

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Seventy-Eighth Session
May 12, 2015**

The Senate Committee on Education was called to order by Chair Becky Harris at 3:11 p.m. on Tuesday, May 12, 2015, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4404B of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Becky Harris, Chair
Senator Scott Hammond, Vice Chair
Senator Don Gustavson
Senator Mark A. Lipparelli
Senator Joyce Woodhouse
Senator Moises (Mo) Denis
Senator Tick Segerblom

GUEST LEGISLATORS PRESENT:

Assemblywoman Ellen Spiegel, Assembly District No. 20
Assemblyman Jim Wheeler, Assembly District No. 39

STAFF MEMBERS PRESENT:

Todd Butterworth, Policy Analyst
Risa Lang, Counsel
Shelley Kyle, Committee Secretary

OTHERS PRESENT:

Megan Bedera, Nevada Firearms Coalition
Vern Brooks
Janine Hansen, State President, Nevada Families for Freedom
John Eppolito, Nevadans Against Common Core
Lynn Chapman, State Vice President, Eagle Forum

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Nicole Rourke, Clark County School District
Lindsay Anderson, Washoe County School District
Jessica Ferrato, Nevada Association of School Boards
Mary Pierczynski, Ed.D., Nevada Association of School Superintendents
Erin McMullen, Communities in Schools of Nevada, Inc.
Patrick Gavin, Director, State Public Charter School Authority
Lonnie Shields, Nevada Association of School Administrators
Craig Stevens, Clark County School District
Lauren Hulse, Executive Director, Charter School Association of Nevada

Chair Harris:

I will open the work session on Senate Bill (S.B.) 332.

SENATE BILL 332: Makes an appropriation to the Clark County School District to carry out a program of peer evaluations of teachers. (BDR S-763)

Todd Butterworth (Policy Analyst):

I will read from the work session document for S.B. 332 ([Exhibit C](#)).

SENATOR HAMMOND MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 332.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR GUSTAVSON VOTED NO.)

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Chair Harris:

I will open the work session on Assembly Bill (A.B.) 107.

ASSEMBLY BILL 107 (1st Reprint): Revises provisions relating to reports of accountability for public schools. (BDR 34-407)

Mr. Butterworth:

I will read from the work session document for A.B. 107 ([Exhibit D](#)).

SENATOR DENIS MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 107.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Harris:

I will open the work session on A.B. 278.

ASSEMBLY BILL 278 (1st Reprint): Revises provisions governing class-size reduction. (BDR 34-749)

Mr. Butterworth:

I will read from the work session document for A.B. 278 ([Exhibit E](#)).

SENATOR WOODHOUSE MOVED TO DO PASS A.B. 278.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Harris:

I will open the work session on A.B. 285.

ASSEMBLY BILL 285 (1st Reprint): Revises provisions relating to the self-administration of certain medications by pupils in public schools. (BDR 34-812)

Mr. Butterworth:

I will read from the work session document for A.B.285 ([Exhibit F](#)).

SENATOR LIPPARELLI MOVED TO DO PASS A.B. 285.

SENATOR GUSTAVSON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Harris:

We will not discuss A.B. 321 today. I will open the work session on A.B. 351.

Assembly Bill 321 (1st Reprint): Revises provisions relating to school police officers. (BDR 34-812)

ASSEMBLY BILL 351 (1st Reprint): Revises provisions relating to projects to benefit charter schools. (BDR 34-1012)

Mr. Butterworth:

I will read from the work session document for A.B. 351 ([Exhibit G](#)).

SENATOR GUSTAVSON MOVED TO DO PASS A.B. 351.

SENATOR HAMMOND SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Harris:

That concludes our work session. I will open the hearing on A.B. 121.

ASSEMBLY BILL 121 (1st Reprint): Revises provisions governing the discipline of pupils. (BDR 34-173)

Assemblyman Jim Wheeler (Assembly District No. 39):

We have seen encroachment of government into our children's lives. Our children need to know they have rights that cannot be taken away. There are some limits to our First Amendment rights and we need to be able to balance the two. Assembly Bill 121 accomplishes this.

Preparing the bill, I conferred with the Clark County School District (CCSD), the Washoe County School District (WCSD) and representation from the rural school districts and we were able to craft A.B. 121.

An 8-year-old boy was suspended from school for pointing his finger like a gun and saying "pow-pow." His school considered this as an act of violence even though the school's code of conduct did not prohibit students from pointing their fingers like a gun.

A 7-year-old boy in Maryland was suspended from his school for biting his Pop-Tart into the shape of a gun.

