

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

**Seventy-Eighth Session
March 4, 2015**

The Committee on Education was called to order by Chair Melissa Woodbury at 3:22 p.m. on Wednesday, March 4, 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
Assemblyman John Ellison, Assembly District No. 33
Assemblywoman Jill Dickman, Assembly District No. 31
Assemblyman John Moore, Assembly District No. 8

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:

John Wagner, representing Independent American Party of Nevada
Lynn Chapman, representing Nevada Families for Freedom
Roger Stockton, Private Citizen, Carson City, Nevada
Janine Hansen, State President, Nevada Eagle Forum
Alisha Ketter, Private Citizen, Reno, Nevada
Megan Bedera, representing Nevada Firearms Coalition
John Ridgeway, Private Citizen, Las Vegas, Nevada
Bonnie McDaniel, Private Citizen, Las Vegas, Nevada
Vernon Brooks, Private Citizen, Las Vegas, Nevada
Alicia Albertson, Private Citizen, Carson City, Nevada
The Reverend Michael Patterson, Director of Advocacy, Lutheran
Episcopal Advocacy in Nevada
Ronald P. Dreher, Government Affairs Director, Peace Officers Research
Association of Nevada, and representing Washoe School Principals'
Association
Rudy Zamora, Private Citizen, Las Vegas, Nevada
Nicole Rourke, Executive Director, Government Affairs, Community and
Government Relations, Clark County School District
Jessica Ferrato, representing Nevada Association of School Boards
Mary Pierczynski, representing Nevada Association of School
Superintendents
Steve Augspurger, representing Clark County Association of School
Administrators and Professional-Technical Employees

Assemblywoman Woodbury:

[Roll was taken. Committee protocol and rules were explained.] I will open the hearing on Assembly Bill 121. Assemblyman Wheeler is here to present.

**Assembly Bill 121: Revises provisions governing the discipline of pupils.
(BDR 34-173)**

Assemblyman Jim Wheeler, Assembly District No. 39:

Assembly Bill 121 is a commonsense bill. It returns common sense back to our school system. After some deliberations with Clark County School District (CCSD) as well as Washoe County and some of the rural districts, there is a proposed amendment from CCSD ([Exhibit C](#)). It is a friendly amendment and I will present the bill from the amendment. When I am referring to a line, it is on the amendment.

I am going to give you a little anecdotal information first. We can see how far political correctness has gone and how overreaching it has become for some of our students with respect to our Second Amendment rights.

Jordan Bennett, an 8-year-old, was suspended from school for pointing his finger like a gun and saying, "Pow pow." The school district considered that an act of violence, even though the school's code of conduct says nothing about prohibiting students from pointing their finger. An act of violence goes on a student's permanent record.

Josh Welch, a 7-year-old in Maryland, was suspended for biting his Pop-Tart into the shape of a gun. This is why it has become known as the "Pop-Tart Law."

In Virginia, two second-graders were suspended for using their pencils like rifles and playing soldier.

These are the types of things this bill addresses. What we have done is clean up political correctness carried too far. We are not saying that anyone can carry a gun. We are not saying that someone can carry a dangerous weapon. We are only asking that we use some common sense and we let kids be kids. When I was a child, we ran around the playground playing cops and robbers, or soldiers. Now, you can actually be suspended or disciplined for this.

If you look at the CCSD proposed amendment, we changed the first line to make this apply to grades K-8. The reason we did that was because some of the older children in middle and high school might carry this a little too far. We believe by the eighth grade children have an idea of what is wrong and

what is not wrong. Before the ninth grade, we are going to let kids be kids. They will be able to simulate a firearm while playing. They can point their fingers, bite a pastry, or bring a toy gun under 2 inches to school, or a toy dangerous weapon like a little rubber knife.

The other thing we addressed in the amendment and in working with the school system is on page 2, line 22. We are not going to let anyone substantially disrupt learning or the educational environment at the school. There is a time for discipline whether children are using a toy weapon or using something else. We wanted to make sure that was clear in this bill.

The only thing not in here that should be in the language cleanup, is on page 1, line 8, where it says "possessing a toy firearm or dangerous weapon that is 2 inches or less in length." That actually should say a toy firearm or toy dangerous weapon. It was pointed out to me that the language was a little ambiguous.

That is the bill in a nutshell. It is a simple and easy to understand bill. We are not going to have any opposition from any of the school districts on this bill. Even the American Civil Liberties Union is on board with our rights.

Assemblyman Munford:

When I was a kid, the most dangerous weapon you could take to school was a water pistol. What about water pistols or a bean shooter? They were not really restricted, but you could not use it to disrupt the class. What about the bean shooter? Is that included? When I was a kid, although it was another generation, we had cap pistols. Is that included in this amendment?

