

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Seventy-Seventh Session
March 11, 2013**

The Senate Committee on Education was called to order by Chair Joyce Woodhouse at 3:30 p.m. on Monday, March 11, 2013, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 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 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
Sara Weaver, Committee Secretary

GUEST LEGISLATORS PRESENT:

Senator Moises (Mo) Denis, Senatorial District No. 2

OTHERS PRESENT:

David A. Byerman, Secretary of the Senate; Executive Director, Nevada Youth
Legislature Foundation
Valerie Wiener, Chair, Board of Directors, Nevada Youth Legislature Foundation
Jared Kahn, General Counsel, Elite Sports Group
Wade White, Jr., President and Chief Executive Officer, Elite Sports Group
Brian Daw, Legislative Representative, Community and Government Relations,
Clark County School District

Chair Woodhouse:

We will begin the Committee meeting by hearing Senate Bill (S.B.) 187.

SENATE BILL 187: Revises provisions relating to the Nevada Youth Legislature.
(BDR 34-516)

Senator Moises (Mo) Denis (Senatorial District No. 2):

Senate Bill 187 will provide stability to the Nevada Youth Legislature (NYL) in three ways: it will revise the eligible grade levels of students for appointment; it will revise the appointment process; and it will provide changes for filling vacancies. The Nevada Youth Legislative Issues Forum was created by S.B. No. 247 of the 74th Session. It was renamed the Nevada Youth Legislature during the 75th Session. The NYL is composed of 21 high-school aged youth appointed by their respective State Senators in consultation with their respective district Assembly members. The NYL is one of only 16 similar programs in the country, and it is responsible for studying issues of interest to Nevada's youth. The NYL is only one of two youth legislatures in the Country allowed to sponsor legislation.

Legislators established the NYL to enable the State's most promising teenagers to learn about government by participating in government. Members of the NYL are high school students who serve 2-year terms. They must be in Grades 9 through 12 during the school year in which they serve. Applicants for NYL positions must also be residents of the senatorial district from which they are appointed. Each year, members must perform several duties including: serving as liaison between the Nevada Legislature and the youth of Nevada; participating in NYL meetings and other related activities; developing legislation; and conducting youth-focused public awareness and outreach campaigns. The NYL has received numerous national awards.

Senate Bill 187, section 1, subsection 3, line 10, shifts the appointment deadline to April 30 of each odd-numbered year. We modified the term of the NYL from 1 to 2 years. Appointed seniors have been allowed to serve only 1 of 2 years, resulting in vacancies. Section 2, line 36, addresses the first of these problems by deleting references to Grade 12. It also clarifies that those who are enrolled or eligible to enroll in public or private school will serve the full 2-year term in the NYL. Section 3 revises the process of filling vacancies for unexpired terms of less than 1 year to allow the appointment of a youth in his or her senior year. Section 2 provides transitory language designed to implement

the new appointment process to make the transition from the old process to the new. Section 5 makes the bill effective upon approval and passage. To address the new appointment process, the bill needs to be addressed by both the Senate and Assembly, and the bill must be signed by the Governor by the end of February. The Committee has been given a proposed amendment ([Exhibit C](#)) for review. I urge your prompt attention to and support of S.B. 187.

Senator Cegavske:

Thank you for revising the language of the provisions of the NYL.

Senator Denis:

My part in this issue was minimal; former Senator Valerie Wiener and Secretary of the Senate David Byerman were instrumental in bringing this forward.

David A. Byerman (Secretary of the Senate; Executive Director, Nevada Youth Legislature Foundation):

I serve as the Executive Director for the Nevada Youth Legislature Foundation, and I work closely with former Senator Wiener. This is a labor of love for my office. We adopted the NYL from our Legal Division about 1 1/2 years ago. This bill dovetails with the work of my office; our efforts focus on opening this process to new constituencies by engaging youth to participate in educational programs. The NYL certainly does this. I meet with the NYL on a monthly basis. I am never more inspired than when I meet with the NYL. I mentor and coach the members of the NYL to ensure their vision becomes reality.

