

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

**Seventy-Eighth Session
February 23, 2015**

The Committee on Education was called to order by Vice Chair Lynn D. Stewart at 3:15 p.m. on Monday, February 23, 2015, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at 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:

Assemblyman Jim Wheeler, Assembly District No. 39

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:

Kate Morra, Private Citizen, Carson City, Nevada
Lynn Chapman, State Vice President, Nevada Eagle Forum
Janine Hansen, State President, Nevada Eagle Forum
Teri Cotham, Private Citizen, Gardnerville, Nevada
David W. Carter, Private Citizen, Carson City, Nevada
John Wagner, representing Independent American Party of Nevada
Shawn Meehan, Private Citizen, Reno, Nevada
Vernon Brooks, Private Citizen, Las Vegas, Nevada
Eric McGovern, Private Citizen, Las Vegas, Nevada
Matthew Yealy, Private Citizen, Las Vegas, Nevada
Vanessa Spinazola, Legislative and Advocacy Director, American Civil Liberties Union of Nevada
Marla Turner, Private Citizen, Las Vegas, Nevada
Nancy Stiles, Private Citizen, Minden, Nevada
Dana Galvin, President, Washoe Education Association
The Reverend Mike Patterson, Director of Advocacy, Lutheran Episcopal Advocacy in Nevada
Shane Greener, Private Citizen, Las Vegas, Nevada
Caitlyn Caruso, Private Citizen, Las Vegas, Nevada
Robyn Mazy, Private Citizen, Carson City, Nevada
Angie Sullivan, Private Citizen, Las Vegas, Nevada
Adam Berger, Private Citizen, Las Vegas, Nevada
Chris Giunchigliani, Private Citizen, Las Vegas, Nevada
Lindsay Anderson, Director, Government Affairs, Washoe County School District
Craig M. Stevens, Director of Intergovernmental Relations, Government Affairs, Community and Government Relations, Clark County School District

Mary Pierczynski, representing Nevada Association of School Superintendents
Jessica Ferrato, representing Nevada Association of School Boards

Vice Chair Stewart:

[Roll was taken. Assemblywoman Woodbury assumed the Chair.]

Chair Woodbury:

[Committee protocol and rules were explained.] We will open the hearing on Assembly Bill 120, which clarifies the rights of public school pupils regarding the free exercise of religion and provides a grievance process for pupils claiming their rights have been violated.

Assembly Bill 120: Clarifies rights of public school pupils regarding the free exercise of religion. (BDR 34-520)

Assemblyman Jim Wheeler, Assembly District No. 39:

Assembly Bill 120 is pretty basic. It guarantees a right that is already guaranteed in the *Constitution of the United States*. It codifies it in the law in Nevada. The idea behind A.B. 120 is that we are seeing in many states across the nation that our rights are not being upheld by our federal government. I believe that is a top-down problem. This bill's intent is to give religious rights to any religion in our schools to the same extent that any other organization has. It is a simple bill. Let me begin with a few examples of what is happening across the country.

A young man named Brooks Hamby from the Brawley Union School District in California, was named salutatorian. He submitted his speech to the school district and in that speech he said, "Heavenly Father, in all times let us be kind to one another." The speech was thrown out. They said he could not say those words. To me that is reprehensible. Someone who has the right to free speech has a right to say that.

He submitted a second draft. That was thrown out. By his third draft he was told that if he actually used the words God or Heavenly Father, or if he interjected any religious content at all, his microphone would be cut off and he would be asked to leave the stage. This is political correctness carried too far.

The same exact thing was done right here in Henderson, Nevada, to a valedictorian in high school. There are examples in Nevada. When I looked at the examples, I found thousands and thousands of them.

A teacher at Park Elementary School in Fort Lauderdale, Florida, sternly ordered a fifth grader to stop reading a Bible during a free reading period. She told him very sternly to put it on her desk. There have been no repercussions for that, other than an apology.

In Carillon Elementary School in Oviedo, Florida, five-year-old Gabriella Perez bowed her head in the cafeteria over lunch to pray. In other words, she was saying grace. A school employee noticed and told her to stop. The young girl told the employee that it was good to pray. In return she was told it was not good and she would not do it in this school. Again, no repercussions.

Audrey Jarvis, a student at Sonoma State University in California, was told to remove her cross necklace during school orientation because it might offend others. They later reversed their decision and apologized saying, "It is possible that political correctness got a little out of hand."

The idea behind this bill is simply to say that in the state of Nevada, we will guarantee the rights of our citizens, even if the federal government will not. There will be detrimental consequences if these rights are not guaranteed. The bill states only to the extent that any nonreligious activity is guaranteed. Pupils are allowed to pray silently or audibly, either alone or with other pupils to the same extent. In other words, in a classroom, you are not going to throw a prayer rug down or stand up and say a prayer. Do not get me wrong, as long as there is algebra in school, there is going to be prayer, but it needs to be silently and you cannot disrupt the class. This bill says you cannot disrupt normal activities of the school.

Another thing about this bill is it gives us a procedure to keep it as far out of court as possible. It has to go through a certain procedure in order to get to a level where court action is necessary. That is in section 3 of the bill. In talking to people from some of the school boards, they think there are some procedures already in place for other things and we could possibly amend that. I am amenable to that.

One of the problems I saw in this bill last night and was unable to change, is there is a fine if these rights are usurped. In section 3, subsection 4(b) it says, "If the court finds for the pupil, the court shall award the pupil the sum of \$10,000 or the amount of his or her actual damages, whichever is greater." That was a mistake on my part. The maximum was supposed to be \$10,000, so we can amend that.

Assemblyman Elliot T. Anderson:

I want to direct your attention to section 2, subsection 1(a), which is regarding praying either silently or audibly under the same circumstances and the extent, et cetera. You said this bill applies to all religions now, but do all religions express themselves the same way? Could you really have two religions working exactly under the same circumstances? A Muslim student may pray differently than a Christian student or a Jewish student. Could we ever really make it equal inside of the school with rules and regulations?

Assemblyman Wheeler:

The *Constitution* does not say how you can pray, just that you can. It is not my business to say how people can pray, just that they can. What you are saying is that you may have a couple of silent prayers going on. What does that matter? I may be misunderstanding.

Assemblyman Elliot T. Anderson:

Your language in the bill says, "...to the same extent and under the same circumstances as each pupil is allowed...." What I am saying is each pupil who belongs to a different religion, by its nature, will be praying differently. How could a school district set up rules for all religions under the same circumstances?

Assemblyman Wheeler:

Again, I do not think I am understanding the question. How you pray is an individual thing, not a school thing. If the school were to set up a regulation to say how someone can pray, that would not be a good thing.

Assemblyman Elliot T. Anderson:

On section 2, subsection 1(a), it says that people of different religions will be allowed to the same extent and under the same circumstances to practice their own type of religion. That is what I am reading. I do not see how a school district can make a rule that can account for all religions equally under the same circumstances, because every religion is different. Can you explain how the school district could draft a policy to account for religious differences from Wiccans, Muslims, Buddhists, Hindus, Christians, or Jewish students? How would that work?

Assemblyman Wheeler:

A school needing to set up different rules for different religions or different ways of praying is not the intent of this bill. This bill says you may pray to the same extent that others are allowed to meditate, reflect, or speak on a nonreligious matter. What we are saying is if you want to say a silent prayer, say a silent prayer.

Assemblyman Elliot T. Anderson:

To use your example, a Christian may silently pray, where a Muslim student may have a prayer rug and it might not be silent. If you say everyone could say a silent prayer, would that not discriminate against someone who does not pray silently?