Assemblyman Wheeler:

A water pistol under 2 inches would be considered a toy gun in my opinion. The bean shooter is not considered a gun of any kind or a dangerous weapon.

When I was about 16 or 17 years old, I was going to Castaic Lake duck hunting one day after school. I went to school and could not lock my pickup, but I had my shotgun in a rack in the back window. I took the shotgun into the school and put it in my locker. No one said anything. When I came out of school that afternoon, the principal stopped me and asked if my shotgun was a Remington. He said he had a Browning and opened his trunk to show me. We are talking about North Hollywood High School in Los Angeles. That is the difference between then and now. This bill, of course, would not address that because it is only K-8.

Assemblyman Munford:

What about using your finger to simulate a gun?

Assemblyman Wheeler:

That is addressed in this bill. Again, we let kids be kids.

Assemblywoman Joiner:

You gave two examples from other states, and when I first read this bill, I wondered what the problem is that you are trying to solve. Is this something that is happening in the school districts? Have we heard from teachers that this is a problem? I also have a question about how this is different than what is currently happening and what the need is. If you look at adding "substantially disrupting the educational environment" in the amendment, how would that differ from the discretion teachers currently have?

Assemblyman Wheeler:

The examples I gave were from out of state. I have received phone calls from people just outside of my district that prompted me to do this. They said their children were disciplined, not suspended, for the finger point. These were small children in kindergarten. I see it encroaching and moving its way right into Nevada from both sides. This, to me, is a preventative measure so far. If you Google discipline in schools over guns, you will see hundreds of examples throughout the nation. I did not query examples just for Nevada.

Assemblyman Stewart:

I assume this applies only to public schools, not private schools; is that correct?

Assemblyman Wheeler:

That is a great question.

Assemblywoman Woodbury:

Do you need some help from Legal?

Karly O'Krent, Committee Counsel:

This only applies to public schools, and that would include charter schools.

Assemblyman Stewart:

There are some public schools that have a dress code. Would that interfere with their dress code?

Assemblyman Wheeler:

The way I read it, the intent of the bill is if you have a school uniform, the apparel portion would not apply.

Assemblyman Flores:

I would be the first person to say that I always look for a way to ensure students are not being expelled or kicked out of school, especially for expressing freedom of speech or whatever it is that they are doing. I am trying to understand why this is not more appropriately handled through each individual school district. Why is it not better for them to have the autonomy to handle it? The reason I make that point is I realize hunting is huge in some parts of Nevada and maybe not so much in other parts. Wearing a gun or being proud you are a part of a hunting team or club, you want to protect that. However, maybe in other areas of Nevada people are concerned with gang affiliation—concerns with having a gun and maybe wearing a color that calls out another gang. There is the importance of having autonomy because some schools have to handle things differently based on their population and issues they may have that not all schools have.

Assemblyman Wheeler:

That is why this applies only to K-8. There have been some eighth graders who have gang affiliations, although that is rare. The idea here is to show children they do have certain rights. That is an important lesson just as any other lesson we are learning in school.

I think the government closest to the people is best. However, in this particular instance, I am looking at the rights of students. That is not a local level; that is a national level. I cannot do anything about the national part of it. I am hired as an Assemblyman to pass laws in this state. As far as regulation is concerned and putting this into regulation instead of law, I have had numerous calls asking why something is regulation here when it is not somewhere else? We go back and look at how we can change that regulation. The fact is, we cannot until we get in the session and pass a law to make it work. That is what this bill is about.

Assemblyman Elliot T. Anderson:

I do wonder about the provisions talking about the toy gun. What about a teacher who does not know what a toy gun looks like versus a real gun? In Cleveland, there was an incident where a police officer mistook a child with a toy gun for a real gun and it ended in tragedy. Would teachers have to get training on how to identify what is real and what is not?

Assemblyman Wheeler:

If you read the bill carefully it says "under 2 inches." A little plastic gun that big is not going to be mistaken for a real gun. Nor would a little plastic or rubber knife be mistaken for a real one. I do not think special training would be needed.

Assemblywoman Woodbury:

If there were a school policy against bringing toys to school at all, they could be disciplined for bringing a toy to school.

Assemblyman Wheeler:

Yes. If there is a school policy that you cannot bring toys to school, then a toy gun qualifies.

Assemblyman Hickey:

We need to think about whether there are some implications or unintended consequences for things this body does that may burden classroom teachers and administrators where otherwise they might be more focused on their mission.

It seems to me that teachers have a lot of discretion. When you add the language as you did in section 1, "unless it substantially disrupts the educational environment," that is referring to a protected constitutional right. For example, a student wearing a Second Amendment T-shirt with any message. In the end, the teacher makes a rather subjective judgment. They may be right or they may be wrong, but the teacher may think the student is disrupting the class. They may discriminate against another child because of something they may not personally approve of.

