

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

**Seventy-Eighth Session
May 25, 2015**

The Committee on Education was called to order by Chair Melissa Woodbury at 1:05 p.m. on Monday, May 25, 2015, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4404B 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
Assemblywoman Olivia Diaz
Assemblywoman Victoria A. Dooling
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:

Assemblyman Derek Armstrong (excused)
Assemblyman Chris Edwards (excused)

GUEST LEGISLATORS PRESENT:

Senator James A. Settelmeyer, Senate District No. 17

Minutes ID: 1346



STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Dale A.R. Erquiaga, Superintendent of Public Instruction, Department of Education
Dotty Merrill, Executive Director, Nevada Association of School Boards
Susan Payne, Director of Safe Schools, Office of the Colorado Attorney General
Sean B. Sullivan, Deputy Public Defender, Washoe County Public Defender's Office
Tom Clark, Private Citizen, Reno, Nevada
Andrew Diss, State Director, StudentsFirstNV
Scott Baez, Government Affairs Specialist, Washoe County School District
Russell Smithson, representing K-12, Inc.
Mary Pierczynski, representing Nevada Association of School Superintendents
Patrick Gavin, Director, State Public Charter School Authority, Department of Education
Nicole Rourke, Executive Director, Government Affairs, Community and Government Relations, Clark County School District
Jessica Ferrato, representing Nevada Association of School Boards
Lonnie Shields, representing Nevada Association of School Administrators, and Clark County Association of School Administrators and Professional-Technical Employees
Nick Vassiliadis, representing R&R Partners, and Flip the Script
Kindred Murillo, Ed.D., Superintendent/President, Lake Tahoe Community College
Steve Teshara, Principal, Sustainable Community Advocates, Zephyr Cove, Nevada

Chair Woodbury:

[Roll was called. Committee rules and protocol were explained.] I will open the hearing on Senate Bill 338 (1st Reprint).

Senate Bill 338 (1st Reprint): Revises provisions relating to safety in or at a public school. (BDR 34-870)

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

I am filling in today for Senator Debbie Smith, who could not be here this afternoon. I am honored to be here to present this bill in its amended version for your consideration. Senate Bill 338 (1st Reprint) creates an easy mechanism through which Nevadans can anonymously report violent or unlawful activities or threats of violence on school property and at school events.

Before I walk you through the bill, Senator Smith asked me to talk briefly about why this bill is so important to her. It started in February 2014, when she partnered with the Washoe County School District and others to host a school safety summit in response to the shooting at Sparks Middle School, which her children attended and is in her neighborhood. At that summit she met Susan Payne from the Office of the Colorado Attorney General. When the Nevada Association of School Boards brought Susan Payne to Nevada to speak at a conference, the two of them worked on the idea for this bill. By the way, Susan Payne is with us today via telephone in case there are questions about the Colorado program.

As many of you know, Senator Smith has been a passionate supporter of suicide prevention and served on several committees on the topic. Then, earlier this session, like many of us, she opened the *Reno Gazette-Journal* and read about a middle school student in Fallon who committed suicide, and that reignited her desire to do more.

We all believe that school should be a place where students feel safe, an environment that fosters growth, learning, and encouragement, and a place where young people do not fear for their security or well-being. Research shows that school climate, culture, and safety significantly affect student achievement and behavior. In short, safety is a key condition for learning and academic success. Violence and threats have no place in our schools.

Yet, during the 2013-2014 school year, thousands of dangerous, violent, or unlawful incidents occurred in Nevada's schools. Nearly 5,600 incidents of violence against students resulted in suspension or expulsion that year. There were 275 instances of violence against staff; 440 weapons-related incidents; and more than 1,200 issues related to possession or use of controlled substances. Data shows that such incidents do not happen in a vacuum.

More often than not, someone other than the person committing the violent or unlawful act is aware something is about to happen. However, in the vast majority of these incidents, the friends, classmates, or siblings who have prior knowledge that something might happen do not report it.

This bill aims to address that problem. It requires the Director of the Office for a Safe and Respectful Learning Environment to create the Safe-to-Tell Program within the office. You will recall that office was created in the Department of Education with the Governor's signing of the anti-bullying bill, Senate Bill 504, last week. The Safe-to-Tell Program allows anonymous reporting of dangerous, violent, or unlawful activity, or the threat of such activity on school property, at an activity sponsored by a public school, or on a public school bus. Any information reported would be confidential and may only be disclosed in the very limited circumstances as set forth in the bill. The identity of any person calling the Safe-to-Tell Program remains confidential, and anyone who unlawfully shares information reported to the Program will be guilty of a misdemeanor.

The bill also creates a new entity, the Safe-to-Tell Advisory Committee, within the Office for a Safe and Respectful Learning Environment. Committee members include two Senators and two Assembly members, appointed by the majority and minority leaders of both houses; numerous members appointed by the Governor, including representatives from law enforcement, the Office of Suicide Prevention, the Department of Public Safety, a teacher, a school psychologist, and a victim advocate; myself; and others. [Continued to read from prepared text ([Exhibit C](#)).]

The bill sets up a mechanism by which the office can contract with an outside organization for the provision of that service. It has allowed us to remove the fiscal note that the Department originally placed on this bill because we have the funding available through the funds for the Office for a Safe and Respectful Learning Environment, which has already been approved. [Continued to read from prepared text ([Exhibit C](#)).]

