

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

**Seventy-Eighth Session
May 6, 2015**

The Committee on Education was called to order by Chair Melissa Woodbury at 3:22 p.m. on Wednesday, May 6, 2015, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 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 www.leg.state.nv.us/App/NELIS/REL/78th2015. In addition, copies of the audio or video of the meeting may be purchased, for personal use only, through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblywoman Melissa Woodbury, Chair
Assemblyman Lynn D. Stewart, Vice Chair
Assemblyman Elliot T. Anderson
Assemblyman Derek Armstrong
Assemblywoman Olivia Diaz
Assemblywoman Victoria A. Dooling
Assemblyman Chris Edwards
Assemblyman Edgar Flores
Assemblyman David M. Gardner
Assemblyman Pat Hickey
Assemblywoman Amber Joiner
Assemblyman Harvey J. Munford
Assemblywoman Shelly M. Shelton
Assemblywoman Heidi Swank

COMMITTEE MEMBERS ABSENT:

None



GUEST LEGISLATORS PRESENT:

Senator Mark A. Lipparelli, Senate District No. 6

STAFF MEMBERS PRESENT:

Kristin Rossiter, Committee Policy Analyst
Pepper Sturm, Committee Policy Analyst
Karly O'Krent, Committee Counsel
Sharon McCallen, Committee Secretary
Trinity Thom, Committee Assistant

OTHERS PRESENT:

Jill Tolles, Private Citizen, Reno, Nevada
Dale A.R. Erquiaga, Superintendent of Public Instruction, Department of Education
Amber Howell, Administrator, Division of Child and Family Services, Department of Health and Human Services
Lindsay Anderson, Director, Government Affairs, Washoe County School District
David Jensen, Superintendent, Humboldt County School District
Nicole Rourke, Executive Director, Government Affairs, Community and Government Relations, Clark County School District
Brigid Duffy, Chief Deputy District Attorney, Juvenile Division, Office of the District Attorney, Clark County
Jessica Ferrato, representing the Nevada Association of School Boards
Ollie Hernandez, Private Citizen, Las Vegas, Nevada
Kristy Oriol, Policy Specialist, Nevada Network Against Domestic Violence
Tara Phebus, Executive Director, Nevada Institute for Children's Research and Policy and Prevent Child Abuse Nevada
James Benthin, Private Citizen, Reno, Nevada
John Eppolito, Private Citizen, Incline Village, Nevada
Craig M. Stevens, Director of Intergovernmental Relations, Government Affairs, Community and Government Relations, Clark County School District

Chair Woodbury:

[Roll was called. Committee rules and protocol were explained.] I will open the hearing on Senate Bill 330 (2nd Reprint).

**Senate Bill 330 (2nd Reprint): Revises provisions relating to education.
(BDR 34-724)**

Senator Mark A. Lipparelli, Senate District No. 6:

The genesis of this bill is a set of administrative regulations that are in place today which govern pupil participation in sports in high school. There have been several occasions that I have become aware of that caused me to create this bill. The dialogue that I have had with the Nevada Interscholastic Activities Association (NIAA), which governs the participation of high school athletics, has come to a good place. There is already some agreement that the information in my bill is prompting some suggested changes to their administrative regulations.

The bill has essentially three main parts: section 5, section 6, and section 6.5. It does a couple of key things. In the case where student athletes are determined to be ineligible for high school athletics, there is an appeals process. Unfortunately for most parents, they become aware of that process too late, it is very expensive, and it consumes a great deal of time. Someone who may have a valid appeal to a decision by an athletic director or the executive director of the NIAA may spend half of the sport season before getting relief from the appeal process. Section 5 would cause the hearings officer, NIAA, or executive director to publish the appeal decision with the protection of the confidentiality of the student's name. Parents could examine the decision for same fact patterns, similar rulings, and be able to refer to that case material. If the parent believes they have a legitimate appeal, they can refer to cases that have been decided by the NIAA and determine whether they want to go forth with the appeal or reference similar cases that may add strength to their case. It would add what I hope will be a level of clear consistency by the hearings officers so that the public is aware of how the agency has ruled in prior cases.