Assemblyman Wheeler:

No, I do not believe it would because what we are saying in the bill is that it may not disrupt the normal activities of the school, just like any other activity. If you cannot disrupt the actions of the school, then obviously I am not going to be able to stand up, raise my hands above my head and yell Hallelujah! and start praying out loud. A Muslim would not be able to throw a rug down. Students cannot disrupt the normal activities of a school.

Assemblyman Elliot T. Anderson:

By setting that rule, you are inherently saying that one religious activity would be allowed and the other would not. That would express religious preference in a way.

Assemblyman Wheeler:

Not at all.

Assemblywoman Swank:

I would like to discuss section 1, subsection 2(c) and the distribution of religious literature. To me, religion is a deeply personal belief. My beliefs are mine. We look across the globe and the myriad of religions that exist, and we know they do not always match up, and they do not always agree. There may be religions that have different views on the lesbian, gay, bisexual, transgender (LGBT) community, on gender roles, and perspectives on various gods within religions. My concern is that it is something that is deeply personal and that we know has brought a lot of conflict. I lived in India for a long time and there was a lot of religious conflict among adults. We are asking children to be able to negotiate these conflicting ideas.

I am wondering about the process that is set up for students who may be receiving literature from one religion that conflicts with their identity, if they are LGBT. What is the process for them when their right to have that perspective is being infringed upon by the message they are receiving from those with different religious backgrounds? We are asking a lot of our children to be able to negotiate that in a high school setting where there is a lot of peer pressure. They are kids and just learning how to be adults. We as adults have enough trouble getting around all of these things.

Assemblyman Wheeler:

That particular passage says, "Possess or distribute religious literature to the same extent and under the same circumstances as each pupil is allowed to possess or distribute literature on a nonreligious matter." I have spoken to a number of people from school boards of different schools and mostly, no literature is allowed to be given out. In those cases, in those schools, obviously religious literature would not be given out either. However, if there is an instance where someone is giving out literature about something else, that would open an entire new set of circumstances where literature would be able to be given out. I would hope that if it were disruptive, it would be stopped. You brought up a good point. Maybe we should put in this bill that if the activity is disruptive, it should be stopped.

We cannot tell our children that they do not have the right for something that is written in our *Constitution*. You were saying that these are just kids. The way I see it, these kids need to know they also have a right. There are going to be conflicts in their lives. There are going to be places where people do not agree with them and they do not agree with other people. There are issues in this room we do not all agree upon, but we debate it civilly and respectfully. That is the lesson they really need to be taught.

Assemblywoman Swank:

Before telling our children that they do not have the right to something by being able to express their beliefs in literature or over the loudspeaker, we are also telling students who may be atheists that they do not have the right to not be a part of that. This is a really delicate issue. I am concerned with being able to balance that idea of the freedom to and the freedom from. That is difficult in policy and difficult when it comes to religion.

Assemblyman Wheeler:

I agree with you that it is a very delicate issue. That is what we do here. We take up delicate and controversial issues. What I am asking you to do is let the state of Nevada confirm our rights and codify it in law. These rights are what were given to us by our creator at the inception of our lives. These are the rights that our country was founded on. We were strictly founded on religious rights. I am not saying that an atheist or someone who does not believe in God does not have rights also—they do. That is what is so great about this country.

Assemblywoman Swank:

I would ask that there also be a process by which students who feel as though they have been confronted with another religion in ways that make them

uncomfortable have a grievance process set up that is analogous to pupils who feel they were not able to express their own religious belief.

Assemblyman Wheeler:

I believe the broadest interpretation of this law will allow that as well. If you look at nonreligion as a religion, they have the same process as anyone else.

Assemblyman Hickey:

You are right that this is a founding principle in the First Amendment of both free expression and the freedom of religion. You are also right that it is also already guaranteed in the *U.S. Constitution*. As you alluded to in your opening remarks, more of these problems seem to be of a federal nature.

I have heard of the incident in Nevada that you referred to in Henderson and have since looked into that. I did not hear from anyone about the problem that this bill is addressing in Nevada. As you know, in Nevada, we have been cognizant of this right and this freedom. I know for a fact that both Clark and Washoe Counties allow for a moment of silence. I think we believe that the best government is when local decisions can be made, and both of those school districts have allowed that.

Specifically, under your bill, back to section 2, subsection 1(a), where it says, "Pray, either silently or audibly...." I have traveled in the Middle East and I can assure you that prayer to a Muslim student or practitioner is not silent. My question is, are we going to invite problems here that we do not anticipate when it says that students would have the same rights, not only just in their religion, but in any of their other activities? Suppose a Muslim student happens to believe in Sharia law, and Sharia instructs him on economics or on politics, as well as on religion, and then chooses to claim this new right that he has equal rights to talk about his religion?

Assemblyman Wheeler:

I understand what you are saying. If you look at it closely, it says "...reflect or speak on a nonreligious matter, either alone or with other pupils." The intent of this was not so much for the classroom as it was for extracurricular activities during school time. That was the intent of this bill. If it is disruptive, it cannot be allowed. As an example, if you happen to be a rancher and you want to talk about cows in the middle of a class on economics, it is probably disruptive. I believe it is the same type of thing. We are not trying to promote any one religion; we are trying to promote freedom of religion.

As to your question why it is needed in Nevada, I addressed that in the beginning. I see it coming. We have seen one or two instances in Nevada, but mostly throughout the rest of the states. As long as the federal government, in its current configuration, will not prosecute these types of things, it is prudent for Nevada to step in and do it.

Assemblyman Hickey:

You are suggesting that we are trying to prevent something that might be a problem. I have talked to school districts, and they allow for religious clubs to meet at appropriate times. I do not think there is a problem where religious students of any faith have been discriminated against. It is allowed and has been addressed. There is a grievance process for when parents, students or others have a problem. We are setting up something rather formal here over religion. Again, might we be inviting lawsuits and challenges to this because you can interpret religions as diversely as the numbers of religions there are, and make the case that their religious rights have been violated? It raises the bigger question, are we going to keep codifying fundamental rights in the *Constitution* and micromanaging what local schools can do? Are we making it hard and taking away time in classrooms when we have to pay attention to issues that may come up as people decide to challenge these matters?

Assemblyman Wheeler:

When you talk about lawsuits, currently there are over 5,000 lawsuits throughout the United States caused by violations of religious rights. Maybe this law will actually head off some lawsuits and put a limit on what can be given in those lawsuits.

Assemblyman Armstrong:

Back to section 2, subsection 1(a), the second part of the sentence is just as important as the first: "...to the same extent and under the same circumstances as each pupil is allowed to meditate, reflect or speak on a nonreligious matter, either alone or with other pupils." When I read that, this seems like a time and a place type of language. If they are outside of school, at recess, or in some other period, that is a certain time frame at a certain place; we are just guaranteeing those same rights at that same time and at that same place. I want to make sure that is the intent of this language.

Assemblyman Wheeler:

You said it exactly the way it is. The idea is a certain time and a certain place. You would not speak on a nonreligious matter that did not have any relation to the subject at hand during class. It would be the same thing in this bill. To clarify this, the intent of this bill is not to disrupt anything.

Assemblyman Edwards:

When I worked for the federal government, we said there are bureaucrats who always find a way to say no, and public servants who always find a way to say yes. We, as public servants, need to try to find a way to say yes so that people can exercise their freedom of religion. Given that, I think your bill is aimed at doing that in all instances. When we talk about the same circumstances, you are also talking about sufficiently similar circumstances for all religions, which goes to Assemblyman Armstrong's point that it can be time, location, and making sure they do not significantly interfere with anyone else. Maybe by elaborating on that a little, we could make everybody happy and no one feels they are being imposed upon. People who want to pray could have that opportunity, unimpeded. Would that be a fair assessment?