It is my pleasure to present this bill on behalf of the Senator. She has worked closely with Ms. Dotty Merrill, the school districts, and law enforcement personnel as well as others in our state to prepare the draft that is before you. It has been significantly amended and we think it is ready for implementation by the new office. Ms. Merrill will provide you more background information on the Colorado program after which this is modeled.

Dotty Merrill, Executive Director, Nevada Association of School Boards:

Thank you for the opportunity to be heard this afternoon and to share some information with you about an initiative that has the potential to help all of our state's 430,000 students in all of our school districts. The bill proposes an initiative that we can implement in Nevada using Colorado's Safe2Tell program as a template. In the interest of time and the work that the Committee has to do, I am not going to go over the entire PowerPoint presentation ([Exhibit D](#)), but there are some things that I will point out. You also have a document ([Exhibit E](#)), which is the bystander study, produced by the United States Secret Service and the United States Department of Education. This study focuses on prior knowledge of potential school-based violence. That study yielded some of the information you will find on page 4 of the PowerPoint ([Exhibit D](#)). I am going to focus on page 4 for just a moment.

First of all, according to the results of the study, 81 percent of incidents that occur have someone who knew in advance about it; either they were privy to specific information or they had a suspicion. Ninety-three percent of the perpetrators of targeted school violence exhibited concerning behavior before the attack. They did things; they acted in such a way that those around them could have suspected that something was going to happen. In 59 percent of the incidents, more than one person had prior knowledge of the attack. Of those with prior knowledge of school attacks, 93 percent were peers of the perpetrators, such as friends, schoolmates, or siblings.

The Safe2Tell program provides a mechanism for information that should be shared with those who can do something about it. On page 8 of the PowerPoint presentation ([Exhibit D](#)) Presidential Policy Directive/PPD-8: National Preparedness has five different pieces that are also reflected in the Safe2Tell initiative: prevention, protection, mitigation, response, and recovery. [Continued to read from page 8, ([Exhibit D](#)).] That background feeds into the development of the Safe2Tell program.

On page 9 ([Exhibit D](#)) you will see some of the goals of the program. [Continued to read from page 9, ([Exhibit D](#)).] Safe2Tell combines anonymity, education, awareness, early intervention, prevention, and accountability together with follow-up. The accountability and follow-up, as well as some other information, appear on page 13 ([Exhibit D](#)). One of the goals is to teach young people that reporting anything related to the safety of anyone is their responsibility. [Continued to read from page 13, ([Exhibit D](#)).]

The next slide on page 13 is about accountability and follow-up. This includes trained dispatchers in 24-hour communication centers; a live answering point where not only telephone but also web and text reports can be received;

two-way dialogue; and immediate delivery of reports so that when a report comes in there is not a time lapse or delay in someone acting on that report and the information that it contains. Each tip in turn has the further accountability component because there will be reports back from school administrators, law enforcement, counselors, school psychologists, and others about the actions that they took when the report came to them. The idea with Safe2Tell in Colorado and our Safe-to-Tell Program in Nevada would be that prevention and early intervention is key to preventing violence and saving lives.

I would like to draw your attention to the Safe2Tell report ([Exhibit F](#)) from January 2015. Since the inception of the program in Colorado in 2004, they have received 13,146 tips and reports. If you look down the left side at the graph in the middle, you can see the various categories about which reports have been received: bullying, suicide interventions, drug/alcohol, threats of violence, sexually related crimes, cutting, child abuse, harassment, guns/weapons, planned school attacks, assaults, fighting, depression, sexting, thefts, domestic violence, vandalism, gangs, and animal cruelty. Immediately to the right of that graph you will see a pie chart and you can see the way the percentages have broken down by reporting method. From the reports, 54 percent have been phone calls, 42 percent were web reports, and 5 percent were text messages. The increase has been amazing over the years. In 2004 there were 102 reports, and in 2014 there were 3,178 reports. That is part of the growth we anticipate with this program when it is established and implemented in Nevada.

You have an elementary classroom discussion guide ([Exhibit G](#)). We provided this to you because it is one set of information that the Colorado Safe2Tell program has offered to let Nevada use, and we think that this and some other information from Colorado will help us as we move forward with this program. As you can see, for elementary school students there is a distinction made between telling and tattling. Telling can save lives. The purpose of telling is to keep people safe and the purpose of tattling is to try to get someone into trouble. When a child tells something, it is because he or she knows that they need help from an adult and they know that there is some behavior that can harm them, someone else, or their school. Telling is very important. Page 3 ([Exhibit G](#)) describes a toolkit which contains a video, classroom discussion guide, coloring page, et cetera. The high school and middle school toolkit is also provided but contains different kinds of information.

Going back to the PowerPoint presentation ([Exhibit D](#)), on page 2 you can see the Safe2Tell mission for Colorado based on the bystander study, other best practices, and research in this area. [Continued to read page 2, ([Exhibit D](#)).]

In section 4 of the bill, there is similar language parallel to Colorado that will guide this program and guide those who are involved in its development on the Advisory Committee.

I want to end my part of the presentation with a thought for the Committee's consideration. This quote comes from Lieutenant Colonel Dave Grossman, who is widely recognized as America's number-one expert on school violence and domestic terrorism: "Put the risk in perspective, pray that it will never happen, know that it COULD happen, and work with all your heart and soul to prevent it from happening. It could be your child's life that you save." In his blog back on March 27, Assemblyman Hickey also said something that is pertinent in this context. He said, "When we turn the page or activate our iPads to find yet another political bomb or human disaster in the news, let us each endeavor to learn life's lessons well—even when they stem from that toughest of all teachers, heartbreak."

