

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Seventy-Seventh Session
May 17, 2013**

The Senate Committee on Education was called to order by Chair Joyce Woodhouse at 3:30 p.m. on Friday, May 17, 2013, in Room 2144 of the Legislative Building, Carson City, 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 Joyce Woodhouse, Chair
Senator Aaron D. Ford, Vice Chair
Senator Ruben J. Kihuen
Senator Barbara K. Cegavske
Senator Donald G. Gustavson

STAFF MEMBERS PRESENT:

Pepper Sturm, Policy Analyst
Asher Killian, Counsel
Diana Jones, Committee Secretary

Chair Woodhouse:

I will open the work session with Assembly Bill (A.B.) 230.

ASSEMBLY BILL 230 (1st Reprint): Revises provisions governing courses of instruction in sex education. (BDR 34-1034)

Pepper Sturm (Policy Analyst):

The Committee has received a copy of the work session document ([Exhibit C](#)). I will read from the work session document.

Senator Woodhouse has submitted Proposed Amendment 9005, which is included in [Exhibit C](#). This amendment proposes seven changes to A.B. 230. The first would add language to the bill allowing a school district to adopt as a default the opt-in process for student attendance in sex education programs. This maintains current law but provides the option for districts choosing to adopt an opt-out policy if desired.

The second would delete the term “without limitation” throughout the bill. The third would delete the reference to community life in section 1, subsection 3, paragraph (c) of the bill. The fourth would delete the provisions related to alternate providers of instruction in section 1, subsection 4, paragraphs (b) and (d). It would add language to this section authorizing other competent instructors to provide instruction if the school board of trustees determines a need for such instructors. It also specifies that other persons demonstrate certain competencies. A request has been made to change section 1, subsection 3, paragraph (c), subparagraph (5) to read “teaching” instead of “education.” This is not included in Proposed Amendment 9005.

Asher Killian (Counsel):

A request has been made to change the language in Proposed Amendment 9005, section 1, subsection 5 to delete “appropriate” from the beginning of the sentence and to add a clause to the end of the sentence such as “... who has been determined to be qualified by the board of trustees.” This would clarify the responsibility lies with the board of trustees for determining who is qualified to provide instruction in sex education.

Mr. Sturm:

The fifth change offered in Proposed Amendment 9005 would require a parent or guardian to sign an approval form consenting to a student’s attendance in a sex education program. This is in keeping with the opt-in provisions of the bill. Districts choosing to implement an opt-out provision would use a different process.

The sixth change would define the word “comprehensive.” The seventh change would delete the definition of “provider of health care.” This would make the bill consistent with the fourth proposed change that eliminates this category from the list of those who can provide instruction.

When this bill was originally heard, Nicole Rourke, representing the Clark County School District, proposed an amendment allowing school districts to choose to adopt an opt-out policy if desired. That amendment has been included in Proposed Amendment 9005.

Chair Woodhouse:

Much discussion occurred over the last few days to create Proposed Amendment 9005. Many people worked together to make this

happen. The feelings from both sides of this issue were considered in drafting this proposed amendment. I would like to thank those who assisted with this process, particularly Assemblyman David P. Bobzien, Assembly District No. 24.

Senator Cegavske:

Each school district has a mechanism to allow community members to address the school board of trustees and discuss this topic or make recommendations the board can take to the local sex education committee. A process is now in place. If I were a school board member, I would not appreciate legislation about this issue. I do not support this bill and its intent. We have ways at the district level to manage this process now.

Is there a financial penalty for districts that do not follow these guidelines?

Chair Woodhouse:

An earlier draft of the proposed amendment included a penalty clause for school districts that did not follow the procedures in this bill. That was deleted; it is not in Proposed Amendment 9005.

Senator Cegavske:

I did not see the penalty in the proposed amendment but wanted to clarify it was removed. School boards, who are elected officials, do their jobs well. A mechanism is in place that allows boards to provide guidance to sex education programs. I do not think we need to change what is now working well.

Senator Gustavson:

I agree with Senator Cegavske. School boards are doing a good job now and should be allowed to continue to make decisions regarding sex education programs in their districts.