Assemblyman Wheeler:

Yes. A very fair assessment.

Assemblyman Edwards:

Toward the very end of the bill, you touch on the \$10,000 fine being a maximum. Is that a fine that would be paid by the taxpayer or the employee? If we want to encourage the adults who are going to be supervising the children and making sure there is a reasonable accommodation, if the employer—the teacher, the principal, or whoever—is the one incurring an erroneous approach, they should be the one paying whatever the penalty is. Did you think of other penalties that could be expressed here, whether it be a simple apology, a censure, a formal reprimand, or even firing depending on how egregious the nature of the offense?

Assemblyman Wheeler:

That was left vague for a reason. The idea is that whoever is at fault would pay. If it is the school district, the school district should probably pay it if that is written in policy and the employee was following either a written or an unwritten policy of the school. If the employee was the one who is going against that policy, then that employee would be the one to pay. That is my understanding.

Assemblyman Edwards:

I was making sure that whoever was responsible for not abiding by the rights of the individual to practice his or her religion was the person held accountable. I was looking to specify what the different punishments could be so there would be no disagreements. As much as there should be common sense about this, there is already no common sense. I am trying to make sure everyone understands exactly what we are trying to do, how to do it, and what is available.

Assemblyman Wheeler:

The whole idea here is about common sense. If you look at section 3, you see how extensive the process is before you ever get to court. Occasionally, it is going to be the principal saying they messed up and giving an apology. Occasionally it is going to be trustees or the school board that do that. I have spoken to some of the people from the schools, and they are going to present you with a different process which is already in their regulations now. I have not seen it yet, so I cannot say it is a friendly amendment, but I am open to it. As long as there is a good and exhaustive process before it ever gets to court, that is what I am looking for.

Assemblyman Gardner:

I really like that you made it extremely clear that it was supposed to be about equality and not about anyone having extra rights. I believe in the first couple of sections of the bill and every section that talks about the same extent and circumstances.

I have looked at a lot of these laws and the federal issues. My understanding is that much of this is already in case law. This is already a right. Do you think this will help us in the state of Nevada because of the grievance process, which I really like? Would that help us in this state to protect these rights that, once again, are already in the *U.S. Constitution* and in case law?

Assemblyman Wheeler:

Your question is two-fold. As far as existing case law, you need to look at some of the dates. There are cases prior to 1984 that are very different than case law after 1984 when Congress passed the Equal Access Act of 1984. It was there to stop censorship of private religious activities.

As far as an exhaustive appeals process, that is the idea. The whole intent is to codify our rights and have the state guarantee those rights since the federal government, in my opinion, is not doing a very good job. We will do it here. Laws like this have been passed throughout the nation, but I want to see it done in Nevada so that Nevada takes care of our rights as the federal government should be doing.

Assemblywoman Joiner:

I definitely support freedom of religion. My concern is that I support wide diversity. It concerns me as a parent that certain literature would be in the school. I do think that religion should be in the home. That spirituality of religion is a home value that we should keep there. I send my children to public school for secular education, meaning mathematics, reading, et cetera.

My specific concern is related to several provisions where it says, "If, after the meeting, the concerns of the pupil are not resolved to the satisfaction of the pupil...." My concern is that it would be up to a six-year-old, for example, who would not have any idea how to decide if a teacher's apology or giving them time in class the next day would be to their satisfaction or not.

My concern with seeing the \$10,000 at the end is that parents who will influence those students have no incentive to be satisfied. I worry about the teachers and the principals who will try to do the right thing if a student's rights are violated in any subject. At the end, the lawsuits will pile on. There is some incentive to not be satisfied with the resolution that good teachers and principals might want.

Assemblyman Wheeler:

There are thousands of lawsuits throughout the country right now. You are not going to head off the lawsuits. What we are trying to do here is cap them.

As far as a six-year-old deciding what is satisfactory and what is not, obviously, that is up to the parent or guardian. That is common sense, which is what this bill is all about.

Assemblywoman Joiner:

The civil suit would have to be brought by an adult. Is it clarified from where the funds will be paid? Is it the district that is ultimately liable for those attorney damages and the \$10,000?

Assemblyman Wheeler:

I did not clarify it in this bill. It is my opinion that it would be for whomever lost the case. That is what our court system is for. It is to assign compensation or blame. If it is an employee and not a school district policy, as in the case of five-year-old Gabriella, it would be the employee who would have to pay the fine if the court found against that employee.

Assemblyman Elliot T. Anderson:

I would like to direct your attention to section 2, subsection 1(c), where it states, "Possess or distribute religious literature...." I hear about religious freedom being invoked when we are talking about someone's right to hold beliefs, such as homosexuality, gender identity, et cetera. There have been news stories about bakeries not wanting to bake cakes for specific occasions. What worries me when I see that is it is often described as a religious view. One of the things we are also trying to counterbalance in our schools is bullying. Many times, homosexuality becomes one of those subjects children get teased about and it has caused tragedies. Under the provisions of your bill, if a student

were to hand out views on homosexuality based on his or her church, would that be protected under the bill?

Assemblyman Wheeler:

"Possess or distribute religious literature to the same extent and under the same circumstances as each pupil is allowed to possess or distribute literature on a nonreligious matter." Your rights are protected even if they are ridiculous. That is the way we do it here.

Is hate speech a good thing? No, not at all. I look at the American Civil Liberties Union's (ACLU) letter in opposition to this particular bill ([Exhibit C](#)), and they write about the LGBT community. According to the Pew Research Center, 52 percent of members of the LGBT community actually think of themselves as religious or very religious. A majority of those people would be kicked out of this bill as well. I do not see how we can say one person is more equal than another is.

Assemblyman Elliot T. Anderson:

Some views might really harm someone. If a child sees bad things about their sexual orientation or their gender identity, they may perceive that as bullying if they are being told that they are not as good as another child. I am trying to understand at what point that could lead to bullying if children are allowed to distribute literature that talks about how religion does not like homosexuality. A child struggling with those issues may take offense and perceive that as bullying.

Assemblyman Wheeler:

I understand what you are saying. You have to balance rights. The right to free speech is just as important as the right to not listen to something. We have a right to free speech and it may even be hate speech. The right of free speech trumps all other rights.

Assemblyman Gardner:

This bill is not about picking winners and losers; it is about giving everyone the same rights. We are not saying certain rights are better than other rights or that certain groups are better than other groups. We are just saying you have the same rights as other people. Is that correct?

Assemblyman Wheeler:

Yes. This bill is about guaranteeing the rights we were born with and making sure at least one government is going to do something about it.

Chair Woodbury:

Before I call up testimony in support, do you have anyone with you who is part of your presentation?

Assemblyman Wheeler:

I do not.

Assemblywoman Dooling:

In all of the assemblies in public school that I have attended, we do say the Pledge of Allegiance which does state "One Nation Under God." At that time, you have the right to say it loudly, say it softly, or not say it at all.

Chair Woodbury:

I will ask for those in support of Assembly Bill 120.

Kate Morra, Private Citizen, Carson City, Nevada:

This bill addresses the inalienable freedoms students have as guaranteed in the First Amendment. All over the country these freedoms are being insidiously trampled upon as courts point to the concept of separation of church and state. [Read from prepared testimony ([Exhibit C](#)).] This bill is important because it clarifies the inalienable rights of all students. It also provides legal recourse for students who have been deprived of said rights. [Continued to read from prepared testimony ([Exhibit C](#)).]

