

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

**Seventy-Eighth Session  
March 2, 2015**

The Committee on Education was called to order by Chair Melissa Woodbury at 3:15 p.m. on Monday, March 2, 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](http://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](mailto: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 Tyrone Thompson, Assembly District No. 17

**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:**

Nicole Rourke, Executive Director, Government Affairs, Community and Government Relations, Clark County School District  
Nancy Saitta, Associate Justice, Supreme Court of Nevada  
John M. "Jack" Martin, Director, Department of Juvenile Justice Services, Clark County  
Scott Baez, Coordinator, Government Affairs Specialist, Washoe County School District  
Mary Pierczynski, representing Nevada Association of School Superintendents  
Vikki Courtney, President, Clark County Education Association  
John Eppolito, Private Citizen, Incline Village, Nevada  
J. Kyle Dalpe, Ph.D., Associate Dean, Chief of Staff, Office of the President, Truckee Meadows Community College

**Chair Woodbury:**

[Roll was taken. Committee protocol and rules were explained.] We have a bill draft request (BDR) that requires Committee introduction. Please remember that voting in favor of introducing a BDR does not imply a commitment to support that measure later. This action allows the BDR to become a bill and be referred to the Committee for possible hearings.

**BDR 34-189**—Revises provisions governing discipline of pupils and prohibited acts at public schools (Later introduced as [Assembly Bill 216](#).)

ASSEMBLYMAN STEWART MOVED TO INTRODUCE BDR 34-189.

ASSEMBLYMAN GARDNER SECONDED THE MOTION.

**Chair Woodbury:**

Is there any discussion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

**Chair Woodbury:**

I will open the hearing on Assembly Bill 178, which revises the statutory requirement that a pupil classified as a habitual disciplinary problem be suspended from school for at least one school semester. Assemblyman Thompson is here to present.

**Assembly Bill 178: Revises provisions governing the discipline of pupils.  
(BDR 34-248)**

**Assemblyman Tyrone Thompson, Assembly District No. 17:**

As you see according to the bill, it has the support of some of my colleagues in the Assembly and the Senate. Currently, the law states that habitual disciplinary students must be suspended or expelled from school for at least one semester according to *Nevada Revised Statutes* (NRS) 392.466. Assembly Bill 178 will allow school principals to have the discretion to utilize alternatives to suspension and expulsion. It will also keep students in school. By doing so, this does not disrupt our equation for school graduation rates. It also helps reduce juvenile detention population or other law enforcement programs designed for troubled youth.

I would like to share with you some of my professional background. I have served as the Co-chair of the Disproportionate Minority Contact, which is a committee that is working to ensure we do not have the misrepresentation and disproportionality of minorities in our juvenile justice system.

I have also served on our Juvenile Detention Alternatives Initiative and it is supported by the Annie E. Casey Foundation. It is specifically looking to reduce local confinement of court-involved youth. We have been working closely with the W. Haywood Burns Institution for Juvenile Justice Fairness and Equity, which is a national think tank around these issues.

This bill will also focus on corrective behavior and school excellence. At this time, I will walk you through the bill.

Section 1, subsection 3(c) strikes out the word "must" and adds the word "may" and removes the words "or expelled" and adds "not to exceed one school semester as determined by the seriousness of the acts which were the basis for the discipline."

Section 1, subsection 5(b) strikes out the word "must" and adds the word "may." It also removes "or expelled" and adds "from that school" and "not to exceed one semester as determined by the seriousness of the acts which were the basis for the discipline."

Section 1, subsection 5(c) adds "that" to specify the school that the student is currently attending. That is also the case for section 1, subsection 6(a). Section 1, subsection 6(c) strikes out the word "shall" and adds the word "may."

Section 2, subsection 3, strikes out the word "must" and adds the word "may." It removes "or expelled" and adds "not to exceed one school semester as determined by the seriousness of the acts which were the basis for the discipline." It also adds that if the period of the pupil's suspension—and it strikes out the word "expulsion"—is for one semester, it gives some very descriptive areas when looking at that suspension.