Are we placing too many engineered policies into the classroom? I appreciate that we protect our fundamental rights including the Second Amendment; I am just wondering if it creates more gray areas than it does clarity.

Assemblyman Wheeler:

I do not believe so. No.

Assemblyman Hickey:

I am glad you worked with the school districts, and I will be happy to hear that they have taken away their opposition because we do need to listen to them to see how they are going to administer the bills we pass. It remains a concern to me what unintended consequences may come from the things we do.

Assemblywoman Diaz:

In the twelve years I have been teaching second to fifth grade, I have yet to run into any of this behavior from my own students.

I am concerned about the teacher's discretion to discipline their students if in this bill it is stating that I could not call a student's attention to their using a finger or a hand to simulate a firearm or dangerous weapon—or using a pencil,

pen, or other writing implement to simulate a firearm. What if they are using it against another student and saying "This is what I want to do to you"?

Assemblyman Wheeler:

I could write a much larger bill that would address every single worry. That is not the point here. The point is to let these children know that they can be children. You, as a teacher, know what substantially disrupts and what does not. That is what this bill says. It does not say anything else.

Assemblywoman Diaz:

I see that. Assemblyman Thompson, has a bill, Assembly Bill 178, that gives the school districts and the teachers the flexibility to discipline students depending on case-by-case scenarios. It is not carving out specific instances with specific solutions. My concern is that we are going to get into a slippery slope of saying this cannot happen, you have to abide by this, and everybody is going to jump on that bandwagon and want their own set of rules of what they want you to respect; this is what I want you to do because my belief system is based upon that. When we are in the classroom, we need to keep it as neutral as possible. We need to focus on the learning that is at hand in order to prepare the students to be successful. I really would like you to take a look at A.B. 178 because I think it does, in great part, a lot of what you are seeking to do: provide that flexibility with the disciplining of pupils.

Assemblyman Wheeler:

I have not seen Assembly Bill 178. As far as the rest of your statement, it is up to us as legislators to know what is important enough to put into law and what is not. When you say it is a slippery slope, I do not believe it is because it is up to us as legislators to say what is the right bill and what is the wrong bill. That is why we deliberate just as we are doing right now.

Assemblyman Edwards:

This reminds me of the debate the Founding Fathers had regarding the Bill of Rights. Many of them thought they would never need a Bill of Rights because no government would ever violate things like freedom of speech. However, wisdom won out and they put in those precautions just to make sure those things would not happen to us. They were very wise to do so.

When it comes to the Second Amendment, Thomas Jefferson is often quoted as saying the Second Amendment is there for when you need it. This bill reflects that. Although those things have not happened in Nevada, this will help prevent it from happening. I want to compliment you on the bill, and I will strongly support it.

Assemblyman Wheeler:

Actually, things have happened here in Nevada. As I mentioned, I have received a few phone calls. That was the onus for this bill.

Assemblyman Elliot T. Anderson:

Assemblyman Edwards made me think of something because we do have the Bill of Rights. We have the First Amendment which protects free speech. If the school districts are already denying someone free speech to say what they believe about the Second Amendment, or my personal favorite, the Third Amendment to prevent the quartering of troops in houses, what makes you think the school districts would follow a statute? The way I look at it, free speech is already protected.

Assemblyman Wheeler:

Obviously, if free speech were already protected, we would not need this.

Assemblywoman Woodbury:

I have a question regarding section 1, subsection 3 where it specifies that a pupil who simulates a firearm can be disciplined if it substantially disrupts the educational environment, causes bodily harm, or another person is in reasonable fear of bodily harm. Who would make the determination if any of those things occurred? What constitutes bodily harm?

Assemblyman Wheeler:

Again, we did not spell out every single instance; some of it has to be left to common sense. As Assemblywoman Diaz stated, the teacher is the one who is in the classroom. The teacher would be the one who would decide what is substantially disruptive. As far as bodily harm, it means if someone hurts someone else. I do not know how you would do that with a finger or a Pop-Tart. Perhaps if someone were poking with a pencil and saying it was a gun or a knife. That way it is covered under this language.

Assemblyman Flores:

You know that there are, in fact, guns that range from 1 to 2 inches such as Derringer-style pistols. They look like a toy gun. Is that a concern at all or something you may have thought about?

Assemblyman Wheeler:

I have never seen an actual working Derringer under 2 inches, which is why I went with 2 inches.

Assemblywoman Woodbury:

How long are they?

Assemblyman Wheeler:

About 2-1/2 inches to 3 inches is the smallest one I could find when working on this bill.

Assemblywoman Woodbury:

For those of us not familiar with all of the different types of guns, would we be able to tell? I may think a 3-inch gun is a toy gun.