I encourage you to adopt the bill as it is presented in the first reprint, which will enable us to put what we know works in Colorado into action in Nevada to help us prevent the unthinkable from happening and reducing the likelihood of future heartbreak.

[([Exhibit H](#)) was presented but not discussed; it was included as an exhibit.]

Assemblyman Stewart:

Was there any record kept of reports that were made that prevented violent incidents from happening?

Susan Payne, Director of Safe Schools, Office of the Colorado Attorney General:

I am the founding Executive Director of the Safe2Tell program in Colorado. I can tell you that the numbers you are seeing are outcome reports. That means that is the result that is given to us in the aftermath of us sending the intelligence out to the local level and them telling us what it resulted in. We do not categorize it until they tell us what it resulted in. The numbers you are seeing are the results of each year.

I will tell you some of the highlights for the 2013-2014 school year. The number one category reports were 640 suicide preventions. That means they felt the intel that we sent out to the schools prevented a suicide of a child. Now we are starting to calculate how many of them were put in a mental health hold or into treatment. That was 640 just last year, and the year prior to that it was 403. In one school year to the next, we saw a 150 percent increase. When we developed this program my dream was to fill the gap that was there.

More and more people have started to believe that this really does address the gap that is beyond the school attack and let the issues that face children on a daily basis in order to protect them and keep them safe. I think we have seen a tremendous amount of growth because of the buy-in at the local level and from the schools and the different stakeholders. Those are the numbers that you are seeing.

Assemblyman Elliot T. Anderson:

I am looking at section 5, subsection 3, which talks about what happens if there is a criminal action. I am noticing that a record could be used to impeach and the testimony of a witness could also be used for exculpatory purposes. I have two questions because as I read on page 5, lines 1 and 2, "The identity of any person who reported information to the Safe-to-Tell Program must be redacted...." How can you impeach someone on their statement if you do not know who said it? My second question is about the exculpatory provisions. If the jury does not know who said, reported, or had exculpatory information, how can they judge the credibility of that exculpatory information?

Susan Payne:

I do not have that information in front of me. It sounds like this is a recommendation for the language in the bill. I believe we have the same exculpatory language. What I will tell you is, this comes up often. This past week we had a Safe2Tell report about an inappropriate relationship with a teacher and a student. An investigation ensued at the local level and resulted in a criminal arrest because they were able to corroborate pieces of the report and build a case on probable cause through interview, talking to the victim, et cetera. The bottom line is usually they do not even say it came from a Safe2Tell report. In this case, they put it in the probable cause affidavit and, of course, the media picked up on that. We will never know who made that report, but we will know the facts that were obtained by law enforcement in the tips that lead them into that investigation. Very rarely do you need the person who gave the tip. In that case, it is actually the evidence and the facts that are obtained through the investigation that are used in the criminal case.

Assemblyman Elliot T. Anderson:

I understand. I am talking about a situation where the report is being used to impeach someone, which is different from if they build and collect other evidence using this only as a tip and not as evidence in court. I am asking about the provision that talks about using the report to impeach the testimony of a witness. If it is other evidence that was collected as a result of this tip, I do not know that it would be the same situation that I am thinking of. I am thinking of a situation where someone is in court. You cannot impeach someone on a statement that is not his or hers, correct? What situation would

this be used for with impeachment? It looks like the name can never be disclosed under any circumstance. I am wondering how you can impeach someone if you do not know who it is.

Dotty Merrill:

One of the members of our working group was Sean Sullivan from the Washoe County Public Defender's Office and he had a role in crafting the language in section 5. He is here so he might be able to contribute to a response to this question.

Chair Woodbury:

That would be great.

Sean B. Sullivan, Deputy Public Defender, Washoe County Public Defender's Office:

I was a stakeholder who was invited to participate in the process and craft language concerning this bill. The Washoe County Public Defender's Office, for the record, is in support of the bill in light of the fact that all the stakeholders were able to come together and agree upon language. I did offer amendments. This is a difficult issue and I agree with what has already been said. I agree with Assemblyman Anderson's concerns. I looked at statutes concerning confidential informants in drug trafficking cases and things of that nature under *Nevada Revised Statutes* (NRS) 49.335, which states, "The State or a political subdivision thereof has a privilege to refuse to disclose the identity of a person who has furnished to a law enforcement officer information purporting to reveal the commission of a crime." That is not an absolute privilege; it can be waived under certain circumstances. I understand that when talking to all of the stakeholders and Senator Smith concerning this that having the identity of the Safe-to-Tell informant not be disclosed was critical to the sanctity of this bill. I tried to pull language from NRS Chapter 49 and tried to incorporate it into this bill. I appreciate your concerns and I hope I have answered your question.

I think at the end of the day there is going to be judicial oversight and discretion here, and that is what we are comfortable with. A judge has oversight and looks at what information needs to be disclosed and what does not need to be disclosed. There is language in section 5, subsection 3, that says "the court may conduct an in camera review of the record or information or make any other order which justice requires." I think it would have to be a very extreme example for a judge to say that the informant in the Safe-to-Tell Program should be disclosed to attorneys in the case. I understand your concern of how it says "shall not be disclosed," but a judge is involved and there may be an extreme circumstance. Obviously, if the informant of the Safe-to-Tell Program is called

as a witness then there are *U.S. Constitution* Sixth Amendment implications at play. That person would have to be disclosed to all parties concerned, including counsel.