The bill before you includes a proposed amendment ([Exhibit C](#)). Our recommendation to the Committee is to amend and do pass S.B. 187. The Committee has the proposed amendment before it. The amendment does two things: it adds co-sponsors; and it clarifies the language regarding eligibility. The Committee should note that NYL terms begin on June 1 and expire on May 30. Some school districts' school years end prior to June 1, while most end after June 1. Our intent is to have NYL candidates appointed to these terms effective June 1 and continue for their junior and senior year thereafter. The language in [Exhibit C](#) is meant to cement these provisions into law. We had difficulties last summer when we allowed seniors to apply for a 2-year term in which 15 of 21 youth legislators became ineligible because they graduated from high school. Former Senator Wiener and I were in a difficult position because we had two things come into play. First, we addressed redistricting in which current youth legislators moved to another district. In addition, there is a provision in

the *Nevada Revised Statutes* stating that one can represent the district in which one attends school, or one can represent in the district in which one lives. We have revised the appointment process to keep vacancies to a minimum so this does not occur in the future. For situations where we have a vacancy of less than 1 year, the bill allows seniors to be appointed to fill the remainder of their term. We are able to continue to have seniors and avoid vacancies of less than 1 year.

Valerie Wiener (Chairman, Board of Directors, Nevada Youth Legislature Foundation):

We have modified the provisions for the NYL since its inception. The NYL has earned national recognition. Nineteen awards have been received by the NYL, and it is under consideration for two additional awards. We had our first NYL reunion in January. Eighty-five current and former NYL participants attended. During the reunion, it was a pleasure to learn that the NYL program changed the lives of current and former NYL participants. Members of the NYL learned how to have conversations with people of different political ideologies. Alumni have expressed their desire to mentor those serving.

The bill allows vacancies of less than 1 year to be filled by seniors. The bill includes a provision, as requested by NYL members, stating seniors who may be graduating during their 2-year term are allowed to complete their entire terms.

Senator Ford:

I recently made my first appointment to the NYL and was pleased to do so.

Chair Woodhouse:

The hearing on S.B. 187 is closed.

SENATOR KIHUEN MOVED TO AMEND AND DO PASS S.B. 187.

SENATOR GUSTAVSON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Woodhouse:

We will hear S.B. 125.

SENATE BILL 125: Revises provisions relating to rules and regulations of the Nevada Interscholastic Activities Association. (BDR 34-871)

Senator Kihuen:

Under existing regulations, the Nevada Interscholastic Activities Association (NIAA) may approve certain games, contests and meets in which all-star teams participate if the game, contest or meet is approved by the National Collegiate Athletic Association (NCAA), the National Federation of State High School Associations (NFHS) or a successor organization. Section 1 of this bill provides that the rules and regulations adopted by the NIAA must provide for the approval by the NIAA for participation in all-star games, contests and meets without approval from any other organization. Section 3 requires the NIAA on or before December 31, 2013, to amend its rules and regulations as necessary to conform to the provisions in Section 1.

Jared Kahn (General Counsel, Elite Sports Group):

The high school senior bowl is an annual event that provides senior high school athletes an all-star game after the conclusion of the season and during the college recruitment period. This provides NCAA football championship schools the opportunity to watch senior high school athletes and offer athletes admission into college. In the last two years, 43 players in the senior bowl obtained college scholarships.

The reason for the bill is that the NCAA requirement for approval of an all-star game is unattainable. The NCAA does not have a department for approval of football all-star games at this time. Therefore, the NIAA has experienced a roadblock. Since the NCAA has not given its approval, the NIAA cannot approve and sanction an all-star game as the statute is written. The bill provides the NIAA additional authority to approve all-star games. I have spoken with the NCAA, and they do not know when they will have a football department to approve such games, contests or meets.

The sole purpose of the high school senior bowl is to provide additional exposure for athletes to get into college. No money is being made, and the game is free for athletes. In addition, Elite Sports Group is a nonprofit organization.