Assemblyman Wheeler:

Again, it is pretty subjective. You may think it is 3 inches, but the bill is written in such a way that only a toy gun would actually apply in the bill.

Assemblywoman Woodbury:

Is there anyone here to testify in support of Assembly Bill 121?

Assemblyman John Ellison, Assembly District No. 33:

I am here to support Assembly Bill 121. One of the things I thought was great about this bill was common sense. In a lot of things we have lost this. We need to get back to common sense, not only in the schools but in other places as well. You said there has never been a case where a student was removed from school. I live in a community where pocket knives are common, and hunting and backpacking are common. We had a 12-year-old student who had his backpack in school with a little pocket knife in it. The knife fell out and he picked it up, put it back in the backpack, then hung the backpack up and went back to class. That night they removed him from school for a year. There was a hearing with three teachers who said they were not going to allow that student back into school. He could not attend a private school. After four months the parents and I met with the school. We finally got that student back into school. Thank God for the administrator who said pocket knives were pretty common around the area. He should not have taken that pocket knife to school, and he should have been expelled, but he should not have been expelled for that length of time.

There are currently a lot of girls wearing T-shirts and coats that say "Girls With Guns." That is the name of the clothing line. My own daughters and granddaughters wear them. They were told not to wear that clothing. We need a commonsense law. We do not really see the problem here in Nevada, but we are seeing it in the surrounding states. We should fix the problem before it gets out of control. That is all we are asking.

Assemblywoman Jill Dickman, Assembly District No. 31:

My colleague said everything I was going to say about common sense. Sadly, common sense seems to be lacking in our society today. We do have our

Second Amendment rights, but they are being violated all the time. If they were not, we would not even be talking about a bill like this.

John Wagner, representing Independent American Party of Nevada:

My grandson was in school in California. The teacher was ranting and raving about guns killing people. My grandson raised his hand and said she was wrong. People kill people. He ended up in the principal's office. If it had been me, I would have been in the principal's office the next day and at the school board meeting.

When I was a kid, we used to play cops and robbers. In fact, we used to shoot Nazis. That is how far back I go. It is ridiculous to kick a kid out of school for something so small. I do believe the teacher has the right to say students are being disruptive in class. They can play in the school yard. You cannot have students disrupting the class.

Lynn Chapman, representing Nevada Families for Freedom:

We have to remember that a child's school career might be at stake, and that is the most important part of this bill. When we are talking about a child being suspended or kicked out of school for a year, that is serious. It goes on their record and follows them throughout their school career. That is the main portion of this bill that I am concerned with. This bill is more of a guideline for teachers and the school districts. That will be helpful in the long run. That is what we should be focusing on and not punishing children for being children.

Roger Stockton, Private Citizen, Carson City, Nevada:

I am here representing my six grandchildren. It should be easy to dismiss the events that happened in the suburb of Baltimore where a 7-year-old boy was suspended for chewing a Pop-Tart into the shape of a gun. It would be easy to say this kind of thing could never happen in Nevada, but unfortunately, it can. The incident in Baltimore has a lot to do with a program that advocates zero tolerance of guns in our schools. Hundreds of millions of dollars are being spent to champion this as part of a movement toward more gun control.

Even the Attorney General of the United States in a speech a few years ago made it clear that the idea behind this movement is to create an aversion to guns in our school children similar to the aversion we try to give to smoking cigarettes. It is an idea they feel very strongly about. Unfortunately, there are some who are quite happy to sacrifice a 7-year-old boy to advance their political agenda. In and of itself, the incident was bad enough where the child was suspended for chewing a Pop-Tart, but what happened afterwards was even more despicable. Afterwards he was suspended specifically for chewing the Pop-Tart and pointing it as a gun, but when it hit the national media it became

changed to where he was a problem child with a long history of disciplinary problems. This child's school record has essentially been destroyed by being labeled a problem child in what could be an incident of school officials trying to cover their tracks in order to avoid the media scrutiny.

Unlike some, I am not comfortable with destroying a child to advance a political agenda. Last week the Maryland State School Board approved and authorized the suspension of the child. Unfortunately, neither the parents nor anyone else has access to when all of this additional information was added to this child's school record. Whether or not the child was a problem child or whether or not they are covering their tracks, we may never know. Hopefully, the lawsuit the parents plan on filing will determine a little more. It creates a danger. It is ridiculous that we are having this conversation because it seems so far out of the realm of common sense. Because there is such an intense effort to do this with our school children and it is being promoted and published in the strategy guides of these organizations, I think this bill is incredibly important.

The state of Nevada is more than happy to collect sales tax on the sale of toy guns, video games, and movies that promote guns and use guns, yet we expect our children somehow to turn that off when they get to school and never hold up their finger and say bang bang. I do not believe there is anything in this bill that prevents discipline for a child that is truly causing a disruption in the classroom. If a child were making threats of killing someone, that is far different than a child asking his friends to play cops and robbers.

