electronic Legislative Information Systems (NELIS) of Senate Bill 467 (1st Reprint).

Rorie Fitzpatrick:

This bill originally sought to consolidate extant councils and commissions to ensure more streamlined and integrated education governance, as recommended by Governor Gibbons' Blue Ribbon Task Force in Nevada's Promise. [Continued to read from prepared text ([Exhibit K](#)).] That concludes my overview of the bill.

Assemblyman Stewart:

I am concerned when we are forming new councils and commissions. Can you tell me more with regard to the purpose of this is?

Rorie Fitzpatrick:

There will not be a new council created. There was an amendment brought forward by Senator Smith and I am concerned that what you have in your

exhibits does not include the right mock-up or amendment. Let me assure you that with the amendment, there is no education advisory council that is created.

The other change brought forward in that amendment is that it makes the bill effective upon passage and approval. I will have to check to see about the amendment.

Chairman Elliot Anderson:

I see the amendment; it gets rid of the new council you are proposing.

Rorie Fitzpatrick:

That should be all.

Chairman Elliot Anderson:

That looks to be the only thing. Are there any further questions? Ms. Fitzpatrick, could you talk more about why we would get rid of the commission? I could not find it on the Internet, so that is probably a sign that it should be repealed. I would like to have more on the record about that.

Rorie Fitzpatrick:

I am assuming you mean the elimination the Commission on Educational Excellence?

Chairman Elliot Anderson:

Yes. That is what I meant.

Rorie Fitzpatrick:

That was a group that was brought together in previous sessions when the funds were allocated to provide support to school districts through the form of competitive grants. Those grants existed for two different biennia. Those grants no longer exist, therefore, no need for the Commission on Educational Excellence to oversee a program that is now gone.

Chairman Elliot Anderson:

My other question is could you talk more about getting rid of the qualifications of the superintendent and the deputy superintendents? What is the reason for that?

Rorie Fitzpatrick:

Most of the state agencies do not require minimum qualifications in statute. At this time there are only two agencies that do. The Department of Education requires a master's degree in education and then it specifies the specific job criteria for the two deputies, including having those deputies' titles in statute.

The only other state agency that has a minimum qualification is the stipulation for what the qualifications are for the head of the Department of Wildlife. I believe that position requires a degree in biology.

It made sense to us when we looked at this analysis, trying to come into alignment with the other state agencies since the move of the Department of Education into the Governor's Executive Cabinet that there should be consistency across those state agencies.

Chairman Elliot Anderson:

Do you envision a time or an instance where you might want someone who does not have a master's degree in education to take over that kind of position?

Rorie Fitzpatrick:

It should be open to the possibility, and the capability of hiring an individual. We have examples in school districts and in other states where the individuals who lead education entities are not educators by trade. Our current superintendent of Washoe County School District is, in fact, a Certified Public Accountant. That is an example of someone who has been deemed highly qualified to lead an educational realm without an education degree.

It is a matter of philosophy and opinion and probably having the most wide-open opportunities available to recruitment as possible.

Chairman Elliot Anderson:

The way I read some of the language, it would allow you to appoint deputy superintendents as necessary. Do I understand that intent correctly?

Rorie Fitzpatrick:

There would still be two deputy positions in the current Governor's recommended budget. We would have to move through a process in order to change the position control numbers for that. However, it gives the superintendent more latitude in terms of appointing that senior management to do the responsibilities that he or she feels are appropriate rather than being narrowly constricted by statute.

Chairman Elliot Anderson:

You answered my questions well. Are there any further questions for Ms. Fitzpatrick? [There were none.] We will open the table for those in support of Senate Bill 467 (1st Reprint) either here in Carson City or in Las Vegas.

Nicole Rourke:

We want to thank the Department of Education for working with us on our concerns regarding the bill.

Chairman Elliot Anderson:

Is there anyone opposed? [There was no one.] Is there anyone in neutral? [There was no one.] What is the Committee's pleasure?

ASSEMBLYWOMAN DONDERO LOOP MOVED TO DO PASS
SENATE BILL 467 (1ST REPRINT).

ASSEMBLYMAN KIRNER SECONDED THE MOTION.

Is there any discussion?

THE MOTION PASSED. (ASSEMBLYWOMAN DIAZ WAS ABSENT
FOR THE VOTE.)

The floor statement will go to Ms. Dondero Loop.

The meeting is adjourned [at 4:07 p.m.].

RESPECTFULLY SUBMITTED:

Sharon McCallen
Committee Secretary

APPROVED BY:

Assemblyman Elliot T. Anderson, Chairman

DATE: _____

EXHIBITS

Committee Name: Committee on Education

Date: May 27, 2013

Time of Meeting: 2:31p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
	C	Seth Goolsby	Prepared Testimony
S.B. 58	D	Christine Miller	Prepared Testimony
S.B. 164 (R1)	E	Assemblyman Elliot Anderson	Mock-up of Proposed Amendment
S.B. 164 (R1)	F	Senator Parks	Prepared Testimony
S.B. 164 (R1)	G	Dotty Merrill	Prepared Testimony
S.B. 446	H	Constance Brooks	Prepared Testimony
S.B. 447 (R1)	I	Rorie Fitzpatrick	Prepared Testimony
S.B. 447 (R1)	J	Christine Miller	Prepared Testimony
S.B. 467 (R1)	K	Rorie Fitzpatrick	Prepared Testimony
S.B. 467 (R1)	L	Rorie Fitzpatrick	Mock-up of Proposed Amendment