We have received a number of concerns from Legislators regarding this bill, and I will address those concerns. Elite Sports Group is bonded and carries

a \$2 million liability policy. The equipment we use is certified U.S. equipment and is reviewed and certified every 2 years. We use former college coaches and former National Football League (NFL) players for our games. We welcome high school coaches to participate, but because the event is not sanctioned, high school coaches cannot participate. Almost every school in the Clark County School District (CCSD) submits players' information for this game. All coaches see the benefits of this game.

The players who participate in these games are not top tier athletes who are getting into top tier colleges with football scholarships. They are superior athletes with exceptional grades. We promote them because they have the ability to play football. This can enable them to get college scholarships. We want to work with schools to push these students to achieve greater opportunities. This bill will give NIAA greater authority to sanction the all-star game.

Wade White, Jr. (President and Chief Executive Officer, Elite Sports Group):

I am a former teacher and coach with the CCSD. My company, Elite Sports Group, promotes education, health and wellness to sports-minded individuals. I submit my written testimony ([Exhibit D](#)) in support of S.B. 125.

Senator Cegavske:

Is Elite Sports Group a bonded organization?

Mr. Kahn:

That is correct. We also carry \$2 million in liability insurance for each game and for practices.

Senator Cegavske:

Why are "must" and "shall" included in the language of this bill? In addition, the bill states " ... regardless of whether the game, contest or meet is approved by any other organization." What other organizations are referred to in the bill?

Mr. Kahn:

The organizations that have a prior approval consent under the existing statute are the NCAA and the NFHS. This is the problem we face. Since the NCAA does not have a department to approve our all-star football, the NIAA cannot act. This bill is written so that NCAA or NFHS approval is not necessary for the

NIAA to act. This bill gives the NIAA greater authority to approve these activities.

We do not want to remove discretion from the NIAA. The bill does not remove discretion from the NIAA. The NIAA will implement regulations including criteria such as insurance and certified equipment; the NIAA will continue to be the gatekeeper for approval of games.

Senator Cegavske:

Please define "contest." Does it include only the senior football bowl, or are there additional games to which you refer?

Mr. Kahn:

Elite Sports Group sponsors a football game and is planning to sponsor a basketball game in the future. The purpose of the bill is for all-star games.

Senator Cegavske:

The Committee received an NIAA letter ([Exhibit E](#)) from Eddie Bonine, NIAA Executive Director, in opposition to S.B. 125. Could the NIAA assist you with this bill?

Mr. Kahn:

During attendance of an NIAA board meeting, we were told there is a roadblock with the bill because there is no NCAA approval. In addition, we were told they would contemplate revising their regulations to provide for an all-star game. However, in reading the statute, there still could be a conflict for receiving NCAA approval since its approval is unavailable. By removing the NCAA approval prior to the NIAA's regulations being effective, the NIAA's regulations will have substance. Otherwise, as it is now, the bill would still preclude our game because there is not an NCAA department to sanction the game.

Brian Daw (Legislative Representative, Community and Government Relations, Clark County School District):

I represent the CCSD which has 35 member schools that work closely with the NIAA to ensure student safety and eligibility in sponsored athletic events. I speak in opposition to S.B. 125, and I submit my written testimony ([Exhibit F](#)) to the Committee.

Senator Ford:

What is your opposition to the bill?

Mr. Daw:

We have concerns with participation in unsanctioned events because of safety issues. It has been noted the NCAA does not have a sanctioning process for football. This is a high-liability concern, and we do not sponsor any games of this sort at district facilities.

Senator Ford:

Do you know why the NCAA does not have a department of football sanctioning?

Mr. Daw:

No, I do not know. I know there have been concerns raised by the NIAA pertaining to this issue.

Senator Ford:

Is someone from the NIAA testifying today?

Chair Woodhouse:

A representative from the NIAA will not be testifying today.