That closes my overview for A.B. 178. I do want to say for the record that I have been working with Jack Martin, the Director of Clark County Juvenile Justice, and the Clark County School District. You will see a letter of support from the American Civil Liberties Union (ACLU) ([Exhibit C](#)), and I am really glad that Nevada Supreme Court Associate Justice Nancy Saitta is here with us today and offers to render her testimony.

**Assemblyman Stewart:**

I applaud your effort to put the power to do things with the lowest level and give it flexibility. I have a concern with not being expelled if it is something like assault and battery on another student or a teacher or something like that. Would that go to a criminal court? Is that your intent?

**Assemblyman Thompson:**

As it states, there are some certain behaviors that we did not address in this bill. Your example is already listed as to how that is dealt with. I want to make a blanket statement that expulsion is final. That means we are taking that child completely out of school. He is a child; he is a student. He deserves to have an education like every other child. It may be a tougher and rougher road. Yes, he did something very wrong, and of course the schools can deal with the behavioral aspect, but the bottom line is we should still work with that student to ensure he gets his education.

**Assemblyman Stewart:**

Until they have the opportunity for their education.

**Assemblyman Gardner:**

In the section 1, subsection 1 paragraphs, the activities we are now saying are capped at one semester as the maximum they can be charged with are:

- (a) The pupil has threatened or extorted, or attempted to threaten or extort, another pupil or a teacher or other personnel employed by the school;
- (b) The pupil has been suspended for initiating at least two fights on school property, at an activity sponsored by a public school, on a school bus or, if the fight occurs within 1 hour of the beginning or end of a school day, on the pupil's way to or from school; or
- (c) The pupil has a record of five suspensions from the school for any reason.

My understanding is the maximum that the school can impose is to suspend the pupil for one semester.

**Assemblyman Thompson:**

Basically, in this specific section, as you see the only thing we removed was the "shall" and put in the "may." It reads the same way as it is right now. When we go further into the bill to where a teacher believes a student is a habitual disciplinary problem, then there is a kind of petition process the teacher can use to present that to the principal. If that student is deemed as a habitual disciplinary problem, then that principal, according to law, "must" suspend or expel for at least one semester.

**Assemblyman Gardner:**

My reading is that if these actions happen, they go through the appeals process. If the student is declared a disciplinary problem, he may be suspended from school for a period not to exceed one school semester. That is the maximum.

**Assemblyman Thompson:**

That is correct, if you are looking at section 1, subsection 3(c). Is that what you are looking at?

**Assemblyman Gardner:**

Yes.

**Assemblyman Flores:**

Could you go into the benefit of this? The data talks about how a student who is expelled or loses a semester will likely go into a downward spiral, as opposed to an alternative type of sentencing, which is ultimately what we are hoping for here. How is that a benefit to the student and the community at large?

**Assemblyman Thompson:**

Does everyone have the ACLU document ([Exhibit C](#))? It spells out exactly what Assemblyman Flores asked, and it mirrors and echoes what I had in my speaking points. This is all national information.

To answer your question, it has a section that talks about "Harm of Expulsion."  
[Read from ([Exhibit C](#)).]

**Assemblyman Munford:**

I was looking at the section "Expulsion Disproportionately Affects Minorities." When a student appears to be a disciplinary problem and cannot conduct himself in a responsible manner, a teacher can sometimes save that student or several students if that teacher has the sensitivity and feeling of trying to counsel that young student. You can save a lot of students with the teacher putting a figurative arm around a student and talking to him or her and showing that people really care and want to give some type of nurturing and understanding.

Sure, there are bad kids, no question about it, but I know there are a lot of minority kids that feel they are not a part of the school or the culture of the school they attend. That causes them to rebel a little. Sometimes a teacher's responsibility is to be able to determine who that student is going to be before he gets to the point where he becomes disruptive and a discipline problem.

There are students who commit some egregious behavior in school. If it were a male student, you might send him to the coach or someone in the school whom he trusts and believes in. You could save a lot of these kids without expelling them for an entire semester. That is pretty hard to make up and then get back into step. Like Father Flanagan said, there are no bad kids. There are some, but people have to have compassion and feeling for kids. You usually do not lose kids that often. I was hired as a teacher under affirmative action, because they needed role models for the minority students and someone students could relate to.