Section 6 also addresses a key issue. As the NIAA crafts its regulations, the elements associated with student transfers from public to private schools, between private schools, or between public schools are consistent across the board such that if a student in their zone of attendance moves from one school to another, the same standards would be held. I think that those regulations are a bit of a quagmire when trying to determine if a student who is transferring schools would still be eligible to participate in a year of school sports or not. The importance is that in certain cases, especially in sophomore or junior years, a lost year of eligibility could be very detrimental to the possibility of a college scholarship. That does not apply to every student who participates in high school athletics, but it could do great harm to a student's eligibility to receive a college scholarship.

Section 6.5 also clarifies that where a student attends school in the seventh and eighth grades is essentially irrelevant to their high school eligibility. The NIAA agrees with this. They had loose interpretations so that the school a parent decided to send their child to in junior high could have some impact on the student's high school eligibility. The NIAA's general counsel acknowledged in an email to me that they are prepared to remove that from their regulations. Therefore, wherever a student begins as a freshman is the student's beginning school. Where a student attended seventh or eighth grade has no relevance to eligibility. It would establish that where you begin your high school career is where you begin high school, and your middle school has no bearing on that. Those are essentially the goals of the bill.

Assemblyman Stewart:

At present, if you were not in a feeder school for a certain high school, then you are not considered eligible to go to that high school. Is that correct?

Senator Lipparelli:

Yes. Very few parents realize this. In essence, if a parent chose to send their child to a private school in eighth grade, it has a detrimental effect on the child's freshman year eligibility. The relief that is often sought and often granted is that they can participate in less than varsity sports. That is a problem in several sports such as golf, tennis, wrestling, and less so in football and some others. Varsity eligibility should be granted from day one, in my opinion.

Assemblyman Munford:

It seems like quite a few schools are now able to recruit players because there are so many magnet schools. That seems to be a way to get around the factors of where you live or zoning. I think that even after you are in the ninth or tenth grade, you can apply to a magnet school. I do not know what the rules are in this issue, but you can be immediately eligible if you apply to a magnet school. Can you tell me about that?

Senator Lipparelli:

That is what I am addressing in section 6 of the bill. As I understand it, there are a few different ways that can be accomplished. In a move between public schools, there is immediate eligibility as long as the student is living in the zone of attendance. If your parents move from Cimarron-Memorial High School's zone to Green Valley High School's zone, you are immediately eligible under the existing rules. That is not true for a parent who decides to move to a different part of town and the student is to attend Faith Lutheran High School, for example, or some other private school. There is inequity there that I think is problematic. I think the rules should apply equally to all schools.

Assemblyman Munford:

I have a similar bill focusing on Bishop Gorman High School and private schools. I wanted to determine that private schools have an extreme advantage over other schools, because they are able to recruit from any school in the state, and sometimes even outside of the state, because they have resources available to them that no other school does. I want them to fairly and equitably compete with other schools. The record has already demonstrated the discrepancy in scores in state championships that schools have accumulated over the years. I will not belabor this because this is not my bill. Perhaps we can talk about this topic some more.

Assemblyman Gardner:

My question is about section 5. Why was section 5 taken out of the Open Meeting Law? If I read correctly in section 9.5, it says section 5 of the bill is included.

Senator Lipparelli:

That is because of confidentiality for the name of the minor. When I talked about publishing rulings for any student who is a minor, the name must be redacted from the record.

Assemblyman Stewart:

In section 5, you are actually giving another level of appeal to a student, correct?