Lynn Chapman, State Vice President, Nevada Eagle Forum:

We should be teaching our children about the liberties we have that are dwindling away. We are telling children that the only way to assert yourself and your liberties is to go into your church and close the doors to pray. Many of us have actually prayed in this building.

As a home school consultant for many years in Washoe County, I heard a lot of stories about children not being able to talk about the Bible or about Jesus. They could not have any of that type of thing in public schools.

I noticed that the bill was saying that it clarifies that pupils in a public school are entitled. That is the important thing to remember about this bill—it clarifies. Janine Hansen's brother had a wonderful saying that I have always remembered. He said, "He has liberties who dares to assert them."

Janine Hansen, State President, Nevada Eagle Forum:

The presumption of a student being able to exercise freedom of religion has disappeared in our government schools. The free exercise of religion is now subject to discrimination, intimidation, and persecution. That has become most focused on those who have a particular religion which might be Christianity.

Assemblyman Hickey mentioned that we do not need to codify constitutional rights, but that is what this body does all of the time. We have a plethora of Second Amendment legislation. We have bills on petitioning, on trial by jury, on free speech, that limits what candidates can do. Almost everything this body does has to do with clarifying or codifying our constitutional liberties to make sure they can be accessed.

The Ordinance of the *Constitution of the State of Nevada* states, "That perfect toleration of religious sentiment shall be secured...." That is an important foundation of the *Nevada Constitution*. In addition, the Declaration of Rights in the *Nevada Constitution* provides for "The free exercise and enjoyment of religious profession and worship without discrimination or preference shall be forever allowed in this State."

As an example, if children want to get together around the flagpole and on their own have a prayer, it should be allowed at the school. That happened post-9/11, and in some cases, students were prohibited from doing that.

The First Amendment talks about the free exercise of religion that we have, that the government cannot interfere. That is what this bill is about. It does not protect anyone who happens to be offended by that. I am offended by other people's beliefs and points of view, maybe often, although I try not to be offended. In a free world where we have the opportunity to speak freely, people may be offended by one thing or another. Assemblyman Munford and I had quite an exciting conversation the other day in the Committee hearing. That is an opportunity to respectfully disagree with one another. We need to protect that free exercise which has been essentially evaporating from our schools under the idea that we have separation of church and state. What we have guaranteed is the free exercise of religion, and that is what this bill provides. Individual students can exercise their own religion on their own or with other students.

Teri Cotham, Private Citizen, Gardnerville, Nevada:

I believe our children's rights and our constitutional rights are all being eroded. It needs to be re-examined. The first part of the First Amendment says congress shall make no law respecting the establishment of religion or prohibiting the free exercise thereof. That means this law talks about

allowing people, specifically our children in our schools, to freely exercise their religion as they see it. We assume their parents would have some guidance over that. Why should we stop them? Why should we limit that? Who are we to say they cannot pray in school? Our *Constitution* says we can do that. For anyone to think that is okay, I encourage them to read more about our founding, and who the people are and were that fought for this country. My father was in World War II and in Korea. They sacrificed an awful lot so we could speak out and go to church if we want to. Now it is being eroded away because somebody feels offended. I am sorry, but that offends me. [Read from prepared testimony ([Exhibit D](#)).]

David W. Carter, Private Citizen, Carson City, Nevada:

I graduated from Orange Glen High School in Escondido, California, a little over 40 years ago. There was freedom of religion when I graduated. We could pray. We had a pastor pray at the graduation ceremonies. Now you find a lot of places where they do not allow that. The pastor was not a member of my faith, but it was still a good prayer. In the 40 years since then a lot has changed. That is what I am afraid of and why I think this bill is needed. There are too many who think freedom of religion means freedom from religion. Like the old saying, the right to use your fists ends where my nose begins, the right of freedom from religion ends where my freedom of religion begins.

John Wagner, representing Independent American Party of Nevada:

I remember when I graduated from high school, we had a Baccalaureate Sunday before graduation. That was a religious ceremony as far as I remember.

I also hear stories about a child saying God bless you. If you sneeze, someone says God bless you, and if you speak German you can say *Gesundheit*, which I believe means God bless you.

I support Assembly Bill 120. Also, Janine Hansen and I have prayed in this building, and it did not fall down.

Shawn Meehan, Private Citizen, Reno, Nevada:

I want to thank Assemblyman Hickey for his newsletter this morning where he wrote, "Nevada's Legislature is better known for liberty-loving bills and institutionalizing vices than it is for expanding religious practices." I find that very interesting in a state that I settled in for the rest of my life, that we champion a libertarian value. We support the *United States Constitution* in Nevada and encourage people to exercise fully up until the point it infringes upon the rights of other people to exercise their liberties. That is the question at issue here. The problem is that we have institutionalized people's right to

seek physical pleasure, but we are not to an equal or even greater extent protecting their rights to worship their God.

The *Nevada Constitution* is very clear. "That perfect toleration of religious sentiment shall be secured, and no inhabitant of said state shall ever be molested, in person or property, on account of his or her mode of religious worship." This is not just a federal issue. In 1864, the founders of the state of Nevada codified the fact that this state will also defend these rights.

I found some interesting references on the American Civil Liberties Union (ACLU) website that support this bill, clarifying, "The courts have reached conflicting conclusions under the federal *Constitution* on student-initiated prayer at graduation. Until the issue is authoritatively resolved, schools should ask their lawyers what rules apply in their area." You are our lawyers. We are asking you what rules apply. Students have the right to speak to and attempt to persuade their peers about religious topics just as they do with regard to political topics. This is dated in 1995. What the ACLU is saying is that our current rights, we know that in practice, in our society, do not exist. That is what we are asking you to enforce.

Students currently have the right to distribute religious literature to their schoolmates. I do not believe in actuality that is allowed, although the ACLU says it should be. They may not single out religious literature for burdensome regulation. Wow! We are told that is acceptable. On student prayer, students have the right to individually, or in groups, discuss their religious views with their peers so long as they are not disruptive. That is an interesting choice of words. The Establishment Clause does not apply purely to private speech. Students enjoy the right to read their Bibles or other scriptures, say grace before meals, pray before tests, and discuss religion with other willing student listeners.

Assemblyman Wheeler cited an example where a Bible was taken away from a praying student. The ACLU says that should not have happened. I look forward to your helping to clarify this issue.

Vernon Brooks, Private Citizen, Las Vegas, Nevada:

I am the agnostic parent of two children in the Clark County School District. My children are not likely to exercise the rights protected under this bill, but I still support Assembly Bill 120. This bill clearly conveys support of the *Constitution* that is sorely lacking in this country. I am conscious of the caution for unintended consequences. It is good that we consider that, but the intent of this bill is important and should be supported even if minor adjustments are needed.

Eric McGovern, Private Citizen, Las Vegas, Nevada:

I am supportive of Assembly Bill 120. I hear a lot of talk about bullying. Bullying is going to be there whether action is taken or not. We should be teaching parents, schools, and the children how to stand up to bullying the right way so when they get out into the real world it is not pointing at, or harming someone, or punching someone's lights out. Teach them how to stand up to bullying because it is going to be there no matter what we do.

I also worry about people using their rights to overrule other people's rights. One gentleman was saying that your right to throw a punch stops at my nose. In the same sentiment, you have the right to pray any prayer you want. You can pray on a rug, but if you are praying on a rug during a calculus class, it is probably not a good idea. If you do it in the schoolyard, fine. I remember being in school and some lady was walking around singing a song I did not like. It had nothing to do with religious irritation or even a religious song. I asked her not to sing it and she replied that she had every right to sing it and kept on singing it. I just went somewhere else. She was right, and I did not have to stand in that particular spot and listen to it. Thankfully, she was actually a good singer.