Senator Ford:

I support this bill for several reasons. The default remains opting into the program. Parents should have the right to be as engaged as they want to be. An opt-in provision gives them the right to say whether they want their children to participate in the program. Some districts are using an opt-out process, and we do not hear complaints about it from those communities. When that option was proposed as the default for this bill, we heard many complaints. I did not agree with that option. The opt-in provision is a strong component of A.B. 230. This

bill retains opportunities for parent involvement. Parents can participate in local sex education advisory committees or review and approve curriculums used in the programs. This Committee heard no opposition from school districts about this bill.

Senator Kihuen:

I prefer the bill as originally written, but I understand the need for compromise. I appreciate the work that went into creating Proposed Amendment 9005.

SENATOR FORD MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 230 WITH PROPOSED AMENDMENT 9005.

SENATOR KIHUEN SECONDED THE MOTION.

THE MOTION PASSED. (SENATORS CEGAVSKE AND GUSTAVSON
VOTED NO.)

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Chair Woodhouse:

We will conclude the work session with A.B. 386.

ASSEMBLY BILL 386 (1st Reprint): Establishes a pilot program for the administration of mental health screenings to pupils enrolled in selected secondary schools in the Clark County School District and the Washoe County School District. (BDR S-1022)

Mr. Sturm:

The Committee has received a copy of the work session document ([Exhibit D](#)). I will read from the work session document.

Two amendments were proposed to this bill. The first, Proposed Amendment 9006, was submitted by Chair Woodhouse and is included in [Exhibit D](#). This proposed amendment would remove mention of the specific stakeholders who would be involved with the pilot program. It would also delete the requirement for recommendations for expanding or continuing the program.

Domestic Violence Commissioner Jennifer Henry suggested amending the bill language to change the term “mental health screening” to “behavioral and emotional risk screening” within the bill.

Chair Woodhouse:

I was informed last night that one of our school districts had concerns about this bill. I contacted Assemblywoman Melissa Woodbury, Assembly District No. 23, about this concern. She met with representatives from the district to discuss their concerns. Proposed Amendment 9006 is the result of that discussion.

Changing the terms as suggested by Ms. Henry, could create problems. I prefer not to make this change in the bill language.

Mr. Killian:

Changing “mental health screening” to “behavioral and emotional risk screening” would create ambiguity about exactly what would be included in this screening. In other parts of the *Nevada Revised Statutes*, behavioral and emotional issues are referred to as a subset of mental health issues. If this change was made, it would be unclear what the screening would include.

SENATOR FORD MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 386 WITH PROPOSED AMENDMENT 9006.

SENATOR KIHUEN SECONDED THE MOTION.

Senator Ford:

I discussed this bill with its sponsor, Assemblywoman Woodbury, and advised her I had received concerns about it. Proposed Amendment 9006 has removed those concerns, and I will support this bill.

Senator Gustavson:

Although this is only a pilot program, I do not feel it is something we should be starting. I am opposed to this bill. I do not think schools should be pursuing mental health issues.

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Senator Cegavske:

There is a fiscal note included with A.B. 386. Does this bill require review by the Senate Committee on Finance? We do not know what the financial impact of this bill may be. Until I know the fiscal impact, I cannot support this bill.

Senator Gustavson:

I am concerned about the fiscal impact of this bill and A.B. 230.

THE MOTION PASSED. (SENATORS CEGAVSKE AND GUSTAVSON
VOTED NO.)

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Chair Woodhouse:

Seeing no further business, the meeting is adjourned at 5:02 p.m.

RESPECTFULLY SUBMITTED:

Diana Jones,
Committee Secretary

APPROVED BY:

Senator Joyce Woodhouse, Chair

DATE: _____

| <u>EXHIBITS</u> | | | | |
|------------------------|----------------|----|-------------------------|---|
| Bill | Exhibit | | Witness / Agency | Description |
| | A | 1 | | Agenda |
| | B | 1 | | Attendance Roster |
| A.B. 230 | C | 17 | Pepper Sturm | Work Session Document, Proposed Amendment 9005 and Proposed Amendment |
| A.B. 386 | D | 9 | Pepper Sturm | Work Session Document, Proposed Amendment 9006 |