In Ohio, a 10-year-old boy was suspended for 3 days for pointing his finger. In Virginia, two second-graders were suspended for using pencils like rifles on the playground while playing soldiers.

Acts of violence go on these children's records and stay on their records for their entire school careers. They were branded for acts of violence because they were playing as we did when we were kids.

For me A.B. 121 is common sense. It is sad we have to legislate common sense. Apparently, it is the world in which we live. School shootings and mass terrorism were not heard of in schools when I was a youth. The attitude was different. People were not afraid of a 6-year-old pointing his or her finger and saying "pow."

The intent of A.B. 121 is to ensure kids can be kids; they can do things we did as kids. A shirt with a picture of a gun can be worn or a picture of a gun or bomb can be drawn on a piece of paper.

Senator Gustavson:

This bill will return common sense and sanity to our schools.

Assemblyman Wheeler:

It is sad because of the world we live in, it has come to this.

Chair Harris:

Section 1, subsection 2, paragraph (e) of A.B. 121 refers to using a pencil, pen or other writing or drawing implement to simulate a firearm or dangerous weapon. When do we begin to distinguish between instances of an artistic nature and instances that might need to be reported?

Assemblyman Wheeler:

The intent of section 1, subsection 2, paragraph (e) is not to define art. It is a kid in school drawing or doodling a gun or a bomb on paper.

I understand what you are saying. Is there a problem? Does the teacher or principal know the child? Does he or she need to speak to the child? Do the parents need to be involved? It comes down to common sense. You do not label the child as a violent offender. This is the point and the intent of A.B. 121.

Chair Harris:

At this time, does Nevada have the designation of violent offender for children who simulate firearms either through their clothing or through other implements or toys?

Assemblyman Wheeler:

I think "acts of violence" are put on a child's record. A representative of the school system would be better prepared to answer your question.

When I researched this subject on the Internet, there were literally hundreds, perhaps thousands of examples. I am not aware if it has happened in Nevada. Even if it has not, the encroachment is coming, if it is not already here.

Senator Denis:

Section 1, subsection 1, paragraph (b) of A.B. 121 has language about wearing clothing or accessories that depict firearms or dangerous weapons. Section 1, subsection 5 reads: "The provisions of this section shall not be construed to prohibit a school from establishing and enforcing a policy requiring pupils to wear a school uniform"

The proposed language reads a student would not be disciplined for not wearing a required uniform. Is this what section 1, subsection 5 is meant to do?

Assemblyman Wheeler:

The intent of the law is if there were a uniform policy, a student would not wear a tee shirt with something on it. However, a student might wear a pin or something similar to a pin. School policy would trump this area.

Megan Bedera (Nevada Firearms Coalition):

The Nevada Firearms Coalition is in support of this bill. We appreciate the portions of the bill that would address, for example, a Boy Scout uniform with a rifle safety badge or a 4-H member participating in the club's shooting sports competition.

These young people should not be penalized for wearing shirts with firearm graphics on them. We appreciate the bill being looked at from all sides.

Vernon Brooks:

I value what this bill accomplishes. The impending zero tolerance fervor we have seen rising in recent years is ultimately harmful to children. This bill allows children to be children; the same kind of child I was at their age. It is sad we need to legislate common sense; unfortunately, sometimes we do.

I would like to point out when you are told by the opponents of this bill they speak for my children, they do not. I am here today to speak for my children.

Janine Hansen (State President, Nevada Families for Freedom):

The Nevada Families for Freedom have long supported the Second Amendment and this is an integral part. With the assault going on in our Nation on the right to keep and bear arms, we need to protect our children and their right of free expression. Assembly Bill 121 is a reasonable approach to accomplish this.

John Eppolito (Nevadans Against Common Core):

I am in support of A.B. 121 because of the Nevada Department of Education's decision to track data on students. In my opinion, this data tracking will be on a student's record for the rest of the student's life.

Lynn Chapman (State Vice President, Nevada Eagle Forum):

Our Nation began with hunting and fishing and guns were part of a family. Guns are part of the culture in this Nation. Children know this and they do play.

Nicole Rourke (Clark County School District):

In the Assembly, the CCSD worked with Assemblyman Wheeler on an amendment to address several concerns we had. The CCSD believes it is more appropriate to speak to the children and see if there are underlying issues to be addressed rather than suspend children who consistently make guns out of their hands or things of that nature.

Originally, when we discussed amendments, we looked at this bill applying more to elementary schools. Other issues come in to play when looking at middle school students.