That is my opinion and I support protecting people's rights to religion and teaching people how to deal with bullying the right way.

Matthew Yealy, Private Citizen, Las Vegas, Nevada:

I am a lifelong resident of this city and a product of the Clark County School District. I am in support of Assembly Bill 120, and I would like to paraphrase something I heard once upon a time. America is not easy, it is advanced citizenship. You have to want it bad because it is going to put up a fight. You must be able to acknowledge a man standing center stage advocating at the top of his lungs that to which you would spend a lifetime opposing at the top of yours. This bill is an exact example of us being able to tolerate the speech of others without resorting to passing laws against it.

Assemblywoman Woodbury:

Is there anyone else in Las Vegas wishing to testify in support of A.B. 120? [There was no one.] I will take testimony in opposition to A.B. 120.

Vanessa Spinazola, Legislative and Advocacy Director, American Civil Liberties Union of Nevada:

We are opposed to Assembly Bill 120 as written. This bill does not just clarify, but goes far beyond the First Amendment rights that are provided to students in our schools. [Submitted letter from ACLU ([Exhibit E](#)).]

I understand that there is the intent that the religious expression in this bill not be disruptive; however, the word "disruptive" appears nowhere in this bill. There are no time, place, and manner restrictions in this bill.

This bill envisions the state establishing religion. It envisions a captive audience at a school where students in a classroom will be subjected to other people's religious beliefs. We know that my freedom goes up to your freedom. That is why students in school right now have the right before school, at recess, at lunch, in groups with their friends, or at the flagpole absolutely have the right to discuss religion with each other. Anyone in this state who has a complaint about that should come to the ACLU. We will litigate that case for you.

The language in this bill permits the promotion of those beliefs with a captive audience at school assemblies and in classrooms, which equals coercion, which equals establishment. As written, this bill could potentially, as applied, violate the Establishment Clause of the First Amendment.

It also does not address the carefully constructed balance between elementary and secondary schools. There is a letter on the record by Americans United for Separation of Church and State ([Exhibit F](#)). As noted, elementary students in particular are in the early developmental stage, and the constitutional law on this subject actually prohibits the same type of rights that are provided to high school students to elementary students. Without language in the bill carefully constructing that, we are providing a lot of extra rights that go beyond the First Amendment to students in elementary school.

Again, the intent of the bill is to assure rights, and this bill goes extremely beyond that. I am concerned about how people of minority religions will feel if during the loudspeaker announcements in the morning, or at a pep rally or school assembly, they are told their beliefs are incorrect and wrong, or their sexuality is incorrect and wrong. I believe that could lead to consequences not envisioned by the drafting of this bill.

Assemblyman Edwards:

You talk about a captive audience, but a captive audience does not qualify if you are in an extracurricular activity you volunteer for.

Vanessa Spinazola:

An extracurricular activity is protected by the First Amendment. We have no problem with that.

Assemblyman Edwards:

You have no problems with it being double protected here?

Vanessa Spinazola:

When you say "double-protected," the language of the bill envisions the permission of those religious belief expressions to happen to a captive audience in a classroom. The language of the bill does not carefully delineate a current First Amendment right. In your extracurricular activity, you can say whatever you want. That is absolutely protected. However, the bill goes beyond that. If a student is in a math class and someone asks a math question, that means someone else gets to ask the class about religion. They get the same amount of time in that particular class.

Assemblyman Edwards:

The bill also talks about being nondisruptive. That would preclude what you just talked about.

Vanessa Spinazola:

The word "disruptive" does not appear anywhere in this bill. There are no time, place, or manner restrictions in the language of this bill as it is currently drafted.

Assemblyman Edwards:

What, exactly, is a minority religion? The last time I checked, pretty much every religion is a minority religion.

Vanessa Spinazola:

It would depend on the context of the school. That is also what I am concerned about.

If there were a Mormon family or a Muslim family in a rural community where everyone else is Christian, they may feel like the minority in that particular school or district. It would be different school by school as to who would be in the majority religion, which is another confusing application of the law.

Assemblyman Edwards:

I think you presume the worst rather than think that people could actually control for the best.

Vanessa Spinazola:

Unfortunately, that is my job.

Assemblyman Gardner:

I have questions about a captive audience. If I remember the case law, it means when it is school sponsored, not when a student does it. When a school itself is doing it, it comes down to that particular school enforcing it as an official religious point of view. For example, if I said a prayer in a class, or I said I believed in God in a class, none of that would be coming from my teacher, so I would disagree on the captive audience.

In your letter ([Exhibit C](#)) you talk about how it may be bullying if I were to voice my Christian or Muslim beliefs or any other beliefs. I would disagree with that. I do not think voicing my beliefs, or you voicing your beliefs is discriminatory or bullying. It is for the same reason we can have a gay pride march at our school. If saying our beliefs are discriminatory and bullying, would that not be discriminatory and bullying to every major religion in the world that did not believe in homosexuality? I am wondering where you are drawing that line. It does not seem very clear from your letter and what you are talking about today.

Vanessa Spinazola:

With regard to the captive audience, what the bill does is permits the school to establish the space wherein people could be professing their religious beliefs to a captive audience. It is the very establishment by law of that space that potentially violates the Establishment Clause. Currently, schools are very hands off. The student who was reading his Bible during lunch should not have had his Bible taken away. The schools have to be hands off in ensuring that a captive audience does not exist. If someone gets up and starts proselytizing in the middle of class, it is up to the school official to regulate that scenario in order to comply with the First Amendment by calling the principal, disbanding the class, or calling for a five-minute recess. This law would permit the establishment. That is what I mean by the captive audience.

For example, at the school pep rally someone gets up and announces that prom tickets are on sale downstairs and encourages students to buy the tickets and go to the prom. He may talk for five minutes. That means that someone else gets to talk for five minutes. What could happen is you could have someone with very strong anti-LGBT beliefs, or anti-race beliefs. During the Civil War, there were religions that believed black people were evil. Suppose he professes that for five minutes. Again, because this bill does not delineate between secondary and elementary schools, there could be a room full of eight-year-olds with someone voicing anti-LGBT or anti-race beliefs. If there were a black child or a gay child in that room, they may tell their parents what was said in that school assembly. Maybe they do not tell their parents and they internalize what they heard. Maybe it happens every day at the assembly and

then maybe those students feel worse and worse about themselves. In the state of Nevada, we have represented families whose children have committed suicide because of bullying. That happens here. I am concerned about the space being provided to profess these beliefs that could really harm children, particularly in the elementary school environment.

Assemblyman Gardner:

About the captive audience again, you are saying that just because they are in a classroom any comment they make is basically the institution backing up that argument, because that is the current law. I would say it is very different if someone were screaming their beliefs in the middle of class. I do not see how you could possibly say that is the school calling those things. I disagree with that.

It seems that you are saying because other people may feel badly about my beliefs or your beliefs, we should censor religious belief. Are you saying we should be censoring our beliefs because it might cause other people to feel badly?

Vanessa Spinazola:

This is about state sponsorship. There has been a lot of discussion today about free speech, but what we are talking about is state sponsorship of religion. It is totally fine, protected, and welcome for students to have these discussions and fights with each other at lunch time, extracurricular time, before school, or out on the playground. We are not wanting to censor that at all.