Assemblyman Elliot T. Anderson:

I do not know that it is as much of a concern as it is a technical issue because it says that it must be redacted, but it does not say to whom it is redacted. If it is redacted to the outside world I understand that, but I do not know how an attorney can know to impeach someone if they do not know the person who owns the statement. How can you impeach someone with a statement that is not his or hers?

Sean Sullivan:

That was our concern initially when looking at the bill. There was also information about having the motion filed and having an affidavit attached as to what that exculpatory information would be. It was subsequently stricken. Now we have this language, which we agree upon. I would have to leave it to the courts to make that ultimate determination pursuant to the language of this bill.

Assemblyman Elliot T. Anderson:

Does the court have the discretion with the language? It says that it must be redacted.

Sean Sullivan:

I think if a court looked at the record—the information—and did an in camera review, I still think that the court, ultimately the judge being the final arbiter in this case, would have that discretion because it does say "record or information." If the name was supplied in the record or information somehow, I think the court would have the opportunity to basically look at the in camera review and make a decision and issue a strict protective order to the parties concerned saying that these are the limitations on how this information, including the Safe-to-Tell identity of the informant, would be released. Again, I want to stress the importance of the Safe-to-Tell informant not being disclosed, disseminated, and known to that many people involved in the process. I understand that and it was explained to me. I certainly can appreciate that, but I do see what you are getting at and I appreciate your comments.

Susan Payne:

I think it is wonderful that you had so many stakeholders look at this, but there is a difference between a confidential informant and an anonymous informant. In my career, I have been in five in camera reviews as a result of Safe2Tell

reports and none of the information has ever been released. I think there is a difference between anonymous and confidential. As a police officer of 26 years, I have often used confidential informants in our cases and often when it gets to a trial they have to reveal our informant if it is so decided upon by the judge; however, we do not even have the name of the person who made the Safe2Tell report. The software that we use—are redeveloping—and launching in June is anonymous and encrypted in the database to where we cannot even get the information. I want to clear up the assumption that someone knows the name of the informant. We do not know that. It is not something that when I go into an in camera review I have the name to give to the judge. What they have is any of the information that was provided. For example, if a young person were to say that he knows a kid who is going to shoot someone at school tomorrow and he knows it because the kid has a locker next to his and he has his name, it would be very easy for someone to figure out who made that report if it is accurate information, so we would want to be very careful that it does not go out in the report. That would be the difference of what actually goes out that the judge would be seeing.

Additionally, 85 percent of our reports last month were web reports, so the young people are directly dialoguing through the web. They often get very comfortable and they are very fast. They are uploading videos and photographs as evidence. It is all information that law enforcement or the investigators would see. I do want to clear up that if there is amended language that has been suggested by this Committee, and this Committee does believe in the anonymity, it is important to understand that you never have that information. There is not a place, like at the Colorado State Patrol, where it is answered or within the database where we keep it in the server. It is not in there in some secret place where I can push a button and find out what phone number called or what Internet protocol number was used. We do not have that information at all.

Assemblyman Elliot T. Anderson:

When a Safe-to-Tell person is actually put on the stand as a witness, at that point he or she is using personal knowledge and is obviously going to lose anonymity, so maybe that is the tie-in. If the person is going to testify, there is now a right under discovery to know that it was his or her prior statement. I do not know how you can keep them confidential if you put them on the stand, so maybe that is the way the language can be fleshed out. Have you ever had this situation with the language where you did have a person who was the reporter and who was a witness in a criminal proceeding?

Susan Payne:

No. We have never, ever had a case where the person was identified that made it into the report and then testified. Very few of these cases result in a criminal action. I do not believe that language is actually in our law. I think this was an amendment that maybe the stakeholder group came up with.

Assemblyman Elliot T. Anderson:

I think it is going to be fine if the person is not actually testifying. You are only going to impeach the statement of a Safe-to-Tell reporter if they are on the stand because that is the only person you can impeach it to. There might be a way to flesh that out better if that person were to go on the stand, but I think it might not be necessary because there is a Sixth Amendment right to confront your accuser that would supersede this anyway.

Assemblywoman Swank:

I noticed that the Office of the Attorney General put a fiscal note on this bill. How would they be involved in this program?

Dale Erquiaga:

I should have made that clear in the beginning. In the original draft of the bill, the Safe-to-Tell Program was to reside in the Office of the Attorney General, so they did a fiscal note. With the development of S.B. 504 (R1), the program was moved by an amendment in the Senate Committee on Finance to the Office for a Safe and Respectful Learning Environment within the Department of Education. The Office of the Attorney General removed their fiscal note through the testimony of his Special Assistant in the Senate Committee on Finance and we removed our fiscal note because it is covered under the passage of the other bill.

Assemblywoman Diaz:

I am super excited that we are giving our students an opportunity to do the right thing and to feel safe. I think that this is a way to build community and for the children to know that they can be heard when they really need to be heard. It is a tough situation to be in when the kids have to come and report something to you but then, out of fear, they might not tell you because they do not want any repercussion from the teacher letting it out. I think a lot of good can come from this policy. Just to be consistent, in the Great Teaching and Leading Fund we added language about the transparency piece of donors or accepting gifts, so I was hoping that you might be amenable to amending that language into this bill.

I was looking through the laundry list of people who are going to make up the Safe-to-Tell Program Advisory Committee, and it only allows for one teacher or school counselor. I feel that we are losing very valuable perspectives amongst a lot of law enforcement and school administrators. I thought it would be important to maybe have at least one of each, a teacher and a counselor. A counselor is oftentimes the person who hears about a lot of these issues in a different way than a teacher does. What are your thoughts about having at least one of each?