Assembly Bill 178 has some merit, but I feel that sometimes a teacher can play a role in saving these kids. That is what counselors are for too, not just preparing students for graduation. They are there for the troubled student also.

**Assemblyman Hickey:**

There are a number of teachers on this Committee, and those of us who are not listen to them. My colleague is certainly correct that teachers, administrators, coaches, parents, and caring individuals can save young people. That should be our goal.

There are students that are habitual disciplinary problems. For example, if a student has been suspended five times, there is a real problem there. Does that mean that student is not worthy of saving? On the other hand, there is the larger question of the greater good of the other students in the classroom. Overall, it is not only their safety, but experience and learning that are impacted. Currently, is there not a way for principals, teachers, or people that could intervene from going to the extreme of expulsion for a student who could be reached with one more opportunity and intervention? Or do we really need this, and are we taking into account that sometimes for the greater good you have to make difficult decisions, and the consequences of bad behavior may be what you get and learn from down the road? At the same time you are protecting the ability of the rest of the students to do the job they are in school to do.

**Assemblyman Thompson:**

Looking at the bill, it is very black and white. If you have that student who has had five suspensions, as the principal, to uphold the law, you must suspend or expel that student.

The reason we are bringing forth this bill is to allow that administrator to have the flexibility to work with that student. There are so many community-based organizations, faith-based organizations, and programs that have great evidence-based data that those students can be worked with. They would be removed from the classroom temporarily, but it would continue to be their school, so it would not disrupt the graduation rate for our school district. Also, there is potentially some hope to have a behavioral change and shift with that student.

We cannot just throw away a child. We have to do something, but putting him in the criminal justice system, or saying he cannot come onto a school property, is likely not the answer.

I am not saying this bill resolves everything for a student, but I feel this is a good starting point because it gives discretion to that principal.

**Chair Woodbury:**

Nothing in the bill says the school cannot suspend. That is still an option available if that is what the school feels is appropriate or it feels other options are not available, correct?

**Assemblyman Thompson:**

The way I read it is, they must. Based on the circumstances stated here, that is the action they have to take.

**Chair Woodbury:**

You are talking about the more serious offenses where they "must?"

**Assemblyman Thompson:**

If a student is deemed to be a habitual disciplinary problem. It spells out that a teacher may go to the principal, state his case, and if that student is deemed or labeled as a habitual problem, then that principal or administrator "must" suspend or expel that student according to the law.

**Chair Woodbury:**

The only place I see "must" is in section 2. In section 1, it says if they are a habitual disciplinary problem, they "may."

**Assemblyman Thompson:**

That is the language I am suggesting.

**Chair Woodbury:**

I am talking about the bill, not existing language, in section 1, subsection 5(b), every time you changed "must" to "may."

**Assemblyman Thompson:**

Yes.

**Chair Woodbury:**

Some are worried that you do not have suspension as an option anymore where it says "may." You do have suspension as an option, but you also have the option to work with that child in other ways.

**Assemblyman Thompson:**

Absolutely. But, I have removed "expulsion." I tried to understand how you are expelled for just a semester. I see suspension and expulsion as two different things. Expulsion is more infinite—you are done.



**Chair Woodbury:**

We looked that up in NRS, and there is no definition of suspension versus expulsion. When the school districts testify, if they have anything in regulation, we would like to hear that.

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

My testimony might provide some clarification on all of these topics if that is acceptable.

Students are individuals, and each disciplinary action is unique. The Clark County School District would like the flexibility to treat each student involved in a disciplinary infraction as an individual based on the facts of the incident, previous disciplinary history, academic needs and requirements, and educational options available. The bill very specifically addresses students labeled as a habitual discipline problem. Under NRS 392.4655, a student is considered a habitual discipline problem under these three circumstances: threatening and extorting; suspended for two fights; or five suspensions. Once labeled a habitual discipline problem, the student must be suspended or expelled. There are no other options currently in the statutes. In addition to the disciplinary consequences required in the statutes, an academic consequence is also created for these students.