The language of the bill provides for all of those things to happen in a school-sponsored way inside a captive audience classroom or at a school assembly. I know Assemblyman Wheeler expressed on the record that it must pertain to the assignment, which is actually the First Amendment-protected language. However, where it pertains to the assignment is not in section 2, subsection 1(b). That is what I mean when I say it goes beyond what current First Amendment rights are and permits religious beliefs to pervade every moment of the school day.

Assemblyman Gardner:

The bill says to the same extent and the same circumstances as each pupil is allowed to speak or otherwise express a viewpoint on a nonreligious matter. You are saying that religious students do not have the same extent and are not under the same circumstances as other pupils are allowed. Is that religious belief not protected? This does not make sense to me. It says same extent, same circumstances, and yet somehow this bill by saying same extent and under same circumstances is giving rights that are not in line with the

First Amendment. My understanding is that you have to be treated equally. That is the whole point of the First Amendment. I am trying to understand how that is not the same.

Vanessa Spinazola:

We can forget everything else we have talked about today and just look at section 2, subsection 1(a). What that is actually saying, if you do not look at the context, is that some student goes to show-and-tell and talks about his cat. That is a nonreligious matter. That means that the next child who gets up can say he believes gay people are awful. The words of this particular bill are elevating religious speech to everything nonreligious, such as math questions, chemistry exams, talking about your cat or summer vacation, or the book you read. It is mandating that all of that is given the same amount of time in the same places. What the First Amendment tells us is that you can talk about religion freely when it is not an establishment where you do not have that captive audience. It is okay to do it before school, at lunch, or when you are whispering to the person next to you in a classroom. It is that elevation to everything else that happens in a state-sponsored activity of a school. It goes beyond what the First Amendment currently provides.

Assemblyman Elliot T. Anderson:

The bill is not written in favor of any one religion. Facially, it comes across as neutral. However, when you get into application and Assemblyman Wheeler's intent, although not in the bill, it is disruptive. What is disruptive to you or me might not be disruptive to someone of a different religion or of a different culture. When it comes into application, do you see the potential where this is going to be challenged because the rules are unartfully applied by well-meaning administrators and teachers who are just trying to run a classroom? Do you see them running into problems? Do you think they will be able to apply this in a fair manner?

Vanessa Spinazola:

Possibly, yes. We talked earlier about Muslim students who may want to bring out a prayer rug and pray. If you have a Christian teacher and that is not the way he prays, he may view that as disruptive. Whereas someone of their own religion may not view it as disruptive. It may depend on the individual school administrator to parse that out.

Marla Turner, Private Citizen, Las Vegas, Nevada:

I was a Jewish child growing up in the Clark County School District. At the time I attended, I was bullied because I wore my Star of David to school. Our home was vandalized, our cars and homes were toilet-papered, I was beaten up in the girls' bathroom at school, and nothing was done. We went on

a field trip to a major amusement park in California. I was not allowed entrance into the park because I was wearing my Star of David. Another student was experiencing the same situation. The teacher who took us on that field trip sat us outside on the bench for eight hours while the other students went into the amusement park. She came out once to give me an apple and a glass of water. Nothing was done even though my parents complained bitterly. We never got our money back for that school trip.

In choir, I was forced to sing Christmas carols at Christmas time. There was no consideration for Hanukkah songs. The same was true at Easter or Lent and no consideration for Passover.

In some respects, I suppose it sounds like I could have benefited from this kind of bill, but I disagree. If it was strictly extracurricular, it may be true, but it was not and nothing was done. The only time I stopped being bullied as I went through the school system was when the school district and the principals put down positions that there would be no religious activities that were not extracurricular. That is when the bullying stopped.

There are a lot of things in public schools we cannot do that some say violate the First Amendment. Some schools enforce uniform policies. Kids cannot wear whatever they want. You cannot wear certain t-shirts with certain logos. Some prohibit gum chewing. Some dictate the length of a skirt. Years ago it was the length of a boy's hair or the amount of makeup girls wore. Why did they do that? It was because of distraction in the classroom. We can argue all day long about the merits of that, but in the end, the reason why we have the system set up the way we do is to provide a pure, fundamental, secular, academic educational curriculum and leave the religious and the spiritual aspects to extracurricular and home activities.

Nancy Stiles, Private Citizen, Minden, Nevada:

I am representing the American Association of University Women. I am a former 40-year teacher. I have taught grades 2 to 7. My expertise was in gifted education. In the gifted education class we taught problem-solving and reasoning skills. We introduced the children to deductive reasoning. We used premise logic, premise logic being "if" and "then." I have looked at Assembly Bill 120 from the standpoint of premise logic. "If" we put this bill into action, "then" what can we expect? I am concerned with what I come up with in terms of what we can expect.

In referring to Assemblywoman Joiner, as a teacher, I prefer to spend the time with the children on the curriculum. I guarantee there is enough to do. The curriculum is already overloaded. In referring to Assemblywoman Swank,

I, too, had a great concern about opening this up to all religions, as well it should be if that is the intent. However, I am hearing testimony that leads me to believe that the religion they are speaking about is not Christianity.

With that noted, I would like to tell you I have a great concern that today we are seeing numerous young people being recruited by extremists. If I look at my "if" and "then" again, is that a possibility? If we are opening this, is there a possibility that we might be inviting recruitment of extremists?

I would like to refer to Assemblyman Anderson and agree with him that the word "disruptive" is by interpretation. What may be disruptive in one case for one teacher may not be disruptive for another.

I would ask you to reconsider this particular bill and vote in opposition.

Dana Galvin, President, Washoe Education Association:

On behalf of the 24,000 teacher and education support professionals of the Nevada State Education Association, we respectfully express opposition to Assembly Bill 120. [Read from Nevada State Education Association letter from Ruben Murillo, Jr. ([Exhibit G](#)).]

The Reverend Mike Patterson, Director of Advocacy, Lutheran Episcopal Advocacy in Nevada:

I am against Assembly Bill 120. First, I would challenge the fiscal note that says there is no effect on local government. When you have all of these procedures for appeals in place, there is going to be a cost. The \$10,000 could easily be passed on to the school district. I am a retired teacher. During my time as a teacher, I was often out at the flagpole with my students praying. I participated quietly in the back of the room during Christian clubs. I watched students with tables during orientation, and I never experienced any harassment, questions from the administration, or difficulty in getting the space. This bill just creates problems that do not exist. We tolerate a lot in schools because we are required to. I often had to tolerate students in my classroom wearing a Bad Religion t-shirt with a cross and a slash through it. I knew I could not say anything and I lived with it because that is what we are about.

In effect, we are trusting teenagers not to take this to the extreme. I spoke to the sponsor about this earlier, and I think you trust teenagers too much. To see the glimmer of \$10,000 as a possibility, they are going to push this to the limit. You are going to see prayer rugs, and they might quietly pray, but it is going to create a disturbance. You are going to see kids finding ways to upset the status quo because that is their job. It is disruptive and it is not fair.

It seems strange for a priest to sit here and say I am against prayer in schools, but we believe firmly in the separation of church and state. We believe that this bill puts us in the wrong direction. It puts us, in effect, in legislating religious beliefs. One of the speakers said he believes this bill pushes the Christian position, but not in school. I urge you, please, vote against this bill. It creates problems we do not know even exist.

Shane Greener, Private Citizen, Las Vegas, Nevada:

I personally feel Assembly Bill 120 seems to be favoring a religion that prays quietly rather than expresses their beliefs in a way found disruptive. We already allow students to have religious clubs, say God in the Pledge, and pray during the moment of silence. This bill seems unnecessary. As a transgender male, I feel that this bill is opening up the floodgates that allow bullying in the name of religion against those who are LGBT. This bill is not really giving religion more rights, rather it is taking away the rights of minority religions and LGBT kids. That is why I am asking you to vote no on A.B. 120.