Dale Erquiaga:

I cannot speak for the bill sponsor, but I will tell you from our perspective at the Department I have no problem with the transparency language you used in the prior measure being added to this bill. I would have no problem splitting it so that a teacher, a counselor, and a school psychologist are appointed to the Committee. However, I will defer to Senator Smith.

Assemblyman Flores:

Do we have confidential hotlines in place now? Can we talk about the success of those programs and how this is going to build on top of them?

Dale Erquiaga:

The efforts today are at the district level. The districts have an application for reporting. I know they also take in phone calls. I am not sure if they are anonymous. The application does require a point of contact. When the districts come up you might want to ask them how those programs work. This would be a state-level system including text, web, and telephone, similar to the hotline provided for in Senate Bill 504.

Chair Woodbury:

Are there any further questions? [There were none.]

Dale Erquiaga:

I have one final comment on behalf of Senator Smith. As Assemblywoman Diaz has said, this is another really nice brick in this wall. You have processed Assembly Bill 111 (R1), Senate Bill 504, and Senate Bill 394 (R3), which are all about school safety for adults and children at some level. I think this bill is a very nice addition. I come before this Committee a lot, I talk about thousands of children who are in underperforming schools, and I tell you that I think about that every day, and I do. The Senator added that we should also think about 343 schoolchildren who have committed suicide and who might have been

saved with a program like this. On her behalf and on the behalf of students, parents, educators, and legislators who want safe and secure schools that foster learning and growth, she and I would both urge your processing of this critical legislation.

Chair Woodbury:

I am going to ask for those who are in support of Senate Bill 338 (1st Reprint) to come up to the table to testify.

Tom Clark, Private Citizen, Reno, Nevada:

I am here on behalf of my most important client, my daughter Addison. I think this is a really important measure. She is in the second grade, and as she goes through the next years of her school experience, there are two things that I am really encouraged by with this legislation. The first is if she sees something that is going to happen to another kid, she can report it and have the confidence to know that she is not going to be known as the snitch; and secondly, another kid could report something that could be negatively happening to her. For those two primary reasons, as a parent I come before you and encourage your support with this particular legislation.

Andrew Diss, State Director, StudentsFirstNV:

We are here today in support of the bill. As the Superintendent mentioned, we see this as a companion piece to S.B. 504, which the Governor signed last week. As Mr. Clark just put it, this really gives students an avenue to report something that is going on without being labeled a tattletale or a snitch. That is really important for stopping something terrible from happening before it actually occurs.

Given that today is Memorial Day, I think we would be remiss if we did not recognize the sacrifice of Michael Landsberry. For those of you from southern Nevada who do not know, Michael Landsberry was the math teacher at Sparks Middle School when the shooting occurred in October 2013. He was also a Marine and he used his body as a human shield. He ended up dying that day. He sacrificed himself so that some of his students could live.

Scott Baez, Government Affairs Specialist, Washoe County School District:

I want to thank Senator Smith and the other stakeholders who have worked on this legislation with us, and we offer our full support to the bill. Obviously, school safety has been a big concern for everybody this session, and we think that this bill will represent a valuable tool to help prevent incidents before they happen with our students. Speaking to Assemblyman Flores's question earlier about other programs we currently operate with, we have a very good relationship with Secret Witness that we are happy with. Of course there are

some similarities there, but there is a slightly different goal of Secret Witness in that it is a mechanism to report a crime after the fact to try to solve a crime rather than a mechanism to try to get in front of an incident early. This bill represents a slightly different intent.

Russell Smithson, representing K-12, Inc.:

We support the bill as we believe it provides a sound approach to addressing a growing problem of threatening situations that face our schools, teachers, and students.

Mary Pierczynski, representing Nevada Association of School Superintendents:

We are in support of this bill and would like to thank Senator Smith for bring it forward and everyone who worked on it so hard. It is an important piece that gives our students one more opportunity to report incidents or their concerns about students who may be perpetrators in a disastrous situation.

Patrick Gavin, Director, State Public Charter School Authority, Department of Education:

I come before you in strong support of the bill. I want to thank Senator Smith for her thoughtful work in bringing this together, particularly as we consider all the different options that you as a body are creating for students and families this session including achievement charter schools and the Opportunity Scholarships. There are many more options that are going to be available to families, and in many cases outside of large districts, which may have the capacity to build these things on their own. It is really critical, especially for our rural schools and for our smaller schools, whether they are traditional public schools, charter schools, achievement charter schools, or opportunity scholarship private schools, that there are mechanisms in place to insure all of our kids are safe.

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

We would like to thank Senator Smith for bringing together the stakeholders on this issue. She has long been an advocate of student safety in public schools, so we appreciate her work in this area. We have a number of measures such as Say No to Bullying and we think this measure actually brings together a sort of all-student safety under one umbrella. It is a good comprehensive effort moving forward for our students to align to and have a resource for.

Jessica Ferrato, representing Nevada Association of School Boards:

We are here in support of the bill. We appreciate all the work Senator Smith and the Department of Education have done on the bill. We think that this is one piece of the puzzle in terms of overall safety this session.