If the incident happens at the beginning of a new semester, the student misses one entire semester and earns no credit. However, if the incident happens during the second quarter, the student would fail both the second and third quarters due to his absence and would likely receive no credit for the entire school year. If he returns in the third or fourth quarter, he has no incentive to stay in school until the end of the year.

Giving principals the option to give in-house or alternative placements for students with habitual discipline problems would allow them to continue to earn a high school diploma. Allowing alternative placements is already contemplated in the statutes under NRS 392.466. When a pupil commits battery, he is required to be suspended or expelled. However, he is allowed to be placed in an alternative educational setting. A pupil who is deemed a habitual discipline problem is not provided with that option. That is what we are talking about. We are asking for principals to have the flexibility to provide those types of options for students who are considered habitual discipline problems.

With the change from "shall" to "may" in NRS 392.4655, school administration can impose a different course of action for a student who they feel is showing improvement behaviorally but still meets the habitual discipline problem criteria.

The principal could choose to use an on-site behavior program as a consequence instead of removing that student from school, for example. The changes would allow our principals to continue working with that student to improve his behavior and not impact academic success as a secondary consequence, instead of simply labeling the student and providing a one-semester suspension.

We constantly encourage our principals to work with students—especially our most challenged students. The current statute does not allow for that. We believe that the recommended changes proposed in Assembly Bill 178 will provide a benefit to students, both behaviorally and academically, instead of rewarding inappropriate behavior with one semester off of school.

**Assemblyman Stewart:**

I am good with the "shall" to "may" to give the principal flexibility, but then it seems like we are limiting them in that flexibility if their action is only good for one semester. If we have a student who assaults a teacher on two or three occasions or threatens with a gun, he should be ousted permanently. Can you comment on that, please?

**Nicole Rourke:**

In our system we have an alternative placement. We have alternative schools where those students have to fulfill very stringent requirements for that placement. They also have to show improvement in their behavior prior to returning. These alternative schools have some interesting programs in place to work with students who have those issues, with very strict guidelines for attendance, and with very strict guidelines for behavior. We work very hard with these students. Honestly, we do not have that many incidents when it comes to the types of things you are concerned about.

**Assemblyman Stewart:**

One is too many in this case.

**Chair Woodbury:**

Does the school district have a definition of suspension versus expulsion?

**Nicole Rourke:**

I will have to get back to you on that. Suspension can typically be used for short-term types of consequences—three days out of school for mandatory suspension. As far as semester long, I will have to get back to you on that.

**Assemblyman Edwards:**

Can you explain what caused the Legislature to initially put in those requirements when they did? What was going on in the schools that caused them to say five is the limit and after that you are done?

**Nicole Rourke:**

I am not sure of the Nevada history, but I know there was a nationwide movement on zero tolerance. This was along the lines of those times in that particular movement.

**Assemblyman Edwards:**

We just do not know about the five strikes you are out?

**Assemblyman Thompson:**

I am sure we can research it because we know exactly when this part of the NRS was adopted. Just to remind you, this is not us putting this in, this was already here.

**Assemblyman Armstrong:**

This is a great bill on a good policy. We are untying the hands of our principals and allowing them another tool to possibly address some of these situations because they are working with the students. Rather than just having a blanket policy, this gives them the opportunity to get some of those students back on track.

**Assemblyman Elliot T. Anderson:**

In our own Legislature last session, we had the perfect example. Assemblywoman Lucy Flores' story is well known where she had someone who helped her when she was falling through the cracks. Because that parole and probation officer took the opportunity to help her, she was able to go on to do great things and was saved from getting lost in the system. The way I read this bill, this is just the mandatory provisions. If anything is going on, the school district can put a student up for an expulsion hearing, they can suspend him for violating a school rule. It just means they are not being mandated under these circumstances by legislature. Do I understand that correctly?

**Assemblyman Thompson:**

That is correct.

**Assemblyman Gardner:**

My question is mostly regarding teacher safety. To give you some background, I will tell you a story. It happened to one of my friends, who is a fifth grade teacher in the Clark County School District. She was pregnant and had

a student who had emotional outbursts, she was told. He would throw desks, and he threatened her and the other students with stabbing and killing them. He broke the nose of the principal. He was never suspended, never kicked out of school. He was only taken out of school for a day at the most.