Caitlyn Caruso, Private Citizen, Las Vegas, Nevada:

I am a high school student in Las Vegas. I am spiritual. My mom raised me to believe in the universe, mother earth, and science. However, my spirituality, including the altars and rituals we set up, belong at home with my mom. During the school hours I need to be focusing on academia because we already struggle enough in Clark County. I need to go to school to learn in a safe environment. When we present projects or presentations overall, we are allowed to hand out literature in almost every class I have ever been in. As a Christian and a rape survivor, as a woman of color, if I were to be handed a religious piece of literature that condemns my sexuality, my identity, myself, or my being, that would infringe on my right to pursue happiness. I cannot be happy or feel safe in a space like that. This bill will open up that possibility.

Lesbian, bisexual, gay, and transsexual youth have seven times higher suicide rates than their straight counterparts. They are dropping off the face of the planet one-by-one because of the bullying that is allowed in the name of religion. This bill will allow for that in our schools. I do not want to see one more member of my community kill themselves because of the things they are being told by their church and by people in their schools. Given the possibility for religious persecution, they often meet at home and other places. To follow them into a place of education, we are doing them a disservice.

When I was in the eighth grade here in Las Vegas, one of my close friends had started to come to terms with his identity. His mother had just died and he was taking it hard. When word got out he identified as gay, students decided to wear shirts to class that said "Gays will never see the gate of heaven." He ran

out of school sobbing and never wanted to come back. With this law, he would be forced to sit in that room with that person unless his parents removed him from the school. That person would be able to sit in the classroom with him, preach however he or she wanted to, and he would have to sit with his grief and his religion, and his mother in spirit, while being told he might never see her again simply because of who he is. That is unacceptable. This legislation allows for that sort of behavior to continue, for that person's right to wear a hateful shirt to trump my friend's right to education, the pursuit of happiness, and to life. He told me that incident almost drove him to kill himself.

This bill is unacceptable. Students have the right to silently pray, to host Bible Club after school, and to read their Bibles on the bus and at lunch, but this policy is something we do not need, especially as LGBT students. I urge you to vote no on Assembly Bill 120 and to stand with our LGBT students in solidarity, please.

Assemblyman Gardner:

These statements toward your friend, if they were the same type of statements, but were nonreligious, how would this bill affect that? I think someone could be allowed to make those same statements toward someone whether it is based on religion or not. You could still be mean under the current law. I do not see how this would increase mean statements as opposed to being able to make them already.

Caitlyn Caruso:

In this incident, our teacher was able to pull those students aside and ask them to remove their shirts because it was disrupting my classmate's ability to learn safely in their classroom. With this bill, it might prohibit the teachers from saying something. Also, people can be mean to LGBT students all day, every day, and they are, but we are talking about this in the name of religion. That person said gays will never see the gate of heaven. That is an intimately religious and personal statement to make, especially to someone whose mother just died. That is bullying. This bill is going to allow for that sort of religious speech on larger platforms, and it will complicate teachers being able to discipline students that do bully in this way.

Assemblyman Elliot T. Anderson:

Could we ask counsel if the bullying definition of the safe and respectful learning environments would prohibit that nonreligious statement, but then whether this bill, if it includes religion, would then be authorized under the proposed provisions of this bill?

Karly O'Krent, Committee Counsel:

Bullying is defined in *Nevada Revised Statutes* (NRS) 388.122 and states, "'Bullying' means a willful act which is written, verbal or physical, or a course of conduct on the part of one or more persons which is not authorized by law and which exposes a person repeatedly and over time to one or more negative actions which is highly offensive to a reasonable person."

To answer your question about whether or not that definition would apply here in the circumstance that advocating for a particular religious belief or expressing one's religious belief resulted in someone feeling as if they were being bullied, it would still be prohibited.

Assemblyman Elliot T. Anderson:

If we authorize with this bill, by law, a religious statement that said the same thing, then that would exclude that same statement from the definition because it would be allowed by law, would it not?

Karly O'Krent:

The statutes are intended to be read harmoniously. To the extent that there is a conflict between the two of them, we can look at amending that if that is something the Committee wants to do.

Robyn Mazy, Private Citizen, Carson City, Nevada:

I am a concerned parent. I was born and raised in Carson City, Nevada, and in listening to this bill, it concerns me greatly. I have a child in third grade along with many nieces and nephews. I am afraid this bill would open the doors to harassment and bullying through peer pressure. I can see my child walking down the hallway and being bombarded with literature or certain phrases that could be deemed in the aspect of bullying and causing harm, whether emotionally or mentally. As a parent, that causes me great concern because the whole point of sending our children to school is to learn, not to be harassed.

My daughter is going to a wonderful school where the teachers have actually brought a few things to my attention and have been able to recognize students' different religions as well as make accommodations for their different beliefs. I understand that we have the right to be able to set up groups and clubs during those free times such as recess and before and after school. I have seen many students in my child's school, as well as other schools, able to do that without disrupting other classes or curriculum. I am afraid that this will open up that hate speech window being protected under this law. As Assemblyman Wheeler said, any and all distribution of papers will be protected and that could include hate speech.

I do appreciate the intent and I do not want to silence anyone's freedom of religion, but I am afraid the way this bill is specifically written, it can open those floodgates. I ask you to oppose Assembly Bill 120 as written.

Assemblywoman Woodbury:

I will go to Las Vegas and take testimony in opposition.

Angie Sullivan, Private Citizen, Las Vegas, Nevada:

I am a public school teacher and I teach second grade. I am speaking in opposition because I have an enormous amount of work to do every day. I have a lot of duties the legislators have handed to me, such as testing and teaching. I am focused on reading and math. My at-risk students are often two to five years behind when they first enter my classroom. It is always a game of catch-up. I am afraid of anything that will disrupt my classroom or distract from the task at hand. It is not that I want to eliminate prayer, it is just not the time or the place. I do not have the luxury of spending any time on something that is not going to be teaching to the standards or helping my students pass proficiencies so they can eventually graduate and go to college.

I am worried that if you give permission to students to say whatever they want, whenever they want, that is going to be very disruptive in my classroom. I need to be able to say that is not something we are talking about right now. We need to be able to get the job done at school. It is a big job. I love doing it, but I am very worried that something like this could override a lot of the lessons I have planned during the day. I think it would create a big mess. I can project that it will cause more problems than it will solve, and we will offend people we do not need to offend. I am asking you to please oppose this bill, not because I oppose prayer and not because I am antireligious, but because I just want to be able to teach in my classroom, do my job, and get those students on the path where they score well and are headed to college.

Adam Berger, Private Citizen, Las Vegas, Nevada:

I am a special education teacher in the Clark County School District and I am in Assembly District 21. I am in opposition to this bill because it would violate the *U.S. Constitution*. The document clearly calls for the separation of church and state. History shows how horrible and oppressive life could be when the two were not separated. All attempts to circumvent this provision have been struck down by the courts and will continue to be. It would be a terrible burden on the schools monitoring prayer and is not the purpose of public schools, and they are not equipped to do it. I am not opposed to prayer. My faith is Jewish. The places for prayer are the home, the church, the synagogue, the mosque, and any other place of worship.

Chris Giunchigliani, Private Citizen, Las Vegas, Nevada:

I am speaking as an individual and as a special education middle school teacher on leave of absence from the Clark County School District. I had not planned on coming back to education committees, but I seem to find myself here. When I saw both pieces of legislation today, I felt I needed to come in and voice some of my concerns.