Lonnie Shields, representing Nevada Association of School Administrators, and Clark County Association of School Administrators and Professional-Technical Employees:

My favorite kind of testimony is ditto, but today I would like to go further. In my years as a school administrator, I suffered through the loss of two of my students, but I also suffered through one of my own family members who, at the age of 15, hanged herself in the garage. Her father discovered her that afternoon as he came home. In all three instances, the investigations that followed found that other students knew, had talked to, and had forward knowledge of such an event taking place and they never shared that information. It is heartbreaking. My family still suffers from that. If this bill can save one of those lives, not 640, but just one, it is going to make a large difference.

Nick Vassiliadis, representing R&R Partners, and Flip the Script:

I am here to briefly say that we are very much in support of this bill. Intervention is one of those things that the sooner it happens the better, and a program like Safe-to-Tell would allow the Office for a Safe and Respectful Learning Environment to react to information in near real time and that is about as crucial as anything else is.

Chair Woodbury:

Is there anyone else who would like to testify in support of the bill? [There was no one.] Is anyone in opposition to the bill? [There was no one.] Is anyone neutral? [There was no one.] Does anyone want to make closing comments? [There was no one.] I will close the hearing on Senate Bill 338 (1st Reprint) and will open the hearing on Senate Bill 414 (1st Reprint).

Senate Bill 414 (1st Reprint): Encourages the Board of Regents of the University of Nevada to enter into a reciprocal agreement with the State of California to authorize waivers of nonresident tuition to certain residents of the Lake Tahoe Basin. (BDR S-993)

Senator James A. Settelmeyer, Senate District No. 17:

The bill is simple. It comes from the mere fact that a long time ago, we had budgets where there was a surplus of money and we actually had a "Good Neighbor Policy" with our community colleges across state lines. Unfortunately, these days we do not have the funds to do that. This bill seeks to urge the Board of Regents of the University of Nevada to start up a small version of the Good Neighbor Policy. There is currently a companion bill working its way through the California State Legislature, which is their Senate Bill No. 605. We are urging the Board of Regents to do this because

we cannot tell them to do anything under what is known as the King case [*King v. Board of Regents of University of Nev.*, 65 Nev. 533, 200 P.2d 221 (1948)]. We are just asking them to look at this and think about entering into a limited Good Neighbor Policy. According to studies from the past it was only about 20 or 30 students, but in communities such as mine that are so close to the border it gives young adults the ability to simply drive 2 or 3 miles across the state line to go to a community college rather than having to drive 20 or 30 miles to a community college in Nevada. That is what the bill seeks to address.

Assemblywoman Swank:

I know from the time when I taught at the University of Nevada, Las Vegas that we have the Western Undergraduate Exchange (WUE), which is in place between Nevada and California currently and gives almost resident tuition. I looked on their database and I did not see that the Lake Tahoe Community College was one of our WUE institutions. Why do we need this if we already have the WUE program?

Senator Settlemeyer:

There is WUE and there is also Western Interstate Commission for Higher Education (WICHE). There are different opportunities and different programs out there. Almost all of them require a minimum grade point average (GPA) and sometimes students do not always have extremely high GPAs. For some of those individuals with GPAs below the set benchmarks, which I believe are usually 2.5 or 3.0 depending on the school, this is meant to allow for in-state tuition charges to apply. This would allow some of those people who are struggling to still have the opportunity to further their educational pursuits.

Assemblywoman Swank:

Do we do this anywhere else? I know we have West Wendover and Wendover on the border of Nevada and Utah, and in West Wendover we have the satellite campus of Great Basin College. My concerns are that now we are going to start doing this at other border campuses like this.

Senator Settlemeyer:

This is just a starter program to see how it works and, if for some reason the Board of Regents feels this is successful then yes, I would greatly encourage more people to go to college by all means; however, this is just a starter. Are there similar programs? It depends on residency status. Nevada is interesting in that it does not matter where you live, if you graduate from a Nevada high school you automatically get in-state tuition. In my community,

we are currently having children who live in California graduate from Douglas High School in Nevada and get to take advantage of the Governor Guinn Millennium Scholarship Program and in-state tuition unless they do not meet the requirements of the scholarship. That is not necessarily a problem, but this bill looks to try to enter into an agreement with California to allow some of our students who live close to the border to do the same in some respects.

Assemblywoman Swank:

You just brought up the Governor Guinn Millennium Scholarship Program, which got me thinking. If we have Nevada students who could be given the Millennium Scholarship, those are not transportable over to California, correct? We know that program is a little short on money right now so we do not need it going out of state. It would not be, correct?

Senator Settlemeyer:

Correct. I do not believe that most individuals, if they could get free tuition, would necessarily go into California where they would have to pay out-of-state tuition expenses. What I do find interesting is that sometimes, especially in my community, Nevada institutions do not necessarily offer all the same degrees, such as art and some of the environmental sciences, that are more readily available at the California community colleges.

Assemblywoman Swank:

We have WICHE for that. It allows the different relationships to do that. If we do not have those courses here, they can go to that through WICHE.

Senator Settlemeyer:

Thank you, but again, within a certain GPA. Sadly, we have some students who would like to further their careers and create a better life for themselves, but due to economic reasons they are unable to pay any out-of-state tuition. There is a lack of the major, and the lack of having the appropriate GPA to take advantage of some of the other programs. This is a potential tool to help out some of the others, working in conjunction with the California State Legislature and their Senate Bill No. 605. I am working with Senator Ted Gaines in California to do that. He was grateful to do this with me.

Assemblyman Hickey:

At this point your urging of the Board of Regents would just apply to Lake Tahoe Community College in South Lake Tahoe, California, and Western Nevada College in Carson City. Do you envision the same thing being applied to the state college or our university system?