This woman lived in fear every day of what this student would do. I am concerned that Assembly Bill 178 could cause that to happen more. How would we prevent that from happening? That is what I am really trying to find out.

**Assemblyman Thompson:**

Just basing it on the example you gave, we in the Clark County School District, which I am a product of, have emotional and behavioral schools. The way I look at this situation is that we would not be expelling or suspending this student, we are giving that student the help that he needs. We need to put him in a behavioral school. The best thing an educator or the administrator could do is to help that student get into a behavioral type of school.

**Assemblyman Gardner:**

They tried that in this case, but he had been kicked out of that behavioral school and the principal told the teacher that they could not put him there due to funding problems. That was another concern. If one woman is living in fear of a fifth grader, think about if this had been a high school student. I have concerns on the safety issue. If we are going to keep these kids in school, which is a good idea, how are we going to make sure they do not keep threatening to assault or threatening to start fights. What are the alternatives to keep them from doing that and to keep the teachers and other students safe?

**Assemblyman Thompson:**

We definitely want the school environment to be safe. That is always going to be at the discretion of the teacher and/or principal. We have school police and other ways to make that educational environment safe. Please do not think this is a bill that is only black and white. We are trying to give it flexibility.

**Nicole Rourke:**

Our students under an Individualized Education Program (IEP) often have discipline addressed in their plan so I cannot speak to that specific situation, but I suspect there were accommodations in the IEP that impacted how that student was treated in that case. I just want to make you aware that students are treated as individuals according to their plan.

Back to the flexibility, it is to ensure that principals have that decision-making ability to look at their campuses to know what is safe, to know if they have an in-house suspension program where a student could receive consequences while still working for his diploma. It is not that he will not be disciplined, it is just that he may not be sent out of school. He might have to go to an alternative placement, which may be a more appropriate punishment for the behavior he displayed.

**Assemblyman Munford:**

The alternative schools used to be called opportunity schools. How many of those alternative schools do they have in Clark County now?

**Nicole Rourke:**

I believe we have five programs.

**Assemblyman Munford:**

Are they located in various districts or sections of the community or the district?

**Nicole Rourke:**

Yes. They are in different placements throughout the valley for students.

**Assemblyman Munford:**

When a student is assigned to one of those alternative schools, does he have to provide his own transportation, or does the school provide it for him?

**Nicole Rourke:**

Typically, students have to provide their own transportation.

**Assemblyman Munford:**

The alternative school goes through the same curriculum as the student's home school?

**Nicole Rourke:**

For their academics, that is correct.

**Assemblyman Munford:**

Basically, there should be no problems in terms of keeping up in their performance and academic achievement in their re-entry back into the regular school program?

**Nicole Rourke:**

The point of the alternative placement is so they can continue their school work.

**Assemblyman Edwards:**

A student is habitually problematic and on the fifth time, the principal decides to suspend that student for the semester. If it is the middle of the semester, does he lose half of the one semester and half of the next semester? Does it become a semester and a half? How does that work?

**Nicole Rourke:**

That was my example. If a student is in the second quarter and he goes out for an entire semester, he is going to miss quarters two and three. That impacts both semesters of the year. If you fail one quarter, depending on your grade from the prior quarter, or the quarter thereafter, you will likely fail the entire semester on each part of the year. You are looking at failure for the entire year. Then you become credit deficient and have to make up all of those credits to graduate.

**Assemblyman Edwards:**

At what point do we actually say the school district has an obligation to suspend or expel after a certain amount of bad behavior? What is the criteria? If it were my niece or nephew in a school, how many times would he or she have to be picked on or have a fight with some habitual problem kid before the school responds to do something about the problem child? Would the school face the risk of liability and lawsuits if they do not take effective action? After five times, if the student is still misbehaving, the actions that have been taken do not seem to be effective. Even if he has already been suspended, it is not working. At what point do we look after the welfare of the other students even if the one student has to lose a semester? How do you balance that out?