Senator Lipparelli:

That level of appeal already exists and gets a little complicated depending on the school district. The first level of decision-making occurs at the school. The coach and athletic director determine whether someone is eligible. Depending on the county, you can appeal that decision. If you are not satisfied with the relief from the next level of appeal—for example, the three-member panel in Clark County that is appointed by the school district—you are entitled to appeal to the hearings officer of the NIAA. We went back and forth as to whether there should be an independent level of hearings officers not employed by the NIAA. I agreed to modify my bill to say that as long as the hearings officer who ultimately renders the final decision publishes the decisions so that everyone can benefit from them and there is pressure to rule consistently, then I was satisfied. No, we are not adding a level of hearings officers. We are compelling the hearings officer who is rendering these rulings to publish those rulings.

Assemblyman Stewart:

So there is one hearings officer. Is that person trained as a hearings officer, or does the executive director pick the hearings officers?

Senator Lipparelli:

Today, the hearings officer is employed and selected by the NIAA. That person has built up more than ten years of experience in hearing these types of cases. That person is local.

Assemblyman Flores:

I want to get a feeling for this process. How long is the appeals process currently? With your amendment, what do you think the time frame will become? Or are you just hoping that because the decisions will be published, the process will be sped up and the arguments will be easier to make with examples for precedent?

Senator Lipparelli:

You hit a point that I made. Let us assume a student athlete has been wronged because the decision that was made was arbitrary, and that student begins an appeals process. The problem now is that the playing field is tilted so far against the student that by the time they win their case, the season is already over and they have lost their eligibility. My hope is that if we compel the NIAA to publish these decisions, it would accomplish two important things. First, it is very expensive to appeal, and most people probably do not have the resources to make the decision to spend \$5,000 trying to appeal for their child to play one season of a sport. That is unfair. Second, it takes up time. This would allow the parents to review a set of cases and find a precedent that matches their child's case.

Chair Woodbury:

I will hear those who would like to testify in support of Senate Bill 330 (R2). [There was no one.] Is there anyone in opposition? [There was no one.] Is there anyone who is neutral? [There was no one.] Senator Lipparelli, would you like to make closing comments?

Senator Lipparelli:

I have a memo from the general counsel of the NIAA, who suggested a change that I forgot to mention in my presentation. In section 6 of the bill, line 28, they suggest removing "to participate or practice in a sanctioned sport" out of concern that if that language remains, the student who has transferred on that basis would be ineligible for a school year, since the transfer is presumably athletically motivated. I do not have a problem making that change, so I may offer that as an amendment.

Chair Woodbury:

I will close the hearing on S.B. 330 (R2) and open the hearing on Senate Bill 394 (1st Reprint), which revises provisions relating to the protection of children.

Senate Bill 394 (1st Reprint): Revises provisions relating to the protection of children. (BDR 38-264)

Assemblyman Pat Hickey, Assembly District No. 25:

I am here today to introduce Senate Bill 394 (1st Reprint) and to introduce the person who is behind this bill. I will give the Committee some background about this bill. In the last session, Senate Bill No. 258 of the 77th Session was passed unanimously in both houses. It is also known as "Erin's Law" and was named after Erin Merryn, who was a victim of childhood sexual abuse. It established the Task Force on the Prevention of Sexual Abuse of Children. That task force met over the interim and produced 22 recommendations to the Governor for primary prevention, secondary intervention, and community awareness [referred to the task force's 2014 report ([Exhibit C](#))]. That task force was chaired by Assemblywoman Fiore. I had the privilege of appointing Ms. Jill Tolles to that task force, who you will be hearing from momentarily.

The number-one recommendation of the task force was to establish statewide curriculum standards to teach personal safety to children in our schools. Senate Bill 394 (R1) is a product of that bipartisan effort to ensure that every child in Nevada's schools is empowered and equipped to stay safe. Nineteen other states have passed similar legislation, and Nevada is proud to be part of this national effort to protect children. I think that you will see by the presentation that Ms. Tolles and others have put forth a straightforward, simple, and practical application that is not onerous to teachers or the school districts in my view.

