

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Seventy-Eighth Session
February 24, 2015**

The Senate Committee on Education was called to order by Chair Becky Harris at 3:30 p.m. on Tuesday, February 24, 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.

COMMITTEE MEMBERS PRESENT:

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

GUEST LEGISLATORS PRESENT:

Senator Joe P. Hardy, Senatorial District No. 12

STAFF MEMBERS PRESENT:

Todd Butterworth, Policy Analyst
Risa Lang, Counsel
Beth Ann Reykers, Committee Secretary

OTHERS PRESENT:

Mary E. Wherry, RN, MS, Deputy Administrator Community Services, Division of Public and Behavioral Health, Department of Health and Human Services
Janine Hansen, President, Nevada Families for Freedom
Paula Berkley, Food Bank of Northern Nevada

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Deborah Williams, MPA, MPH, CHES, Manager, Office of Chronic Disease
Prevention and Health Promotion, Southern Nevada Health District
Barry Duncan, YMCA of Southern Nevada
Donald Gallimore, G-Fusion Fitness and Health
Matthew Tramp
Nicole Rourke, Clark County School District
Scott Baez, Washoe County School District
David Gomez, President, Nevada Peace Alliance
Mary Pierczynski, Ed.D., Nevada Association of School Superintendents
Jessica Ferrato, Nevada Association of School Boards
Lauren Hulse, Executive Director, Charter School Association of Nevada
Laura Valley, Physical Education Teacher, Carson City School District

Chair Harris:

I will open the work session on Senate Bill (S.B.) 75.

Todd Butterworth (Policy Analyst):

I will read the summary of the bill from the work session document and the proposed amendment ([Exhibit C](#)).

SENATE BILL 75: Revises provisions governing the administration of certain examinations. (BDR 34-472)

SENATOR WOODHOUSE MOVED TO AMEND AND DO PASS AS
AMENDED S.B. 75.

SENATOR GUSTAVSON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Harris:

I will open the work session on S.B. 101.

Mr. Butterworth:

I will read the summary of the bill from the work session document ([Exhibit D](#)).

SENATE BILL 101: Revises provisions relating to the reemployment of employees of school districts. (BDR 34-405)

SENATOR WOODHOUSE MOVED TO DO PASS S.B. 101.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Harris:

I will open the Hearing on S.B. 178.

SENATE BILL 178: Revises provisions relating to pupil health. (BDR 34-235)

Senator Joe P. Hardy (Senatorial District No. 12):

Senate Bill 178 requires children to participate in school physical education programs in grades kindergarten through Grade 11 (K-11). Since students spend a good percent of their time in school, it is the ideal place to encourage children to develop good habits regarding mobility and the health benefits of physical activity. By requiring physical education within the schools, Nevada's children will benefit both physically and academically.

People will testify that this program will cost too much, take too much time out of the instructional day and there are not enough teachers or facilities to implement such a comprehensive program. The fiscal impact of this bill can be addressed in creative ways and I look forward to working with anyone with this objective in mind. The goal of this bill is to create healthy children and a culture of mobility.

Senate Bill 178 will rely on the Council to Establish Academic Standards for Public Schools to develop the standards required for the course content of physical education programs proposed in the bill.

The requirements of physical education included in sections 1 and 2 of S.B. 178 do not permit waivers. Section 6 identifies the three physical education units of credit required in high school. Also included in S.B. 178, is a provision that continues the collection of anonymous weight and height measurement data for

student sample groups. These combined measurements become a body mass index (BMI) and used by State public health entities to validate the need for health programs for Nevada's youth. Without BMI data, Nevada might not have the statistical data necessary to compete for funding on the federal level and could become ineligible for federal grants. This data collection is not anything new or different.

Senate Bill 178 does not require parental notification prior to a child being weighed and measured in school, but I am not opposed to parental involvement.

Chair Harris:

What is the rationale for not allowing waivers for physical education courses?

Senator Hardy:

Given the option, students and parents will take the waiver. If a student is in such a situation that he or she cannot physically perform some particular aspect of physical education, often a modified activity could be performed. Again, the key objective is to get our youth involved in daily physical activities that promote a healthy, active lifestyle, which will decrease the risk factor for obesity.

Chair Harris:

How would the no waiver provision apply to students who are involved in competitive sports? Sometimes a physical education requirement could work against their training regimen, especially for elite athletes.

Senator Hardy:

Section 5, subsection 2 of S.B. 178 states, "any extracurricular activity may not count toward meeting the requirements of subsection 1. Any time spent engaging in extracurricular sports whether or not they are offered at the school may count towards meeting the requirements of subsection 1." In other words, if a child is engaging in physical activity such as swimming or soccer on a regular and rigorous basis outside of school, he or she could be eligible for a waiver on a case-by-case basis. Data tells us that when a child is actively engaged in a school- or sport-related activity, whether it is career and technical education classes or sports clubs, he or she is more likely to do well in school and graduate.

The ideal scenario would be for all students to have an opportunity to participate in after-school physical activities. This would negate the cost and need to require physical education for all students in school. Unfortunately, this is not the case. Most students do not have these opportunities.

Senator Gustavson:

Senate Bill 178 includes an unfunded mandate in sections 3 and 6. Could you explain this?

Senator Hardy:

There will be a fiscal note and it will not be small. I believe there are ways that the cost can be mitigated. Instead of hiring a physical education (P.E.) teacher, a classroom teacher could have video access to something that can be done in class or out on the playground. The activity would not require specialized training. The activity would have the purpose to keep children running and moving. I think there are creative and inexpensive ways to accomplish this.