In closing, there are people out there who are more than happy to sacrifice on the altar of their political agenda. I, for one, am not. As much as I wish we were not having this discussion, I think protecting our children from what happened to this child in Baltimore is very important, and I do not want to see that happen with my grandsons.

I grew up in rural Nevada, and in high school my pickup truck almost always had a shotgun or a varmint rifle inside because I was surrounded by cattle ranches. Half the pickups in the school parking lot had either a rifle or a varmint rifle of some kind in the rack in plain sight. It was a different time. I am not advocating we return to that time, but I do not think a toy gun, pointing a finger, or chewing a pastry into the shape of a gun creates the kind of public threat that we need to address with disciplinary action.

Janine Hansen, State President, Nevada Eagle Forum:

I grew up with four boys, so I played a lot of those rough-and-tumble games. I have 13 grandchildren. My 9-year-old granddaughter has her own pink .22.

They live in Elko. My stepdaughter was awarded a national award by the American Legion and was second in the nation in competition shooting.

Last year I had an interesting experience getting acquainted with Kamau Bakari, who then became a candidate for the Independent American Party, of which I am the executive director for the party for Congress. He is a very interesting individual, and I was pleased to get acquainted with him. He said these precious constitutional rights are under attack by government and by the ideology of political correctness. I believe he was right. We find that many of us feel intimidated to exercise our rights because we will be considered politically incorrect and then criticized and persecuted.

I appreciate the forethought of this piece of legislation to protect us from the ideology of political correctness that can undermine our precious constitutional rights. My brother always said, "He has rights who dares to assert them." This piece of legislation asserts that we do have those precious constitutional rights.

Alisha Ketter, Private Citizen, Reno, Nevada:

I had no intention of speaking today, but I would like to share a story with you. I was a lifelong resident of California until two years ago. We moved to Nevada for a very specific reason. We saw Nevada as a place that protected our freedoms; it was a battle-born state that believed in individuality and the rights granted to us.

I have two children. My oldest son will be 18 years old and will be going to the University of Nevada, Reno in the fall. When we lived in California and he was in the seventh grade, he went to a zero-tolerance school. My father is a fifth-generation Marine, my brother is sixth generation and served in both Iraq and Afghanistan. Military is part of our culture, and I am a firearms instructor here in Nevada. Guns are part of our family, part of our history, and part of our culture. While in California, my son, thinking about his uncle who was serving overseas, drew a very simple battle scene. It included a tank and a soldier holding a side arm, and he was suspended from school for two weeks. Fast forward to the next year. He was suspended again for drawing another picture that depicted a battle scene. He was then branded a troubled child who was disruptive and disregarded the rules and was then picked on by the administration. I would urge you to protect the children here in Nevada. It may not have visited our schools quite yet, but I promise you it will. It is coming from all directions.

My children relish the freedom they have here right now. They can be who they want to be, but I feel that is endangered. I would urge you to be proactive and protect them before this happens again.

Assemblyman John Moore, Assembly District No. 8:

I stand in support of Assembly Bill 121. I think it does bring common sense back to our educational system where it has been lacking. We are doing harm and a disservice by denying a child an education by suspending him for silly things like this.

Megan Bedera, representing Nevada Firearms Coalition:

We are here today in support of Assembly Bill 121. We feel that children are seeing firearms on television and video games. They imitate what they see, especially at very young ages. We do ask that you protect rather than punish or scold.

With that, one of the things our organization works directly with is students who may be involved in a shooting club or some kind of organization teaching safe firearms practices. We want to make sure that if they are wearing a Boy Scout uniform with their firearms badge that would not be grounds for punishment or penalty. If they are part of a school-sanctioned shooting club and they wear a T-shirt that has a logo on it, we would not want to see them punished.

Assemblywoman Woodbury:

Is there anyone else in Carson City to testify in support of Assembly Bill 121? [There was no one.] Is there anyone in Las Vegas to testify in support?

John Ridgeway, Private Citizen, Las Vegas, Nevada:

This is absolutely not a waste of time. One of the elected representatives indicated it might be a waste of time, but it is not. Another elected representative stated that teachers need discretion. They do, but their discretion needs to be responsible adult supervision. Their discretion has yielded zero tolerance policies and 7-, 8-, and 9-year-old kids get suspended or expelled for a year. That discretion needs to be curbed immediately.

Assembly members are sworn to protect the *Constitution of the United States* and the *Constitution of the State of Nevada*. Earlier today we had a foster care bill discussed and the safety of those children was absolutely grilled over good, and rightfully so. I would like to see the safety of the *Constitution* and the preservation of the *Constitution* looked at just as carefully. Right now they are psychologically programming the kids to not worry about the *Constitution*, it does not matter, you do not have a Second Amendment, it does not work.