Jill Tolles, Private Citizen, Reno, Nevada:

I served on the Task Force on the Prevention of Sexual Abuse of Children established by Senate Bill No. 258 of the 77th Session (S.B. 258 Task Force). I am here before you as a citizen stakeholder, a mom, and someone who cares deeply about the personal safety of children. The Centers for Disease Control estimate that 1 in 4 children will be victims of child maltreatment, abuse, or neglect before the age of 18. That equates to 114,000 children in Nevada's public schools. The National Child Traumatic Stress Network states that trauma may constitute the greatest cause of underachievement in schools, and that students may suffer from a decrease in reading ability, lower grade point averages, and increased school absences, suspensions, and dropout rates.

For those reasons and many more, I am here to present S.B. 394 (R1) before this Committee. It seeks to establish statewide curriculum standards and implementation procedures for the teaching of personal safety in Nevada's schools.

I would like to start by giving more background on the S.B. 258 Task Force, and the reasoning behind this bill. The S.B. 258 Task Force consisted of members of the Nevada Legislature, the Department of Education, the Division of Child and Family Services (DCFS), Prevent Child Abuse Nevada, other concerned agencies, and citizen stakeholders like me. Over the course of eight meetings during the interim, the task force studied issues related to abuse and the protection of children in Nevada. During the process, Victoria Blakeney from the Department of Education surveyed the school districts across the state to determine what programs or instruction, if any, are currently being utilized to educate and empower children in Grades K-12 to deal with unsafe persons, situations, and strategies that may be used against them and, if necessary, who to go to for help if an unsafe incident has occurred. What we found is although a good number of our school districts are utilizing school nurses, counselors, teachers, the sheriff's department or other outside programs to teach personal safety to children, there are many schools that are not. [Continued to read from page 2, ([Exhibit D](#)).]

I would like to briefly go over how S.B. 394 (R1) attempts to tackle this issue. Section 15 would ensure that the Department of Education will develop age-appropriate curriculum standards based on best practices for teaching safety to pupils in Grades K-12. [Continued reading from page 3, ([Exhibit D](#)).]

To kids, these programs and curriculum materials are often empowering, fun, and interactive. We almost brought in the hula hoop to symbolize one of the games that one of these programs uses. They teach in the hula hoop game that everyone has a hula hoop around them, and if someone steps in your hula hoop and you feel unsafe, students learn how to tell them to step back and who to go to for help. There is a great deal of ongoing research demonstrating the programs' effectiveness across the United States and here in Nevada. [Continued reading from page 4, ([Exhibit D](#)).]

Dale A.R. Erquiaga, Superintendent of Public Instruction, Department of Education:

I did not serve on this task force. Victoria Blakeney from the Department of Education (DOE) did. She is in the audience today. That task force worked with a very difficult subject. This Committee has previously heard testimony about some of the social issues and many societal issues facing our children. There is probably no other time than the time we live in that is more stressful

for young people. We have seen some very sad headlines in recent years. I think this bill comes at an appropriate time.

As Ms. Tolles has testified, section 15 requires the DOE to update the standards that would pertain to the personal safety of children. We would incorporate this work into the health standards which are due for revision this year. The health standards touched on today are things such as cardiopulmonary resuscitation (CPR) and child abuse for middle school and high school kids. This is a much more in-depth and timely review. It requires the DOE to act through the Council on Academic Standards. The Council would work with other groups, starting with the task force, the Department of Health and Human Services, and other stakeholders that Ms. Tolles has referred to, so they would all be involved in the development of these standards. It is also appropriate for the newly established Office for a Safe and Respectful Learning Environment, as well as the Office of Standards and Instructional Support, that we would develop training materials and policies to distribute to districts.