**Nicole Rourke:**

We respond the first time with a three-day suspension and a request for parent conference. What we are asking for is the ability to do an in-house suspension, which would separate him from the other students, or do an alternative placement in an alternative school in an entirely different school building. Again, we are taking him out of the situation and still providing him with school. However, currently, the statutes do not contemplate that option.

**Assemblyman Gardner:**

When students are suspended or expelled, is there no ability for them to do homework, so they do not have to miss the entire semester? I thought the

whole process of suspending them was for the protection of the other students. I do not see why they could not have their homework given to them. Is there a program for that?

**Nicole Rourke:**

That is what we are talking about. We are talking about the ability to do an in-house suspension where they would get their homework, an alternative placement where they would still continue with their schoolwork, while still protecting other students, but looking at other options. Suspension in this case means just releasing them from school.

**Assemblyman Thompson:**

If a student is suspended or expelled, they are not going to do any schoolwork. It is idle time now. Now we are dealing with other issues. Once a student is out of school, he is not going to do any schoolwork. He is just going to think of other things to do.

**Nancy Saitta, Associate Justice, Supreme Court of Nevada:**

I am privileged to be a member of the Nevada Supreme Court. I do not testify today in any capacity that binds any of my colleagues, nor do I speak for the Juvenile Justice Commission, although I will make reference to them. Instead, I bring to you support for this bill because, as has been presented, it is essential that we keep children in school.

I suspect you have enough data to read, but if you would like more, I am happy to provide to you data that will show when children are not in school, they are more likely to get into trouble. More importantly, the national statistics support the fact that when children are not being educated, the likelihood that they will continue their education upon return to school or return to any form of education decreases dramatically.

The suggestion that Assemblyman Munford made about the school teacher or coach putting his arms around a child and hoping that will redirect the child's energies is exactly correct. That is precisely what this bill does. It allows a school to wrap its arms around a child who is a serious problem. Although I am not the author of this bill, it is not designed to pull the wool over anyone's eyes that we are not dealing with serious discipline problems when we are dealing with the children who are subject to this statute. There are better ways to deal with these children where they stay engaged, where we keep them off the streets, and where we do what education is supposed to do—educate our children.

I recognize, Assemblyman Stewart, the concern about tying hands in terms of the time limitation, that it can only be for a semester and indeed, there may be instances where the child should be removed from the school environment for a longer period of time. I purposely do not use the words expelled or suspended. I say this without the permission of the bill writer or those who support it, but there is a way to add a friendly amendment to this that would allow an exception. We use this in law all of the time, where we talk about absent an extraordinary circumstance, which would give back some discretion to the time period of separation from school. I am absolutely happy to work with Assemblyman Thompson to add that to the bill. I believe it would alleviate the concern that some of you have expressed about tying the hands with respect to the time that a child can be removed from school. That is a legitimate concern, but I think we can work with that.

I would also note the question asked about the five time limit. Again, I do not know this specifically, and I am happy to do the research, but I will tell you what I know about zero tolerance is that a sweep—perhaps an appropriate sweep at the time given the circumstances—fifteen years ago toward zero tolerance was designed to create a safe environment for students and teachers. All was well intended, and zero tolerance was important at the time. As history is our guide, we have learned that zero tolerance is not the way to resolve these situations. In fact, zero tolerance policies throughout the country are being pulled back in this very way so we can better address the needs of the educators, the students, and the safety of our community. It was something that was well intended at the time, but as we all know, sometimes we learn from past mistakes and we do better when we are able to look at it from a more forward-looking mirror.

To the extent that I can assist in alleviating concerns about tying the hands in terms of a time limitation, I am happy to do so. As a children's advocate, I strongly and passionately urge you to consider this bill to put the true discipline, the true assistance to a student, in the hands where it belongs. That is in the school where that child attends so that he or she can do better.

Anecdotes notwithstanding, I learned a valuable lesson between my ninth- and tenth-grade year when a wise teacher told me that I was either not going to go on to tenth grade or I was going to take summer school classes. It terrified me. Although I was not particularly in tune with education at that time, the fact of the matter is that if I could not have gone on with my friends to tenth grade, I would have been devastated. My spending a summer in school was the best thing that ever happened to me. From then on, my grade point average went much higher than it had ever been in the past.