Senator Settlemeyer:

Right now we just entered into this with California on the concept of a very limited scope; you are correct. Western Nevada College and Feather River College in California would be the counterparts just as a small start. The university system was very concerned about the economic impacts this could have. This is just a request; it is not a requirement.

Assemblyman Hickey:

I wish you had been there when I was a student in South Lake Tahoe. I could have gone to the University of Nevada, Reno instead of the California State University in Chico, California.

Assemblywoman Shelton:

Do you have any idea how many people this program would affect? Are you anticipating them to stay and work in Nevada?

Senator Settlemeyer:

In the past, we did not necessarily have the WUE and WICHE programs when we had the previous Good Neighbor Policy, but it was about 20 to 30 students per year. Where the individuals necessarily landed, I am not sure. One would hope that they would stay within Nevada if they got an education here. There are many people who live in the Lake Tahoe Basin, such as Assemblyman Hickey, who started out on the other side, who did end up moving to Nevada and benefitting this community. I cannot give you an exact number of how many from the past stayed in this area, but I do believe that an education, regardless of where someone ends up, benefits all of society.

Assemblyman Flores:

Have you had an opportunity to speak to the Board of Regents and get their feedback? Do you think this encouragement is going to move forth?

Senator Settlemeyer:

I have had the opportunity to reach out and talk to some of the members of the Board of Regents. They are already looking at different programs. This bill asks them to look at concepts such as this. Are they hesitant at all times when the Legislature urges them to do anything? Always, but especially in the communities that I represent, or used to. A judge took away some of the area I represented at Lake Tahoe, such as Northwood, Southwood, and regions up in Incline Village that were very economically depressed. In that respect, they are much closer to the California campus, and some of those individuals are in communities of need. The concept to align the people who may not have the

best GPAs was at the forefront of my opinion, and I have raised that issue and concern with the Board of Regents. They are looking at doing some things; however, I think it is always good to urge them to do a little more.

Assemblywoman Swank:

I know from last session when we redid the funding formula for higher education that the tuition stays at the various campuses. It is up to the campuses to participate in the WUE and the WICHE programs because they would reduce the allocation of money that they would get because the tuition does stay at the universities. That would mean for Western Nevada College and students who participated in this program and came in on resident tuition, it would reduce the amount of money that the college received. How many students do you anticipate would be participating? How does Western Nevada College feel about this? If this is something that would go forward, how would Great Basin College feel about this? Were you thinking about putting caps on this? I know it is the first try, but I am just thinking in the future where this might go.

Senator Settlemeyer:

As stated earlier, about 20 people in the past participated in this program. I am not familiar with the count now that we have WUE and WICHE. I believe it would be less because they can take advantage of the situation as long as they have a high enough GPA to do so. Where this will lead, I am uncertain to predict. When we did the change, I thought the concept for the tuition was that the universities got to keep the increase that they had in tuition, not the base. If they increased tuition they got to keep that, but not the overall base tuition as it was when we put that into effect.

Assemblywoman Swank:

I believe that the tuition stays with the universities because I think that was one thing we had talked about. I could be mistaken; I would have to look again. It seems that this would mostly impact our community colleges so I would want them to be on board. It seems like a great idea; we just want to check back with them.

Senator Settlemeyer:

I know Constance Brooks meant to be here today and, unfortunately, she said she was delayed and had to take a later flight.

Assemblywoman Diaz:

I do see the need to ensure that students have an avenue to study what they want to, especially if we do not offer it in state, but I also do not want to cause a disparate impact on our local community colleges, with them saying that there

is an option and seeing students flock out instead of staying here and leaving that money here in our state and using our own institutions. Do you foresee more California students coming to Western Nevada College, and is that going to outweigh the number of students that then might go from here to California?

Senator Settlemeyer:

In that respect I believe that based on the proximity of the California community colleges versus the Western Nevada College, I would predict far more Nevadans would probably go across the border. Again, it would be in limited circumstances because of the simple fact of WUE, WICHE, and the GPA. If they have the ability, they are going to come here for cheaper in-state tuition, which will help compensate for the 20- to 30-minute drive from Lake Tahoe to Western Nevada College. I am a product of the California school system; I went to Cal Poly San Louis Obispo. I encourage anyone to get an education however and wherever it is possible. I will always come back to that.

Chair Woodbury:

Are there any more questions from the Committee? [There were none.] Those who are in support of the bill, please come to the table.

Kindred Murillo, Ed.D., Superintendent/President, Lake Tahoe Community College:

I appreciate some of the questions that were asked, so I am going to skip through what I was originally going to tell you. First, I want to thank the leadership provided by Senator Settlemeyer and Senator Gaines from California, who heard and responded to this important issue for the South Lake Tahoe area. I would also like to thank and acknowledge the efforts of Nevada's Chancellor Daniel Klaich, who has reached out to further the discussions that we have been having.

I want to address the issues that were brought up by Assemblywoman Swank. The WUE is an incredible tool among 11 states in the western U.S. It allows students to go to school for 150 percent of the resident rate. The issue for California community colleges is our tuition is so low that we are not allowed to participate in WUE. That is because our tuition is \$1,395 per student for a full year. When you look at that in comparison to any of the other western states that average about \$4,500, you can see that California community colleges do not allow that because this is such a low cost of tuition.