From the DOE standpoint, it is meaningful legislation and comes at an opportune time. It is very operable for us. It gives us a year to get the standards in place. If the Committee looks at section 16 and subsequent sections, the bill discusses the amount of local control in the implementation of curriculum, lesson plans, and who comes into the classroom, which is always of concern for parents and is appropriately dealt with in this bill. This bill was supported in the Senate.

Chair Woodbury:

Are there any questions from the Committee? [There were none.] Will those in support of S.B. 394 (R1) please come up?

Amber Howell, Administrator, Division of Child and Family Services, Department of Health and Human Services:

I had the privilege of appointing some members of the task force during the interim, and I also served as a member. We are happy to support this legislation. We know that personal safety and identifying victims is difficult and sometimes underreported. We really want to change that and reach more kids to educate them on who they can go to in vulnerable circumstances. We were able to isolate child abuse and neglect funds received from the federal government, so there is no fiscal impact or any impact on the State General Fund. We are happy to support those efforts.

Lindsay Anderson, Director, Government Affairs, Washoe County School District:

We are here in support of this legislation. We supported S.B. No. 258 of the 77th Session because we know this is an important issue. We appreciate all the work the task force did in working with our district. It is our understanding that much of the curriculum being provided in our district would be sufficient under current legislation, but bringing additional awareness is always important.

David Jensen, Superintendent, Humboldt County School District:

On behalf of the Nevada Association of School Superintendents, I provide support for this bill. The issues of personal safety are something that, as school district superintendents, we are very concerned about. The majority of school districts have implemented components that are outlined in section 15, subsection 4 of the bill. They are introduced in our K-12 curriculum currently. In the Humboldt County School District specifically, the majority of what has been identified has been embedded in our human growth and development curriculum. Our human growth and development curriculum runs from Grades 4 through 12, and at the early elementary stages, our counselors have instruction that deals specifically with safety protocols. This is something that we believe is essential and important to continue to support.

In section 16, the bill defines health as a course of study. A course of study is generally a class that is required as is prescribed for graduation. In high school, health is required. The health curriculum, rather than the course of study, is different for us. If you need clarification, we can provide that.

Nicole Rourke, Executive Director, Government Affairs, Community and Government Relations, Clark County School District:

I would like to echo the comments of my colleague. We are here to support child safety. It is very important in our district. We also believe that our current curriculum objectives meet many of the requirements. Anytime the standards are amended or renewed, we look at our curriculum and change it accordingly.

Brigid Duffy, Chief Deputy District Attorney, Juvenile Division, Office of the District Attorney, Clark County:

In my role, I oversee 26 attorneys. Several of those attorneys represent the Clark County Department of Family Services. We are here today in support of S.B. 394 (R1). One part of the bill I would like to point out is section 12. That section has to do with the *Nevada Revised Statutes* (NRS) Chapter 432B, which is our child protection statute. It is a little different from Erin's Law. In this section, we are asking to amend NRS 432B.500 to remove the requirement that guardians ad litem for children not be compensated. Federal law, specifically

the Child Abuse Prevention and Treatment Act, requires that each state have provisions for every child in the abuse and neglect system to have a guardian ad litem. In Clark County, about one-third of children in foster care have someone who is representing their best interest. We feel that by passing section 12, we can break down a barrier to get more people to come forward to represent the best interests of children, which is a missing voice in our system.

Jessica Ferrato, representing the Nevada Association of School Boards:

We are here in support of the bill. Student safety is a priority for our organization, along with all schools and school board districts in the state. Our legislative advisory committee took a vote to support this measure.

Chair Woodbury:

We will hear those in support who are in Las Vegas.

Ollie Hernandez, Private Citizen, Las Vegas, Nevada:

I am testifying in support of the guardian ad litem statute within this bill. As a foster alumna of Clark County's foster care system, I know firsthand of the benefits of having legal representation in court. Additionally, I testify in support of this particular statute, because as a foster alumna, I believe foster youth should have some form of legal representation in the family court so that their voices are heard. [Continued reading from ([Exhibit E](#)).]