I appreciate the sponsor's wish to attempt to do a better job than the federal government in both of these cases. However, I believe, as it has been stated, this simply makes an expansion and unequalizes the equal balance we have tried to maintain in our public schools and then makes religion more superior to anything else.

The classroom should be the focus of any legislation you are looking at. As Angie Sullivan said, when do we teach? Putting this broad language in escalates the issue and creates a broadening versus clarification. If the true intent is to clarify, I might suggest that under the summary, you strike "clarifying" and insert "reaffirming" the existing rights of school pupils regarding freedom of exercise of religion, then possibly work with the school districts to make sure they have a policy in place so parents and children who feel they have been wronged have a simple process to go through. It already exists. We are looking for a solution to a problem that does not exist just because it happens someplace else, and there are 5,000 alleged lawsuits someplace. Out of all of the students in the United States, that is actually a low number. No one has really been abusing it if that is the case.

We allow prayer before school, after school, during recess. As a Catholic, I prayed every morning before I went into class that, hopefully, Johnny would not spit on Suzie today. Sometimes well-intentioned legislation becomes a detriment. What happens is you now put me, as a classroom teacher, into a confrontational mode, especially if you look at the second section. If a child wants to be able to hand out religious information because he feels he had been abused or did not have the same access because I handed out an art piece, then that changes the whole scenario in the classroom. I am no longer teaching; I am now trying to mediate in many instances. It forces a confrontational role which I do not think is the intent of this bill.

Separation of church and state is far more than a concept. We have to realize we are speaking about public schools where there is a free public education for every child regardless of their ability to learn. It also means it is free for them to practice no religion, be an agnostic, an atheist, to be spiritual, or practice the religion of their faith. No one has ever really stepped on that.

Assemblywoman Woodbury:

Is there anyone else in Las Vegas to testify in opposition? [There was no one.]
I will now take neutral testimony.

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

Our school board of trustees supports the *U.S. Constitution* and the right of free speech. We also support a safe and respectful learning environment for every student in our schools. We will not tolerate any type of discrimination in our school district whether it be nonreligious or any other protected kind of discrimination. We did meet with the sponsor, and we appreciate his willingness to hear us out on the existing process that we currently have in policy for complaints concerning discrimination. I believe when he has had a chance to review it, he will see that we take it very seriously. There are several levels of the complaint that can go all the way to the board of trustees. One of the concerns we had for the bill sponsor was if it was heard at the board of trustees level, it would be subject to the Open Meeting Law, and perhaps student identity and privacy being exposed that they did not want exposed. Our current process allows for the hearing to be done in a closed executive session with our board of trustees. We hope he would consider allowing us to use our existing process for complaints concerning discrimination. We are here in the neutral position and appreciate him working with us on that.

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

First and foremost, we agree with the Washoe County School District. We are also neutral on Assembly Bill 120. We believe religion is an important aspect of many of our students' lives. Every morning before school begins, each student can start their day with a moment of silent reflection, meditation, prayer, or however they choose to spend that time. We also encourage students to join clubs and after-school activities that appeal to them whether it be religious, sports, or academic. Students are free to start or join any club they wish before or after school. Some of our very best partners have heavy religious affiliations within Clark County School District. Our partnership office works with churches and synagogues, and many of them are some of our best partners. We continue to do outreach in those communities to find those partners.

Our concerns are specifically ensuring that the school environment is safe and respected by everyone. We believe working with Assemblyman Wheeler on this bill, we can make that happen. In no way can the district look to endorse or give special consideration to any religion, which is why we hope to continue the process we have in place regarding whether a student feels slighted because

their religious beliefs have been impeded upon or whether someone has impeded upon them. We believe our current process is good and effective. We thank Assemblyman Wheeler for looking at that process and hopefully working with us.

Mary Pierczynski, representing Nevada Association of School Superintendents:

You have heard from both Washoe and Clark Counties. I was part of the meetings as well with Assemblyman Wheeler and want to thank him for his discussions with us. Some very good points were brought out, both pro and con, in this bill. I hope we can continue working on the amendment and reach some agreement acceptable to everyone.

Jessica Ferrato, representing Nevada Association of School Boards:

I would like to echo the previous statements by Clark and Washoe Counties, as well as the Nevada Association of School Superintendents. We are here to support the districts. Every district in the state has different policies as to how they handle this, but we are all looking for safety for our teachers, our students, and our districts.

Assemblyman Elliot T. Anderson:

This is a question for all of our school districts. Whenever we talk in this Committee about special education mandates, I always hear that the districts are opposed to creating new legal rights and new legal remedies. This bill specifically allows causes of action and statutory damages up to \$10,000, and you are saying you are neutral to that but opposed to special education mandates?

Craig Stevens:

Again, through our discussions with Assemblyman Wheeler, we believe this is codifying what we currently do. You can be mean whether you are a religious person or a nonreligious person. We set the rules, and that is the rule of a safe and secure environment. However, we would like to go through our own process. They can, through that process currently, go to court. What we are saying is simply that we want to protect our students and make sure they have the ability to do what they should do before and after the school bell, but what they do in class is also protected.

Mary Pierczynski:

When we talked to Assemblyman Wheeler, one of our major concerns was the grievance process. The school districts have grievance processes or complaint processes already established. We would like to be able to follow those. It is a situation where you cannot prevent people from suing. People can sue for anything. We have processes in place to handle grievances by parents.

Assemblywoman Woodbury:

Is there anyone else here to testify neutral? [There was no one.] Do you have any final comments, Assemblyman Wheeler?

Assemblyman Wheeler:

We heard a lot about why this is a bad bill. Not one person can say that we do not have the right. Bullying was the main thing we heard about. We have to remember that bullying is the imposition of views, not the expression of views. Bullying is when you force someone into your views or force someone to do something because you do not like their views. Bullying happens no matter what. Religion is not something any more or any less prevalent in bullying.

If the Governor gets his budget, we are about to spend millions and millions of dollars on anti-bullying. I believe we need to teach our children about bullying and not keep laws from allowing discussion and expression because of fear of bullying. Also, the word "disruptive" was not in the bill itself. Yet, the intent of the bill is that because of this bill, new things cannot be disruptive. The actual word "disruptive" does not need to be in the bill because it says "...to the same extent and under the same circumstances as each pupil is allowed...." In other words, if an activity is currently disruptive, it is already in the school regulations and in law. We do not need to put it in the bill. It is to the same extent as other activities.

Assemblywoman Woodbury:

I am going to close the hearing on Assembly Bill 120. Because of the hour, we are going to postpone Assembly Bill 121 for another day. Is there anyone here for public comment? [There was no one.] Is there anyone in Las Vegas? [There was no one.] The meeting is adjourned [at 5:13 p.m.].

RESPECTFULLY SUBMITTED:

Sharon McCallen
Committee Secretary

APPROVED BY:

Assemblywoman Melissa Woodbury, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Education

Date: February 23, 2015

Time of Meeting: 3:15 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 120	C	Kate Morra, Private Citizen, Carson City, Nevada	Prepared testimony
A.B. 120	D	Teri Cotham, Private Citizen, Gardnerville, Nevada	Prepared testimony
A.B. 120	E	Vanessa Spinazola, American Civil Liberties Union of Nevada	Letter in opposition
A.B. 120	F	Amrita Singh, Americans United for Separation of Church and State	Letter in opposition
A.B. 120	G	Ruben Murillo, Jr., Nevada State Education Association	Letter in opposition