

**MINUTES OF THE SUBCOMMITTEE OF THE
SENATE COMMITTEE ON EDUCATION**

**Seventy-Eighth Session
May 14, 2015**

The Subcommittee of the Senate Committee on Education was called to order by Chair Becky Harris at 3:34 p.m. on Thursday, May 14, 2015, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 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.

SUBCOMMITTEE 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

GUEST LEGISLATORS PRESENT:

Assemblyman Jim Wheeler, Assembly District No. 39

STAFF MEMBERS PRESENT:

Todd Butterworth, Policy Analyst
Beth Ann Reykers, Committee Secretary

OTHERS PRESENT:

Barbara Jones
Jeanine Hansen, State President, Nevada Families Association
Lynn Chapman, State Vice President, Nevada Eagle Forum
Sheila Ward
John Wagner, Independent American Party
Shawn Meehan, Nevada Republican Party
Craig Stevens, Clark County School District
Lindsay Anderson, Washoe County School District

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Mark Anderson
Mary Pierczynski, Ed.D., Nevada Association of School Superintendents
Jessica Ferrato, Nevada Association of School Boards

Chair Harris:

I will now open the hearing on Assembly Bill (A.B.) 120.

ASSEMBLY BILL 120 (1st Reprint): Clarifies rights of public school pupils regarding the free exercise of religion and freedom of expression. (BDR 34-520)

Assemblyman Jim Wheeler (Assembly District No. 39):

Assembly Bill 120 legislates common sense. The bill has been amended from its original form based upon input provided by the Clark County School District (CCSD), the Washoe County School District (WCSD) and the rural school districts.

Throughout our Country and State, students have prepared speeches for graduation that include religious comments. When the speeches have been reviewed by school officials prior to presentation, any religious reference has been deleted. Students have been warned to eliminate similar phrases or the microphone will be turned off during their presentations. Lawsuits have been filed surrounding this topic because there were no opportunities for students to appeal the censoring of their prepared remarks.

Brooks Hamby from Brawley Union High School in Brawley, California, was asked to write a graduation speech as salutatorian. In his commencement speech, June 16, 2014, he included the prayer, "Heavenly Father, in all times, let us always be kind to one another." On April 8, 2014, a teacher at Park Lakes Elementary School in Ft. Lauderdale, Florida, ordered Giovanni Rubeo a fifth-grader, to stop reading his Bible during free-reading time. She instructed him to put it on her desk. The teacher told his parents, "He's not permitted to read those books in my classroom."

At Carillon Elementary School in Oviedo, Florida, 5-year-old Gabriella Perez bowed her head over her lunch to pray. A school employee noticed it and told her to stop praying. The little girl told the employee, "But it is good to pray." In response she was told, "It is not good and it is not allowed in this school."

In 2008, Foothill High School Valedictorian, Brittany McComb from Henderson, Nevada, spoke of her Christian faith during her speech. Her microphone was cut off. This is unacceptable to me and should be unacceptable to you as well.

The Supreme Court of the United States has upheld the right of free speech. In 1984, Congress passed the Equal Access Act to stop the censorship of private religious activities. Since then, the court has continued to emphasize free speech.

Assembly Bill 120 is a simple bill. Nevada's students are ensured their rights to freedom of religion and freedom of speech as described in the First and Fourteenth Amendments to the *Constitution of the United States*. Assembly Bill 120 declares without limitation that each pupil may pray. It is that simple. It further states any student action may not disrupt classroom learning. This is common sense.

Assembly Bill 120 states that during a free period when it is not disruptive, a student may pray without any intervention from the school.

The bill also requires a school district to develop a plan to address a student's assertion that his or her right to free speech has been violated. The original bill included a statute for a grievance provision, but after meeting with school districts, the amendment requires local school districts to create grievance policies, rather than having a statewide policy. A government closer to the people is usually better for the people.

Barbara Jones:

This is a problem in our schools. We are saddened this bill is necessary. Assemblyman Wheeler provided examples of cases that could be addressed by the passage of A.B. 120. I checked the American Center for Law and Justice Website and they are litigating many such cases. Many of their cases occur at the university level, but there are instances at all educational levels. It is sad a child can be persecuted for what he or she has been taught from a religious teacher or parent. We are seeing a lot of freedom of religious expression in schools granted to Islamic students who can wear uniforms and learn the tenets of Islam in public schools. Yet Christians cannot read their Bibles or pray in school. All children should be protected from persecution at school no matter what religions they practice.

I typed in the phrase, "religious Christian persecution in schools," on the Yahoo Website and there were a lot of items listed.

Janine Hansen (State President, Nevada Families):

This is a very important issue. Political correctness is destroying the inalienable rights of people who want to express religion. In the Nevada Constitution, not only do we have protections for free speech and freedom of religion, but the "Ordinance" of the *Constitution of the State of Nevada* requires the "perfect toleration of religious sentiment." I think it is important for us to recognize we were founded on the idea of a perfect toleration of religious sentiment.

It is very important for our children to realize they have rights guaranteed by the First Amendment. Our students should know they can pray in school and they can express an opinion about God and will not be discriminated against or persecuted for it. Discrimination and persecution of Christians is happening all over the Country.