Lindsay Anderson (Washoe County School District):

I echo Ms. Rourke's remarks. The WCSD prefers A.B. 121 address elementary school children. There are gang issues in middle school and we do not want there to be unintended consequences as a result of this legislation.

The WCSD does have a district discipline policy and to our knowledge, there have not been instances of suspension such as Assemblyman Wheeler described happening in other states. We hope this is true in the future as well.

Jessica Ferrato (Nevada Association of School Boards):

I echo the comments of both the CCSD and the WCSD. I would like to specify up through fifth grade. Many schools in districts include sixth grade in middle school.

In some of our districts, the culture is much different. An urban school in Las Vegas is different from a school in rural Nevada. The culture and students are different.

Students in middle school have a different level of maturity. Hormones exist in middle school that do not exist at the elementary level, which can affect issues like this.

Chair Harris:

Assemblyman Wheeler referred to the phrases "acts of violence" and "being a violent offender" earlier in his testimony as possibly being used as labels in students' school records. Are these terms used or not used as labels on students' records in schools in Nevada?

Ms. Anderson:

I do not know how that is used in the WCSD. I will get the information for you.

Ms. Rourke:

I have not heard the terms used with students in the CCSD for discipline. It may be more of an adjudication term used in the juvenile justice system. I can look

into this for you. Typically, we look at the student for the offense, not necessarily the label.

Chair Harris:

When there is a child who might engage in some of the behaviors listed here which Assemblyman Wheeler is seeking to exempt from the disciplinary process, what would be included in a student's permanent record and how would it be treated at the school district level? For example, would a child who points his finger and says "bang-bang" or wears clothing or attire indicative of firearms have that information noted in his permanent record?

Ms. Rourke:

It would depend on the age of the student. In elementary school, a case would be handled at the school level. Clothing would depend on the school. Typically, it would be a conversation discussing appropriateness for that school.

We are not talking about formal discipline, here. This would be a conversation between the student and teacher and/or potentially the principal, if the teacher feels it could be an escalating situation.

Ms. Anderson:

I agree. Madam Chair, you were asking in terms of a permanent record. Within the infinite campus system, there are ways discipline issues can be identified that are attached to a child. I am not certain this is necessarily a permanent record or connected to the child outside of the education system.

In a formal discipline process, there is tracking of that attached to the student information system.

Chair Harris:

What types of designations or notations are pieces of a student's school record?

Ms. Anderson:

Depending on the level of an offense, the WCSD has policies that dictate when district-level formal discipline procedures are performed. These would be included in the student's permanent record whether the record is paper or electronic.

If it is formal discipline, there a record is created. This information is private within the student's record, and the WCSD is subject to the Family Educational Rights and Privacy Act. There is a record created when there is formal discipline. When it is a conversation between a student and teacher, there would be no record.

Senator Lipparelli:

Does section 1, subsection 3, paragraphs (a), (b), and (c) of A.B. 121 provide the appropriate level of discretion in the cases when a student is acting outside the bounds of more innocent behavior than in section 1, subsection 2?

Ms. Rourke:

Yes. This is one of the sections we worked on. The term "substantially disrupts the educational environment" was something we discussed. Section 1, subsection 3 covers this action. It does not really pertain to the wearing of clothing.

Middle school students are potentially involved in gang activity, there is wearing of symbols and, potentially, weapons are involved.

Dr. Pierczynski:

It is important the language "substantially disrupts" has been included in section 1, subsection 3, paragraph (a). It is good the uniform policy in schools has not been disrupted with this piece of legislation.

Chair Harris:

Assemblyman Wheeler, I want to make some observations. You had lots of support; you had no opposition and support of neutral testimony. I received 126 emails supportive of A.B. 121, and I wanted this on the record since we are under time constraints.

This Committee is aware of the support for your bill and the amount of work you engaged in with the stakeholders. This speaks well of you that the school districts could take a neutral position.

Assemblyman Wheeler:

Section 1, subsection 3 of A.B. 121 addresses students through the eighth grade. This is the compromise we reached with the stakeholders.

Chair Harris:

I will close the hearing on A.B. 121 and open the hearing on A.B. 206.

ASSEMBLY BILL 206 (1st Reprint): Revises provisions relating to certain notices provided to the parent or guardian of a pupil who attends a public school. (BDR 34-740)

Assemblywoman Ellen Spiegel (Assembly District No. 20):

Two summers ago, a soon-to-be fourth grade neighbor girl in my apartment complex, who somewhat had adopted me, had organized a small group of friends who would be entering fourth grade in the fall. The young girl came to me and asked if I would play “teacher” with her small group and teach remedial classes in English and mathematics. After hearing what this entailed, I agreed to this summer vacation position until they would enter fourth grade in their elementary school.