This bill is about allowing appropriate actions by the people who know best, and who are in the best position to redirect children to do what they need to do. Again, I urge your support.

**Chair Woodbury:**

Thank you for that inspiring speech.

**Assemblyman Edwards:**

Where it talks about not to exceed one school semester as determined by the seriousness of the action, I am curious that if the school feels it has to suspend for that semester, then the student comes back after that semester and continues with the habitual problems, that does not preclude the school from suspending him again for another semester. Is that correct? If necessary to even go the expulsion route, that option is still on the table, correct?

**Justice Saitta:**

As I read the language of the proposed amendment, it would not prevent them from suspending again upon return. I cannot speak to the expulsion question. That is where you may need some helpful language regarding extraordinary circumstances.

**Assemblyman Edwards:**

I just want to make sure it was a one-time or a lifetime cap, so to speak.

**Assemblyman Thompson:**

The expulsion piece would be taken out. Everything would revolve around suspensions.

**Assemblyman Edwards:**

Does that mean there is no longer the option for the school to ever expel?

**Nicole Rourke:**

The changes are to NRS 392.4655. *Nevada Revised Statutes* 392.466 still allows suspension or expulsion of a pupil for battery of an employee, or possession of a weapon, for sale or distribution of controlled substances, et cetera. We are just talking about habitual disciplinary problems and for other reasons. If the student does one of what we call the big five, then yes, expulsion and suspension are still contemplated as they are currently.

**John M. "Jack" Martin, Director, Department of Juvenile Justice Services,  
Clark County:**

It is my pleasure today to support Assembly Bill 178. In hearing all of the testimony and the questions, it is important to recognize that this bill does not

usurp law. The delinquency aspects are still taken into consideration. There are still law violations that can occur where a child can be removed from school and be detained in a detention center, adjudicated into the care and custody of the Department of Juvenile Justice Services, or escalated into our state system for behaviors determined to be so egregious he cannot remain in school. What we are talking about here is adding discretion for our teachers at the lowest levels for our habitual behavioral issues. To give discretion back to the local level, the principal's level based on Ms. Rourke, who said it perfectly when she talked about how each of these children is an individuals and deserves all of his social situations to be taken into consideration for making determinations that could last the rest of his life.

We know in juvenile justice that once a child is out of school and we do get him back in school within our detention and Spring Mountain Youth Camp programs, we do know that he is now behind. Kids that are behind, as Justice Saitta pointed out, tend not to reengage in school. What we are talking about is giving more discretion at the local principal level to give children opportunities. We have not taken any of their discretion away from actually implementing the suspensions. What we are doing is trying to find alternatives at the local level that will work with these children. It does not affect delinquency. It does not remove any matter of law that would rise to the level of delinquency or being adjudicated in the care and custody of my department. It gives more discretion, and that is something that the Clark County Department of Juvenile Justice Services supports.

**Assemblywoman Diaz:**

I know you have experience with the Department of Juvenile Justice Services, so I would like you to answer my questions. When children feel so behind academically, as an educator, I have picked up on the fact that they will find and do little things to be placed out of school so they do not keep feeling they are continually being left behind and they do not fit in with the school culture. What do they do when they are not in school?

**Jack Martin:**

I agree with you, Assemblywoman Diaz. When kids do fall off track or when they do not read or write as well as others, they tend to act out more, to seek discipline, because it is easier to deal with the discipline than false pride. What are kids doing when they are not in school? Oftentimes, ending up with me. When you look at our crime charts and our 2013 data mapping, most of our crimes are occurring around 10 a.m. I am going to speak anecdotally, and I would probably assume those are kids who are not in school.

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

We also support the flexibility provided by Assembly Bill 178. We believe that by providing the principals the opportunity to use their professional discretion in these disciplinary cases on a case-by-case basis, we will be able to better support these behaviorally challenged students rather than simply mandating their exclusion from school. We also do not feel that in extreme cases exclusion from school, should it be necessary, is at all impacted by this bill. We still think we would be able to use our current procedures when it comes to permanent one-year expulsion or longer term suspensions that are considered in other parts of the law. We feel the flexibility here is appropriate.