Senator Ford:

You are concerned about health and safety. The representatives from Elite Sports Group indicate they are bonded and have insurance. As I read the bill, the word "must" is a clear directive that a mechanism for approval is provided. I believe "may" suffices. If we leave "must" in the bill language, a caveat should be included that the NIAA is not required to allow an all-star game. This would give the NIAA discretion to approve or not approve regardless of the entities who want to sponsor games.

Mr. Daw:

It is not my intention to testify on behalf of the NIAA. As a former athletic administrator, I have concerns with the strength of the language in the bill. There is another caveat I recommend be placed in the bill language. We are always concerned about who is in contact with our students, especially concerning coaches. Coaches go through a rigorous process of fingerprinting

and background checks to ensure the right individuals are in contact with our students.

Senator Ford:

It seems to me those concerns can be alleviated. The NIAA can add the same standards regarding coaches.

I am concerned about information included in Mr. Bonine's letter, [Exhibit E](#), which states gifts and awards might jeopardize a student's acceptance to college. What are your thoughts about that concern?

Mr. Daw:

Yes, that is an excellent observation. I have knowledge of participants of such games having received gifts, and they are then no longer considered amateurs. That is a provision that needs to be included in the bill.

Senator Ford:

If the language includes discretion for the NIAA to approve or not approve, and it includes language that safeguards against inappropriate contact, would the CCSD be satisfied and, thus, be in favor of this bill?

Mr. Daw:

If that language were changed, it would be appropriate. However, it is not appropriate for me as a representative of the CCSD to act or speak on behalf of the NIAA.

Senator Cegavske:

I am concerned the NIAA is not here to testify. The Clark County School District is concerned that the sponsors of this event may give gifts to athletes jeopardizing students' amateur status.

Mr. Daw:

No, there have been no allegations of gifts presented by Elite Sports Group. However, that is a concern nationwide with groups and organizations of this type.

Senator Cegavske:

If this bill is passed, such games would be open to any organization. Perhaps the bill needs to include specific language stating that organizations must obtain approval. Bill language needs to be added to avoid unscrupulous organizations.

Mr. Daw:

I am not speaking on behalf of the NIAA. I have been in contact with the NIAA regarding this hearing, and that is why they submitted Mr. Bonine's letter, [Exhibit E](#), to the Committee. From previous testimony, the event is free to participants. However, there is an admission charge to spectators. That was a concern of the NIAA in 2011.

Senator Cegavske:

Where does that money go?

Senator Ford:

This is an amorphous concept. It could be something as trivial as giving a player a pair of shoes to play in the game that could lead to his disqualification as an amateur.

First, if changes are made to the bill, we do not want to delineate the entities which can hold such games. Second, there would have to be some form of prohibition against giving gifts because we do not want to destroy the amateur status of an athlete.

Chair Woodhouse:

I would like the sponsors of the bill to address questions that have arisen during this Committee meeting, including: fingerprinting and background checks for individuals to ensure all persons having contact with students are quality people; gifts presented to players of the game; and admission fees.

Senator Kihuen:

I will defer to Mr. Khan to answer the questions posed.

Mr. Kahn:

We charge spectators a \$5 entrance fee. That charge is applied to the cost to rent the field and the cost for those who referee the game. In the first year alone, it cost \$15,000 to rent the field. The fee paid by the 1,000 spectators

did not cover the cost of renting the field. Elite Sports Group is a nonprofit entity; any residual funds are put back into renting practice fields.

Elite Sports Group does not issue gifts to participants. The goal of Elite Sports Group is to give participants exposure to college recruiters, so participants have an opportunity to get into college. We know the eligibility requirements for participants to get into college, and we would never jeopardize any of our participants in their quest to get into college. We strictly maintain our guidelines. We would welcome the NIAA to contact us and use us for setting criteria for regulations for all-star game approval. It is essential that these concerns be incorporated in the regulations. This will discourage unscrupulous organizations from entering the arena.