Kristy Oriol, Policy Specialist, Nevada Network Against Domestic Violence:

We provide statewide advocacy, education, and support to the frontline organizations that help those impacted by domestic violence. We are here today in support of S.B. 394 (R1). Prevention education is one of the most effective strategies we have in stopping abuse and empowering young people. [Continued reading from ([Exhibit F](#)).]

Chair Woodbury:

Is there anyone else down in Las Vegas who wishes to testify in support? [There was no one.] In Carson City? [There was no one.] I will take testimony in opposition to S.B. 394 (R1). [There was none.] Is there anyone who would like to testify as neutral?

Tara Phebus, Executive Director, Nevada Institute for Children's Research and Policy and Prevent Child Abuse Nevada:

I wanted to offer that Prevent Child Abuse Nevada is willing to help with the implementation of this law as passed. As was mentioned, there are many other states working on passing similar laws and implementing personal safety training in schools. There are many resources available to help us. Prevent Child Abuse Nevada is part of a national network that has access to

resources that have been created in other states. We look forward to being able to work with the Department of Education and other stakeholders on this bill.

Chair Woodbury:

Is there anyone else who would like to testify as neutral? [There was no one.] Ms. Tolles, would you like to make closing comments?

Jill Tolles:

I just wanted to thank you and say what a wonderful experience it has been to talk with new legislators about this throughout the session. There has been a lot of support, and it is heartening to see the dedication to keeping kids safe.

Chair Woodbury:

Thank you. [([Exhibit G](#)) and ([Exhibit H](#)) were submitted but not discussed and will become part of the record.] I will close the hearing on S.B. 394 (R1) and go into the work session. We will not be taking further testimony, but I may ask interested parties to come forward to clarify issues.

Senate Bill 13 (1st Reprint): Revises provisions relating to the provision of public education to pupils with disabilities. (BDR 34-311)

Kristin Rossiter, Committee Policy Analyst:

Senate Bill 13 (1st Reprint) was heard in this Committee on April 27 and was presented by Steve Canavero of the Department of Education. This bill revises provisions relating to an individual education program for a pupil with a hearing impairment and removes the reference to an adjusted diploma so that a parent or guardian of a pupil with a disability will continue to represent the pupil's interest until the pupil receives a standard diploma or is no longer enrolled in a program of special education. The bill clarifies that "pupil with a disability" has the same meaning as "child with a disability" as defined in federal law. Finally, the bill requires that the minimum standards prescribed for pupils with hearing impairments to comply with federal laws. There is a conceptual amendment proposed by Steve Canavero of the Nevada Department of Education that would retain the language referencing a pupil under the age of 22 years in section 1 ([Exhibit I](#)).]

Assemblyman Elliot T. Anderson:

I wanted to relay my conversations with special education advocates about this bill. The Department of Education has done valuable work on this bill in ensuring that all parties concerned were taken care of. I think we all have a special place in our hearts for kids with special education needs. I spoke with Mr. Gary Olsen, who has been passionate on this issue. Mr. Canavero has

worked with us since the beginning of this session on this bill. I just wanted to thank the Department of Education for that.

Chair Woodbury:

Is there a motion to amend and do pass Senate Bill 13 (1st Reprint)?

ASSEMBLYMAN ELLIOT T. ANDERSON MOVED TO AMEND AND DO PASS SENATE BILL 13 (1ST REPRINT).

ASSEMBLYMAN GARDNER SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN HICKEY WAS ABSENT FOR THE VOTE.)

Assemblyman Elliot T. Anderson will do the floor statement. Our next item is Senate Bill 75 (1st Reprint).