I love this bill and I support it 100 percent, and I would also like to see the National Rifle Association (NRA) Eddie Eagle Gun Safety Program implemented in grades K-12. That is the best gun safety program out there and it is age appropriate. They should fill the time slot with that instead of having to teach kindergartners sex education. Our school boards need to be reined in.

Bonnie McDaniel, Private Citizen, Las Vegas, Nevada:

I want to preface my testimony by saying I have never been, am not now, and will never be politically correct. What I say is the way it is and the way I believe.

I cannot thank Assemblyman Wheeler enough for bringing this bill to the floor. It is time for everyone to stop being politically correct and to stop the politically correct baloney. It is time to live and let live in reality. It is time to let kids be kids. Most of the politically correct baloney is from Common Core Standards. That is a different bill and a different subject. I fully support Assembly Bill 121 and hope the Committee will pass this bill and put this issue to rest once and for all. As for the schools that have uniforms, the kids can wear their clothes or shirts on "casual Fridays."

Vernon Brooks, Private Citizen, Las Vegas, Nevada:

It just so happens that I actually attended Park Elementary School, the school where the Pop-Tart incident happened. When I read about it, it specifically got my attention and I followed it as such. During my time there, the big question for the school was whether to do away with the paddle. I am not here to weigh in on the merits of that. We have come a long way since then.

A big part of why I support this bill is because of the First Amendment rights that it affords children in a nondisruptive way. I have two children in CCSD, and as you can imagine, my children have many NRA and similar garments. At this time they are completely forbidden from wearing those garments. That is an unnecessary restriction on students in schools and this bill fixes that.

With that said, I appreciate the reasoning behind the amendment that was brought up earlier, the K-8 versus K-12. I am concerned that upon entering high school, those First Amendment rights that were specifically protected on this topic vanish. I realize that is probably an unintended consequence. I do not know if it is something that can be remedied, but I want to at least raise the point that we are teaching our children all about their rights and then snatch them away for four years before they become adults. The overarching point of this bill is to prevent zero-tolerance policies from unnecessarily impacting students' ability to attend a public school, and this bill furthers that goal.

I am also concerned that without the passage of this bill we are, without a doubt, on a path to require the outright ban of the letter "L." I do not have to tell you how disastrous that would be.

Assemblywoman Woodbury:

Is there anyone else in Las Vegas wishing to testify in support? [There was no one.] Is there anyone in either location wishing to testify in opposition?

Alicia Albertson, Private Citizen, Carson City, Nevada:

For the record I would like to say that I am an intern this session with Assemblyman Munford, but I am here today as a mom. I have two children. My son is 9 years old and in the third grade, and my daughter is 7 years old and in the second grade. I do agree that no child should be suspended from school for being out on the playground and playing cops and robbers, or Army men, or looking at another child and saying, Bang, bang, I killed you. That should not be an issue. I am glad to see there was an amendment so that it is now K-8 and not K-12 because there is a difference between a 7-year-old saying that and a 17-year-old saying that.

Unfortunately, I do find a few other issues. As for the toys, they do not belong in school anyway. Whether it is a toy gun or a stuffed animal, those belong at home. That is where we play, at home. When we are at school, we are there to learn. The kids have enough on their plate already with all of the standards we have that they do not need extra distractions.

The other issue I have is with the statement about wearing clothing or accessories that depict a firearm or dangerous weapon, or express an opinion regarding a constitutional right to keep and bear arms. Where do we draw the line? If a child wears a T-shirt that says, "I support my right to keep and bear arms," but it shows two stick figures and one is standing over the other with a gun, is that still okay? I think we are opening ourselves up to a slippery slope.

I would ask that unless we can make some changes to either the guidelines or the wording in this bill that we vote no on Assembly Bill 121.

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

I am also the Canon Advocate for the Episcopal Church of Nevada. I am here to speak against this bill. I will preface with something I heard earlier this session: I am the one who is not politically correct because I am for controlling some of these issues.

The slippery slope that has been talked about today is very dangerous. You are talking about making it against the rules for a school to limit what is on a T-shirt if it supports guns. Are we also going to tell the school that you cannot put a ban on a T-shirt supporting a legal product? That is currently the rule because we do not allow students to wear shirts that have cigarettes on them, or alcohol, or that support gangs. For instance, the Insane Clown Posse, who were very popular at a school I worked at, were declared a gang, and the school immediately banned all of those shirts. You are, in effect, saying a student's First Amendment rights have no restrictions. Schools are supposed to be a safe place. This does not create that environment.