From the Internet, I downloaded appropriate workbook material and work sheets and we began our “school.” Over the course of our “school”, I realized my little friend who had adopted me had trouble seeing. She was having trouble with her schoolwork because she could not read what was on the pieces of paper in front of her.

This young girl was motivated and had great leadership and organizational skills. She knew how to find someone who would help her and she knew how to get what she wanted. What she had trouble with was her vision.

I struggled with how to speak to her mother. My Spanish is limited, and it was a difficult conversation to initiate. I also did not want to embarrass her family. While I was struggling with how to resolve this issue, the family moved and I never got to have the conversation.

A few months after school began, it was “Nevada Reading Week” in the CCSD and I was at C.C. Ronnow Elementary School. It is an inner-city school with a lot of students living in poverty. I was reading a Dr. Seuss book to a fourth-grade class. Halfway through the class, the teacher told me over half the students in the class needed glasses and were having literacy problems because they could not see.

Through the CCSD, the Legislative Council Bureau, and thanks to Nicole Rourke, we were able to get glasses donated to the class. This is just one classroom from the CCSD.

How many kids are we sending on that trajectory not because they are not motivated, not because they are not smart, not because they do not want to learn, but simply because they have vision problems?

While campaigning, I shared my experience with the small group of fourth graders with constituents in my district who were interested in education. I asked my constituents for suggestions or ideas how to solve this concern.

A former educator suggested when the schools do testing during the year for vision, hearing and the like, a note is sent to the parents telling them what has been recognized, if applicable, in their children in the test.

Assembly Bill 206 grew from vision problems to other problems a child would have which impede learning. Hearing, scoliosis, being bullied or being the bully are other types of problems.

The note could also include information of resources available in the community for the parents to contact for services specific to their child's condition. When this information comes in note form, we do not have to embarrass the parents.

The intent is when notices are provided to families, they also be informed there may be a resource in the community at a reduced price or perhaps free to help parents help their child with a problem that is an impediment to the child's learning.

Erin McMullen (Communities in Schools of Nevada, Inc.):

Communities in Schools is a nonprofit organization which provides these types of services. We really connect students with wrap-around services for students in order for them to stay in school and achieve. Communities in Schools is in support of A.B. 206.

We hope, we can serve as a resource. We have many community partners established to provide these services and we are happy to collaborate with the school districts to help compile a list to be able to execute this bill.

Ms. Rourke:

The CCSD is in support of A.B. 206. Resources are necessary when students cannot afford glasses and need them. We have a number of partners throughout the community and are happy to share those resources, no matter the situation.

Patrick Gavin (Director, State Public Charter School Authority):

The State Public Charter School Authority is in support of A.B. 206. As a former classroom teacher who has had the experience of students who were struggling because of vision issues, I am grateful for Assemblywoman Spiegel bringing this bill forward.

Dr. Pierczynski:

The Nevada Association of School Superintendents is in support of A.B. 206. This information is readily available in our communities, and we will be able to comply with the bill.

Lonnie Shields (Nevada Association of School Administrators):

This is a personal bill for me. At the age of eight, my piano teacher noticed my nose on the music. Glasses did not turn me into a successful piano player; they led me to the world of books and reading.

The Nevada Association of School Administrators is in support of A.B. 206.

Chair Harris:

I will close the hearing on A.B. 206. We will now have public comment.

Craig Stevens (Clark County School District):

This is the "Good News Minute." The *U.S. News and World Report* has released a list of the best high schools in each of the states. Advanced Technologies Academy ranks No. 1 in the State of Nevada and CCSD is proud of the school's ranking.

Lauren Hulse (Charter School Association of Nevada):

Arbab Khalid, a student at Coral Academy of Science in Henderson, Nevada is one of two Nevada students named this year as U.S. Presidential Scholars.

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Chair Harris:

There being no further comment or business before the Committee, the meeting is adjourned at 4:01 p.m.

RESPECTFULLY SUBMITTED:

Shelley Kyle,
Committee Secretary

APPROVED BY:

Senator Becky Harris, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	2		Agenda
	B	2		Attendance Roster
S.B. 332	C	4	Todd Butterworth	Work Session Document
A.B. 107	D	5	Todd Butterworth	Work Session Document
A.B. 278	E	6	Todd Butterworth	Work Session Document
A.B. 285	F	1	Todd Butterworth	Work Session Document
A.B. 351	G	2	Todd Butterworth	Work Session Document