Senate Bill 75 (1st Reprint): Revises provisions governing the administration of certain examinations. (BDR 34-472)

Kristin Rossiter, Committee Policy Analyst:

Senate Bill 75 (1st Reprint) was heard in our Committee on April 27 and presented by Nicole Rourke. This bill requires the State Board of Education to prescribe the minimum number of school days that must take place before certain standardized examinations may be administered. The Board is further required to prescribe a period of time during which the examinations must be administered by the board of trustees of each school district and the governing body of each charter school. This bill also removes the requirement that all such examinations be administered at the same time during the spring semester ([Exhibit J](#)).

Assemblyman Munford:

I proposed an amendment, and I can now see that it is not going to pass out of the Committee. My amendment does not appear to have the chance to go forward. I had difficulty grappling with my amendment and trying to come to a compromise and understanding about this amendment. I spent some sleepless nights dealing with this. I suppose I will rescind my amendment.

Assemblyman Gardner:

I, too, liked Assemblyman Munford's amendment, but I will be voting for this bill without it.

Chair Woodbury:

I will accept a motion to do pass this bill.

ASSEMBLYWOMAN DIAZ MADE A MOTION TO DO PASS
SENATE BILL 75 (1ST REPRINT).

ASSEMBLYMAN STEWART SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN MUNFORD VOTED NO.
ASSEMBLYMAN HICKEY WAS ABSENT FOR THE VOTE.)

Assemblywoman Diaz has the floor statement. Our final bill is Senate Bill 212.

Senate Bill 212: Revises provisions governing discipline of pupils and prohibited acts at public schools. (BDR 34-177)

Kristin Rossiter, Committee Policy Analyst:

Senate Bill 212 was presented by Senator Hammond and heard by this Committee on April 22. This bill expands the authority of a school district superintendent to modify a required suspension or expulsion, for good cause, if a pupil commits a battery that results in bodily injury of a school employee, sells or distributes a controlled substance, or is deemed a habitual disciplinary problem. Such a modification must be made in writing. The bill also clarifies the nature of certain offenses and repeals the provision making it a misdemeanor to disturb the peace of any public school by using vile or indecent language within the building or grounds of a school ([Exhibit K](#)).

Chair Woodbury:

I will accept a motion to do pass Senate Bill 212.

ASSEMBLYMAN ELLIOT T. ANDERSON MOVED TO DO PASS
SENATE BILL 212.

ASSEMBLYMAN ARMSTRONG SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN HICKEY WAS ABSENT
FOR THE VOTE.)

Assemblyman Armstrong will present the floor statement. Is there any public comment?

James Benthin, Private Citizen, Reno, Nevada:

I am a father of five children. I am speaking on Senate Bill 75 (1st Reprint) as neutral. I am disappointed that an amendment was not passed by this Committee. That amendment would support parental rights. I am sure that each of us wants our own personal information kept secure. There is the possibility of identity theft or misuse of the information. Once data is out of a person or parent's possession, the possibility of theft or misuse increases.

I would have supported an amendment that would allow parents to opt out of controversial Smarter Balanced Assessment Consortium (SBAC) testing. Many questions have been raised about personal data that will be mined during testing, data collection storage, and data sharing. Is this data secure? I am sure that you have been told yes. But is it truly secure? The data is not truly secure. Everyone on this Committee would have the chance to protect the students of Nevada from the negative consequences of data mining.

Another concern is parental access to the data of their own children. This data will follow our students for the rest of their lives. Is this data correct? Can it be corrected? Presently, it does not appear that these mechanisms are in place. Every parent should have the right to view the testing questions and data that are being accumulated on their children in a format that is understandable. Parents want transparency and accountability. All taxpayers want that too. I am sure we all want this information to be secure and accessible to parents. The protection of children is a right of all parents. Any parent should be able to opt out of SBAC testing. This Committee could still have a chance to protect students and promote transparency and accountability. I urge all members to reconsider.