I have to agree that changing this bill to K-8 is a good idea. However, the sponsor is naïve if he thinks that seventh and eighth graders do not go around threatening students. When you see an 8th grader pointing his finger simulating a gun at another student, they can be, in fact, a gang member telling that student that they are going to come after them and kill them. These seventh and eighth graders do use guns. In Sparks Middle School, here in the north, we had an eighth grader kill a teacher and attempt to kill a student. That is the reality of today.

It is nice that common sense says we should not do some of these things, but if I want my grandchildren to be safe in school, there are restrictions that we as adults have to put on students.

Ronald P. Dreher, Government Affairs Director, Peace Officers Research Association of Nevada, and representing Washoe School Principals' Association:

Normally, we would be in opposition to a bill with an amendment we accept. In looking at the amendment and in speaking to the Washoe School Principals' Association, they are in support of the Clark County School District proposed amendment. We are in opposition to the original bill, but we support the amendment. There are some obvious corrections that probably need to be made with the amendment, one of which talks about how most of our schools in Washoe County have uniforms now, and whether they "may" wear these guns without violating the disruptive policy the schools have. That could be an unintended consequence.

Another correction dealt with what Assemblyman Wheeler talked about, and that was adding the word "toy" in front of "dangerous" on line 8 of the first page. For the Committee's reference, I am a 26-year retired homicide detective for the City of Reno. I have taken guns away from kids at school. I also have 19 grandchildren and a couple of great-grandchildren. I, too, grew up like Assemblyman Munford and others that are here with the guns strapped

to the hips and cowboy hats and plays that we did; it was accepted and I still think it should be accepted.

I think the bill and the amendment addresses that the authority to restrict is in the hands of the schools and the school districts. That is why the language "substantially disrupt" is in the bill. The authority lies with the principal or the school district. I believe the bill says that. As much as I do believe, do we really need this bill? I understand what was said by the supporters, but we are living in a different world today and unfortunately we have to codify things like this, which I think is ridiculous. As pointed out, things have happened. We support the amendment, but we oppose the bill as written.

Rudy Zamora, Private Citizen, Las Vegas, Nevada:

I am here in opposition to Assembly Bill 121 because I believe that this should be addressed by the principals, the administrators, or the local school districts, and there is no need for government resources at the moment for this bill.

Assemblywoman Woodbury:

Is there anyone else in Carson City or Las Vegas wishing to testify in opposition? [There was no one.] Is there anyone wishing to testify as neutral?

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

I would like to thank Assemblyman Wheeler for accepting our amendment ([Exhibit C](#)) to this bill to ensure that principals and teachers still have discipline authority when it does substantially disrupt the educational environment, which we believe includes the classroom and other areas of the school.

Assemblyman Stewart:

Is it true that if a student wore an NRA T-shirt, he would be removed from school in Clark County?

Nicole Rourke:

Our policy does state that a student cannot wear clothing with controversial slogans. That does not necessarily mean they would be removed from school. Our policy also states that the classroom teacher is closest to the issue and is tasked with resolving the problem. The student might be asked not to wear the shirt or might be asked to change, especially in an elementary setting. We do not collect data on incidents like that.

Assemblyman Stewart:

This goes up to the eighth grade. Are you okay with that? It was mentioned that seventh and eighth graders might be different than sixth graders.

Nicole Rourke:

You definitely see more incidents at the middle school level with behavior issues than you do at the elementary school level. There is less play activity in that sense. The clothing becomes more of an issue at that level.

Assemblyman Elliot T. Anderson:

There are some things in this bill that are more serious than others. The example of the pastry is obviously at the far end and probably not a big deal. What if a student is going up to another student, simulating a gun, saying they are going to hurt that student. What happens if we miss that? What if, under this policy, we cannot necessarily discipline a student for that unless they are substantially disrupting the environment? Is there a potential liability if we fail to keep students safe if we miss something like that? Could that be a problem?

Nicole Rourke:

Certainly our number one concern is to keep students safe. The issue I see is if we run into a concern under our safe and respectful learning environment policy with any conflicts with that.

Assemblywoman Swank:

I know you said you did not have any numbers on this, but do you have an idea of how frequently this does happen? Are we asking teachers to do more work for something that does not really happen that frequently?

Nicole Rourke:

We do not collect data on those sorts of things. I have an elementary school student myself, and it is not something that I, as a parent, hear about. It is not something I hear about from other parents. Certainly, we have not had a major issue with disciplining minor infractions.

Assemblywoman Joiner:

Why was the language added to the proposed amendment in section 1, subsection 2, paragraph (b), "unless it substantially disrupts the educational environment," and how does that language change what currently happens in the classroom?

Nicole Rourke:

We added that language to the amendment so that if there is a disruption in the classroom or somewhere in the school, we could still discipline. The bill limits the ability to discipline students for these purposes.