**Mary Pierczynski, representing Nevada Association of School Superintendents:**

We are also in support of Assembly Bill 178 because of the flexibility that it gives to our schools, our teachers, our principals, and our administrators.

**Chair Woodbury:**

Is there anyone else wishing to testify in support of Assembly Bill 178? [There was no one.] Is there anyone in Las Vegas wishing to testify in support of A.B. 178? [There was no one.] Is there anyone wishing to testify in opposition to A.B. 178? [There was no one.] Is there anyone wishing to testify neutral?

**Vikki Courtney, President, Clark County Education Association:**

We are also an affiliate of the Nevada State Education Association. We apologize to Assemblyman Thompson that we did not get a chance to connect with him earlier. We are sensitive to the needs of students with habitual discipline issues, and we understand how it disproportionately affects students of color, but we also have to be sensitive to a teacher's ability to manage a classroom. We look forward to working with the members on this issue to see if we can strike a balance—students' needs versus teachers' needs.

**Assemblyman Thompson:**

I would like to close by saying thank you for your attention today. I feel like everyone was very engaged and had very thoughtful questions. I look forward to working with Justice Saitta on getting some language to make this a win/win where everyone is feeling comfortable. Again, I am glad that we are all very concerned about the children who are going to school in our school districts.

**Chair Woodbury:**

I am going to close the hearing on Assembly Bill 178. We have one bill on work session. We will not be taking further testimony or rehearing the bill. Our bill today is Assembly Bill 30.

**Assembly Bill 30**: Revises provisions relating to plans to improve the achievement of pupils enrolled in public schools in this State. (BDR 34-312)

**H. Pepper Sturm, Committee Policy Analyst:**

This measure was sponsored by the Department of Education and was first heard on February 9, 2015. [Read from Work Session Document ([Exhibit D](#)).]

ASSEMBLYMAN ARMSTRONG MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 30.

ASSEMBLYMAN ANDERSON SECONDED THE MOTION.

**Chair Woodbury:**

Committee, is there any discussion on the motion?

**Assemblyman Stewart:**

I do not think we mentioned the extension of the time from January to March on page 9.

**Chair Woodbury:**

Is that in the original?

**H. Pepper Sturm:**

That was in the original.

**Chair Woodbury:**

Is there any further discussion? [There was none.] We will now vote.

THE MOTION PASSED UNANIMOUSLY.

**Chair Woodbury:**

Assemblyman Elliot T. Anderson will take the floor statement. Is there anyone here for public comment?

**John Eppolito, Private Citizen, Incline Village, Nevada:**

Now that it is too late, I would like to make a comment. The revision to this Assembly Bill 30 that you just passed ties everything to the Smarter Balanced Assessment Consortium (SBAC), which is a totally experimental test designed to fail two-thirds of the children. This test will take ten hours for fourth graders. It is way too much instructional time and too much time wasted getting ready for the test.

If that was not enough, there are only 16 states using the test. About half of the Common Core states have already backed out of the SBAC. If that was not enough, the test is unconstitutional according to Missouri. It looks like this is an unconstitutional test. It will be appealed.

**J. Kyle Dalpe, Ph.D., Associate Dean, Chief of Staff, Office of the President,  
Truckee Meadows Community College:**

I want to thank the Assembly Committee on Education and all of you for your participation in the Education Day events today on behalf of our students. Most of ours had to go back to classes. We appreciate everything you do.

**Chair Woodbury:**

Is there anyone else in Carson City for public comment? [There was no one.]  
Is there anyone in Las Vegas? [There was no one.]

The meeting is adjourned [at 4:23 p.m.].

RESPECTFULLY SUBMITTED:

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Sharon McCallen  
Committee Secretary

APPROVED BY:

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Assemblywoman Melissa Woodbury, Chair

DATE: \_\_\_\_\_

**EXHIBITS**

**Committee Name:** Committee on Education

**Date:** March 2, 2015

**Time of Meeting:** 3:15 p.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
A.B. 178	C	Assemblyman Tyrone Thompson, Assembly District No. 17	ACLU Handout
A.B. 30	D	H. Pepper Sturm, Committee Policy Analyst	Work Session Document