John Eppolito, Private Citizen, Incline Village, Nevada:

I am a former K-12 teacher and have four children in school. I would like to thank Assemblyman Munford for attempting to do what the parents want, not the lobbyists. Unfortunately, I am very disappointed with the process. It does not seem to matter what parents want. I know there are good people in this Committee and that Assemblyman Munford and Assemblyman Gardner were at least willing to speak up for the children today. But because of the way the process is dominated from the top down, the others do not get to vote.

Chair Woodbury:

You need to be respectful of the Committee. This Committee works very hard and takes these issues very seriously. There will be no jabs at the Committee.

John Eppolito:

I did not intend to make a jab at the Committee. Last night in the Senate Committee on Education, someone from the audience came up to me and said they liked my comments best. He had removed one son from public school because of the Common Core mathematics standards. Another son was coming home crying every day after taking the Smarter Balanced Assessment Consortium (SBAC) test. From what I can tell, this is all above the Committee. This Committee had a chance to do the right thing and allow the parents of this state to opt out of SBAC testing. That is all we are asking for. We are not asking to change the world. In states that are ahead of us in SBAC testing such as New York, which is two years in, the question is if they are going to get 20 percent opt-out statewide. Large states such as New York and California allow opt-out. Someone in Nevada, who is probably not on this Committee, does not want to allow parents to opt out of this stressful test. It is wrong. Someone needs to start paying attention to what the parents are saying.

Craig M. Stevens, Director of Intergovernmental Relations, Government Affairs, Community and Government Relations, Clark County School District:

I am here with a good news minute. This week, we celebrate Teacher Appreciation Week. Clark County School District (CCSD) students and administrators from all over the district are showing their support for our educators. Schools are holding assemblies, and students are giving speeches and even posting on social media. I encourage you all to follow CCSD on Twitter and get updates on things we are doing to honor our educators. This week, we kicked off the events at Fertitta Middle School, where among other events, the students put together an amazing tribute for their teachers. Mojave High School presented their cafeteria workers with a cake. Station Casinos provided 18,000 buffets to teachers districtwide. My personal favorite was that the students at Southwest Career and Technical Academy treated their teachers to a free salon treatment at their training center. It was pretty cool to see the roles reversed and the students helping the teachers look better.

All through CCSD, our educators are making a huge difference. Sometime this week please take an educator aside, perhaps one who is on this Committee, and say thank you.

Chair Woodbury:

I see no further public comment. If there is no further business before the Committee, we are adjourned [at 4:20 p.m.].

RESPECTFULLY SUBMITTED:

Sharon McCallen
Recording Secretary

Erin Barlow
Transcribing Secretary

APPROVED BY:

Assemblywoman Melissa Woodbury, Chair

DATE: _____

<u>EXHIBITS</u>			
Committee Name: <u>Assembly Committee on Education</u>			
Date: <u>May 6, 2015</u>		Time of Meeting: <u>3:22 p.m.</u>	
Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 394 (R1)	C	Jill Tolles / Private Citizen, Reno, Nevada	Task Force on the Prevention of Sexual Abuse of Children 2014 Report
S.B. 394 (R1)	D	Jill Tolles / Private Citizen, Reno, Nevada	Testimony
S.B. 394 (R1)	E	Ollie Hernandez / Private Citizen, Las Vegas, Nevada	Testimony
S.B. 394 (R1)	F	Kristy Oriol / Nevada Network Against Domestic Violence	Testimony
S.B. 394 (R1)	G	Jill Tolles / Private Citizen, Reno, Nevada	S.B. 394 (R1) Explanation
S.B. 394 (R1)	H	Jill Tolles / Private Citizen, Reno, Nevada	S.B. 394 (R1) Frequently Asked Questions
S.B. 13 (R1)	I	Kristin Rossiter / Committee Policy Analyst	Work Session Document
S.B. 75 (R1)	J	Kristin Rossiter / Committee Policy Analyst	Work Session Document
S.B. 212	K	Kristin Rossiter / Committee Policy Analyst	Work Session Document