Assemblywoman Diaz:

As I am hearing all of the testimony and the situations, I am getting the feeling that not all of the state of Nevada is created equal in terms of what we are seeing happening in our schools in terms of disciplining children. Do you ever consider that a population cap might be helpful since it does not pertain to all of the school districts? If it is something we are not seeing an issue with in Clark County—obviously there is no data because we do not collect the data because we are not running into this situation—what are your thoughts about that?

Nicole Rourke:

I think I would defer to the sponsor of the bill on that. It is not part of the conversations we had initially, but certainly we would be happy to have it.

Jessica Ferrato, representing the Nevada Association of School Boards:

We are neutral on the bill with the amendment. I want to be clear about that. We support the work that Clark and Washoe Counties and the sponsor have done to work with us on this. We are very concerned about the safety of our children in our schools. That is a high priority to us. We are neutral now that there is an amendment that deals with issues the districts had concerns about.

Mary Pierczynski, representing Nevada Association of School Superintendents:

We wanted to go on record thanking Clark County School District for working hard on this amendment, and Assemblyman Wheeler for accepting the friendly amendment. Obviously, school safety is a major issue.

I would like to address something Assemblyman Anderson noted regarding students coming up to other students and pointing their fingers in a bullying or harassing way. We have bullying and harassment policies that may cover some of those issues.

Assemblyman Munford:

In Clark County do they still have metal detectors that kids have to walk through at the varsity football and basketball games?

Nicole Rourke:

I would have to look into that. It has been a while since I have attended a high school football game.

Assemblyman Munford:

When I was coaching, they had metal detectors at the varsity events in Clark County.

Stephen Augspurger, representing Clark County Association of School Administrators and Professional-Technical Employees:

The last school game I went to this year, I was wanded by security. To Assemblyman Munford's question, it has been my experience that when I go to my grandson's games they are wandering spectators. Some schools have the station machines that people walk through.

There have been a lot of great comments made today. This is a sensitive issue. When we come to the point where we are in conflict with fundamental rights that we all have, we still have to keep in mind that we are dealing with schools, with lots of children. As a former teacher in the Clark County School District for a number of years and an administrator for many years, when I read of stories of crazy things happening in other districts, I wonder what is wrong with people making that kind of decision. I have not seen those decisions in the Clark County School District, and that is my frame of reference.

As we begin to broaden the requirements that we have of children in schools, we have to be very cautious. Once that door is opened and there is a new level of behavior that is okay, the very real potential is that things get out of hand very quickly. We have middle schools that have 2,200-plus students. There is clearly a gang element at the middle schools, and we have to be very cautious about doing something that will put other children in harm's way. If you have ever worked in a school, bullying and intimidation happens every day and it happens very subtly. It can be something as simple as the same child walking by another child every day and pointing their finger. That attacks the core of how someone feels about themselves. Pretty soon it sends a pretty powerful message, and it is not a good one.

I respect the Assemblyman for bringing this forward. I think it is an important topic, but I do think we have to balance how we address this issue with what really will be safest for all of our students in our schools—sometimes some very large schools in very difficult neighborhoods.

Assemblywoman Woodbury:

Is there anyone else in Las Vegas or Carson City wishing to testify as neutral? [There was no one.] Assemblyman Wheeler, would you like to make some final comments?

Assemblyman Wheeler:

There is a big difference between a 14- or 15-year-old walking by someone, pointing his finger and maliciously saying he is going shoot them and a 6- or 7-year-old running around on the playground saying pow pow. The teachers can tell the difference. There are anti-bullying regulations that would take care of those more serious problems.

As far as a population cap, to me, where you live does not control your rights. As long as you are living in this country you have those rights. That would be a very unfriendly amendment.

The only other thing I can say is that during the opposition, all I heard was some people's rights are a little more equal than others. I do not believe that. I hope you will pass this bill.

Assemblywoman Woodbury:

Seeing no more comments, I will close the hearing on Assembly Bill 121. Is there anyone here for public comment? [There was no one.]

[([Exhibit D](#)) was submitted but not discussed.]

Assemblyman Stewart:

I see in the audience we have some folks in white coats, and I think it is very appropriate for them to be here in the Assembly Committee on Education. I believe they are from Touro University Nevada. Our future doctors, we welcome you. We need more doctors in Nevada. I appreciate your striving to become doctors.

Assemblywoman Woodbury:

The meeting is adjourned [at 4:36 p.m.].

RESPECTFULLY SUBMITTED:

Sharon McCallen
Committee Secretary

APPROVED BY:

Assemblywoman Melissa Woodbury, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Education

Date: March 4, 2015

Time of Meeting: 3:22 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 121	C	Nicole Rourke, Clark County School District	Proposed Amendment
A.B. 121	D	Don Turner, Nevada Firearms Coalition	Letter of support