What we are working on with the California State Legislature right now is basically to put in place a reduced rate for Nevada residents that will come close to what the Western Nevada College WUE tuition is, which is

about \$3,800 per year for a full-time student. Senate Bill No. 605 of the California State Legislature would provide for students to be able to attend California community colleges in the Tahoe Basin for only about \$4,195. That is a reduced rate of about 46 percent from our nonresident rate. I live in South Lake Tahoe. We are one community. The important piece that I want to stress to you today is the people who were impacted by the loss of the Good Neighbor Policy are the kids that live in the Stateline area whose parents moved to South Lake Tahoe to work in the casinos, restaurants, hotels, and all the tourist-based industries, and they will never get off that hill. They are the kids who are place bound. They are young adults who work three jobs, or their parents work three jobs, and the minute they are old enough to work, they are expected to go to work and support their family. These kids come to my college for English as a second language and I see them every day in my community. My foundation members live in Stateline, Zephyr Cove, and other areas on the east shore of Lake Tahoe.

Our most recent donation to our community college came from a member of the Nevada area. She donated \$5.8 million for a university center. I do not believe she would have done that if she did not believe that we were one community. That is what I would like to stress to you today. We are a community that has two states, five counties, and multiple municipalities. What happens is that education gets impacted and the people who need us the most are the ones who get impacted the most. I hope that you will help me in really pushing this forward. I think the Chancellor of the Nevada System of Higher Education has heard our call and we would like to continue to have those discussions. We think this is very important. This bill is going to be helpful to Lake Tahoe Community College in getting the California State Legislature to agree to the bill in California. We are moving it forward. Thank you for listening and being interested in South Lake Tahoe.

Steve Teshara, Principal, Sustainable Community Advocates, Zephyr Cove, Nevada:

I am here today on behalf of the Lake Tahoe South Shore Chamber of Commerce. The Chamber represents about 660 members in both California and Nevada on the South Shore. We have been pleased and honored to work with Ms. Murillo and Senator Settlemeyer on this bill, and we are working actively with Senator Gaines in California on Senate Bill No. 605. We urge your favorable consideration and action on this bill.

Chair Woodbury:

Is anyone else in support of the bill? [There was no one.] Is there anyone in opposition? [There was no one.] Is anyone neutral? [There was no one.] Senator Settlemeyer, do you have closing statements?

Senator Settlemeyer:

I urge you to urge the Board of Regents. Thank you.

Chair Woodbury:

I will close the hearing on Senate Bill 414 (1st Reprint). We have one bill on work session today, Senate Bill 332 (1st Reprint).

Senate Bill 332 (1st Reprint): Makes an appropriation to the Clark County School District to carry out a program of peer assistance and review of teachers. (BDR S-763)

Kristin Rossiter, Committee Policy Analyst:

Senate Bill 332 (1st Reprint) is sponsored by Senator Roberson and was presented to the Committee on May 21, 2015. The bill appropriates \$1 million in each year of the 2015-2017 biennium from the State General Fund to the Clark County School District to carry out a program of teacher peer assistance and review. [Read from work session document ([Exhibit I](#)).]

Chair Woodbury:

I will entertain a motion.

ASSEMBLYWOMAN DIAZ MADE A MOTION TO DO PASS
SENATE BILL 332 (1ST REPRINT).

ASSEMBLYMAN ELLIOT T. ANDERSON SECONDED THE MOTION.

Assemblyman Gardner:

I must have missed this hearing, so I will approve it out of Committee, but I just want to reserve my right to change my vote on the floor.

Assemblywoman Dooling:

I am in favor of this program; however, I also would like to reserve my right to change my vote on the floor.

Chair Woodbury:

Is there further discussion? [There was none.]

THE MOTION PASSED. (ASSEMBLYWOMAN SHELTON
VOTED NO. ASSEMBLYMEN ARMSTRONG, EDWARDS, AND
HICKEY WERE ABSENT FOR THE VOTE)

Assemblyman Flores, I will assign the floor statement to you.

Is anyone here for public comment? [There was no one.] We may have a bill hearing tomorrow; I am trying not to conflict with other committees who are meeting at random times as well. We will let you know as soon as we can. With no further discussion, this meeting is adjourned [at 2:15 p.m.].

[([Exhibit J](#)) was presented but not discussed and is included as an exhibit for the meeting.]

RESPECTFULLY SUBMITTED:

Sharon McCallen
Recording Secretary

Jordan Neubauer
Transcribing Secretary

APPROVED BY:

Assemblywoman Melissa Woodbury, Chair

DATE: _____

EXHIBITS

Committee Name: Assembly Committee on Education

Date: May 25, 2015

Time of Meeting: 1:05 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 338 (R1)	C	Dale Erquiaga / Department of Education	Prepared Text
S.B. 338 (R1)	D	Dotty Merrill / Nevada Association of School Boards	Safe2Tell PowerPoint Presentation
S.B. 338 (R1)	E	Dotty Merrill / Nevada Association of School Boards	Prior Knowledge of Potential School-Based Violence Study
S.B. 338 (R1)	F	Dotty Merrill / Nevada Association of School Boards	Safe2Tell Data 2 Report
S.B. 338 (R1)	G	Dotty Merrill / Nevada Association of School Boards	Safe2Tell Elementary Classroom Discussion Guide
S.B. 338 (R1)	H	Dotty Merrill / Nevada Association of School Boards	Safe2Tell A Model Prevention Initiative
S.B. 332 (R1)	I	Kristin Rossiter / Committee Policy Analyst	Work Session Document
S.B. 338 (R1)	J	Delbert Elliott and Beverly Kingston / Center for the Study and Prevention of Violence, Institute of Behavioral Science, University of Colorado at Boulder	Statement