In regard to the "may" and "must" language in the bill, I agree with Senator Ford's concern. If the "must" language is too stringent, we will work with the Legislature and the NIAA to alleviate those concerns.

Senator Cegavske:

Has Elite Sports Group ever been sanctioned, or have there been any negative instances the NIAA has addressed with Elite Sports Group?

Mr. Kahn:

There was only one thing that occurred when the high school senior bowl was first held. The NIAA informed us the event was not sanctioned. The media printed the information, and it went out to participants.

We then approached the NIAA prior to the second high school senior bowl and attempted to gain approval; the NIAA could not grant approval because they did not have authority. We worked with the NIAA to obtain express waivers for students. Students were made fully aware that if they participated in the game, the sanction for participating was that they could not participate the following season. The participants seeking to gain college exposure should not be penalized for participating in the game. Otherwise, Elite Sports Groups has never had any problems with the NIAA or the NCAA regarding eligibility.

Senator Ford:

I think this bill is about more than just Elite Sports Group. This bill would allow any organization who met certain criteria to sponsor an all-star game. We need regulations that address a number of items, especially the benefit issue that

could potentially jeopardize the amateur status of athletes. In addition, we need to incorporate language regarding background checks of persons coming in contact with students.

Mr. Kahn:

The individuals we work with now would and should pass a background check, and we have no problem instituting that regulation. The goal of the bill is to have certified coaches in place now so they can continue to be coaches. We can certainly perform background checks on the NFL players we currently use. We want to help and protect students. We are willing to work with anyone involved in this bill to address all concerns. Elite Sports Group knows this bill opens the door for other organizations to come forward and enter this arena, and we are not opposed to that. We want to ensure the NIAA continues its gatekeeper function.

Senator Cegavske:

It seems we are anticipating some amendments to this bill, and I am anxious to see the proposed criteria we will use. Are there any other groups you have seen across the country who have engaged in unscrupulous activities?

Mr. Kahn:

I am unable to name unscrupulous groups, but while attending an NIAA board meeting, unscrupulous groups were identified in an open discussion. During the discussion, those groups were charging students to play in the game, charging spectators large entrance fees and presenting students with gifts.

Senator Cegavske:

Can you provide us with the criteria to incorporate in the bill?

Mr. Kahn:

I welcome providing you with a criteria list. However, it would be best to work directly with the NIAA to develop a criteria list.

Senator Cegavske:

Are you stating we must develop a criteria list for this bill to pass?

Mr. Kahn:

We are asking the NIAA to implement the regulations which would contain the criteria. The NIAA would develop criteria based on our discussion today.

Senator Cegavske:

Do you have criteria to which you adhere?

Mr. Kahn:

The NIAA does not recognize Elite Sports Group games as sanctioned events. The criteria we have are minimal, but we believe it should be broadened. We hold ourselves to the highest standard.

Senator Cegavske:

Is Elite Sports Group Nevada-based, or is your company nationwide?

Mr. Kahn:

We are Nevada-based with hopes of growing nationally.

Chair Woodhouse:

We want to ensure these opportunities are available to our students. I would like to appoint Senator Ford to work with Senator Kihuen, Mr. Kahn, Mr. White and the NIAA to resolve the outstanding issues discussed today and to move forward with this bill with possible amendments. Please let us know when your work is complete, and we will address it during a work session. The hearing is closed on S.B. 125.

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Chair Woodhouse:

The meeting is adjourned at 4:42 p.m.

RESPECTFULLY SUBMITTED:

Sara Weaver,
Committee Secretary

APPROVED BY:

Senator Joyce Woodhouse, Chair

DATE: _____

<u>EXHIBITS</u>				
Bill	Exhibit		Witness / Agency	Description
	A	1		Agenda
	B	4		Attendance Roster
S.B. 187	C	4	Senator Mo Denis	Proposed Amendment
S.B. 125	D	1	Wade White, Jr.	Written Testimony
S.B. 125	E	2	Eddie Bonine	Written Statement
S.B. 125	F	1	Brian Daw	Written Testimony