It may not be politically correct in our society. In the attestation clause to the *Constitution of the United States*, we recognize in Article VII, "Done in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord...". If we are not allowed to express religious sentiment, we have to throw out not only the Constitution, but also the Declaration of Independence. Certainly, the U.S. Constitution provides us with the opportunity for that recognition.

We support A.B. 120.

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

The Nevada Eagle Forum supports A.B. 120. In the mid-1990s, the valedictorian at one of the high schools in Sparks was told she could not refer to God in her speech. The school reviewed her speech before she was able to present it. When she got up to make her speech, she said, "I thank God for helping me get through my schooling." There was a great deal of controversy as a result.

My daughter was homeschooled through high school. We had a formal graduation for nine students who were homeschooled. My daughter was selected as the valedictorian. She said, "I thank God that I was homeschooled because I can get up here and thank God for the fact that He was there throughout my schooling and helped me through."

We should be mindful that children are still prohibited from mentioning any religion in their speeches.

It is important that A.B. 120 be passed.

Sheila Ward:

I agree with the previous testimony and support A.B. 120. I discovered some religious liberty laws that had been passed by the Mississippi Legislature in 2013. Assembly Bill 120 is a simple one-page bill. The "Mississippi Student Religions Liberties Act of 2013" is about six pages long.

The American Center for Law and Justice has found situations where schools are not only violating the First Amendment, but also promoting Islam over other religions and thereby stifling students' constitutionally protected rights. This bill is very important and I pray the Committee passes A.B. 120.

John Wagner (Independent American Party):

I support A.B. 120. The *Constitution of the United States* was founded on Christian principles. The Bill of Rights was founded on Christian principles. Our Constitution says freedom "of" religion not "from" it. I do not believe schools should allow students to fight over religion. We do not want to disrupt a classroom or cause any problems. Students should be allowed to express themselves under the *Constitution of the United States*.

Shawn Meehan (Nevada Republican Party):

I concur with everything said previously. There is beginning to be a serious need for this type of protection based upon incidents that have occurred. I will briefly read the statement in the Nevada Republican Party Platform:

We believe the First Amendment to the Constitution of the United States [sic] was intended to prevent a state sponsored religion, rather than a separation of God from government. Attempts to force individuals or religious institutions to violate their conscience are contrary to the Constitution.

Craig Stevens (Clark County School District):

The CCSD is neutral on A.B. 120. We appreciate the grievance procedure that has been agreed upon in the bill. The CCSD has a grievance procedure in place

for students. We expand it to include the subject of religion in the grievance procedure, so we can ensure every complaint receives due process.

Since A.B. 120 was passed by the Assembly, the CCSD researched the number of grievances brought forward by students and children pertaining to religion. We found no complaints had been brought forward regarding a religious issue. One mother came forward to complain because her daughter was wearing a religious shirt and was counseled the shirt was not appropriate. It occurred at a school that required its students to wear uniforms.

Chair Harris:

What is the policy for a school that does not require children to wear a uniform?

Mr. Stevens:

Every parent and student is made aware of the CCSD grievance procedure. Students or parents first discuss their concerns with the teacher or principal. If unresolved, a complaint is immediately elevated to the supervisor where the claim is investigated, reviewed and discussed with the parent and child. If the issue is not resolved to the parent or student's satisfaction, it can be appealed to the superintendent for further remedy.

Lindsay Anderson (Washoe County School District):

We are testifying neutral on A.B. 120. The WCSD has not had any issues related to religion elevated to the superintendent levels. We do not believe this is an issue in the WCSD. The WCSD takes its nondiscrimination policy and grievance procedure very seriously. Religion is already included in the policy.

Mary Pierczynski, Ed.D. (Nevada Association of School Superintendents):

On behalf of the 15 other school districts, the grievance procedures in place for parents and students is the same as was outlined by the CCSD and the WCSD. The process starts at the school level and can be elevated to the superintendent level, as warranted. The Nevada Association of School Superintendents appreciates the bill's sponsor working to ensure the grievance procedure as set forth in A.B. 120 has been clarified.

This bill as amended emphasizes that nobody can be disruptive of instruction. This is an important piece of A.B. 120.

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Jessica Ferrato (Nevada Association of School Boards):

We appreciate the work that has been done on A.B. 120. We endorse the ability of the board of trustees of a local school district to implement its own policy. Every district likes the flexibility offered by the amendment to A.B. 120. The Nevada Association of School Boards is testifying neutral on A.B. 120.

Assemblyman Wheeler:

Assembly Bill 120 is not about any particular religion or ideology. It is about all of them. It clarifies that a student in a public school may express himself or herself in a manner consistent with the rights guaranteed under the First and Fourteenth Amendments to the United States Constitution.

I encourage your support.

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Chair Harris:

There being no further comment or business before the Subcommittee of the Senate Committee on Education, the Subcommittee is adjourned at 3:55 p.m.

RESPECTFULLY SUBMITTED:

Beth Ann Reykers,
Committee Secretary

APPROVED BY:

Senator Becky Harris, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	2		Agenda
	B	3		Attendance Roster