Senator Denis:

The issue of height and weight testing was brought forward about 6 years ago. At that time, parents expressed concerns about having their child weighed and measured. It is important to note that personal data is not kept and tracked. This information is used to establish a BMI. The BMI data is used to apply for federal grants to establish a need and progress toward meeting the established need. No names are associated with the measurements. I supported the collection of data because diabetes and childhood obesity and childhood diabetes in the Hispanic community occur at a greater rate than in the population as a whole. I think tracking that gives us the opportunities to think of ways such as exercise and diet that can help Nevada families address these chronic illnesses.

Senator Harris:

What percentage of students participates in the height and weight data collection?

Senator Denis:

A statistical sample of students in Grades, 4, 7 and 10 are measured in the Clark County and Washoe County School Districts. I do not know the actual numbers.

Chair Harris:

Is it not everybody?

Senator Denis:

Correct. It is not everybody.

Senator Hardy:

Personnel from the Washoe County School District said the data collection would not add to the fiscal note because they are already collecting the data.

Mary E. Wherry, RN, MS (Deputy Administrator Community Services, Division of Public and Behavioral Health, Nevada Department of Health and Human Services):

According to the most recent BMI report that was published, 28 percent of Hispanic youth in seventh grade are obese; 15.9 percent of Caucasian seventh grade youth are obese.

The Department of Health and Human Services (DHHS) supports S.B. 178. Nevada does not have a comprehensive, standardized or evidenced-based physical education curriculum. Nevada needs data to assess the health of its population, particularly its school-aged youth. Body mass index data provides the ability to monitor and track health promotion initiatives and make adjustments to public health goals. The BMI data increases opportunities for additional State funding from federal entities as Senator Hardy explained. The BMI data collection provision will sunset in June 2015. The DHHS is concerned that abandoning the BMI measurement will disrupt the evaluation and surveillance efforts on the health status of Nevada's youth. There is a report titled, "Body Mass Index of Nevada Students School Year 2012-2013," available at <health.nv.gov/Epidemiology.htm>.

Based on studies conducted by the Centers for Disease Control and Prevention (CDC) and the Healthy People 2020 objectives, increased physical activity provides the potential for improved academic scores. It recommends that states adopt legislative policies pertaining to recess and physical education in the Nation's public and private schools. The recommended amount of exercise is 60 minutes per day. Senate Bill 178 recommends a minimum of 30 minutes of physical education per day. Body mass index surveillance data collection in schools is anonymous, as Senator Denis indicated. The surveillance data tracks population trends and the changes of those trends over time. Future grant

awards from entities such as the CDC increasingly require quantitative proof that their resources are making a positive impact on public health. Surveillance BMI data is the ideal way to demonstrate how health program efforts impact populations over time. In order for Nevada to be competitive and receive continued and larger amounts of funding, we must have the infrastructure and data that will prove we are serious about fighting youth obesity and other health issues.

The U.S. Department of Agriculture passed a school wellness policy. The policy discussed the nutritional needs in our schools in addition to the increased physical activity requirements of children for healthy lifestyles. Hunger and nutrition issues can also be identified and addressed using BMI data.

Janine Hansen (President, Nevada Families for Freedom):

Nevada Families for Freedom supports S.B. 178. It has many benefits for our schools and children. Academics would be greatly enhanced if children had an opportunity for physical activity. It is as important for girls as boys. There would be fewer behavior problems and ultimately it will save money because people will be taking better care of themselves. The Eagle Forum's online *Education Reporter* states Florida, Oregon, Mississippi, Texas and Illinois have all recently increased or required physical education in their schools. This is a national trend. The obesity rate of Americans is about 38 percent. The British medical journal, *The Lancet*, states that physical inactivity has become pandemic.

Senate Bill 178 is important to the health of our students, the health of our communities and the health of our Nation. As we encourage people to get away from their computers and their Facebook pages and get out into the real world, increased physical activity can improve self-esteem and improve learning. It will make a huge difference in our community.

Paula Berkley (Food Bank of Northern Nevada):

The Food Bank of Northern Nevada supports S.B. 178. It is difficult to think about nutrition without the component of exercise. The Food Bank of Northern Nevada has actively assisted in the creation of wellness policies that encourage physical activity.

Deborah Williams, MPA, MPH, CHES (Manager, Office of Chronic Disease Prevention and Health Promotion, Southern Nevada Health District):

Prevention of chronic obesity is a priority, particularly among our youth. The Southern Nevada Health District is interested in any efforts to increase physical activity. We know that unhealthy body weight among children and adolescents in the United States has tripled since the 1980s. For the first time, researchers estimate that the current generation will live shorter and healthier lives than their parents. A big impact on that will be obesity. We also recognize that obesity is a multifactorial disease. There are many factors that contribute to obesity, but certainly, inactivity is a major risk factor. We support S.B. 178 because it would definitely elevate levels of physical activity for children. Another critical component to this bill is the requirement for continued collection of sample height and weight BMI data.

I must iterate: in order to continue to compete for grant funding it will be critical to have this information. It will be important to have the information to continue to identify the problem and make determinations of where to allocate resources and to be able to report to funders regarding the progress that we have made. Through grant funding in southern Nevada, we have been able to reinvest in the data collection process. We have been able to invest almost \$200,000 of federal funding into training of staff and the purchase of standardized equipment to improve the quality of the data collected. In order to continue to address the epidemic of obesity facing our children, the measurement of our efforts is essential.

Barry Duncan (YMCA of Southern Nevada):

The YMCA of Southern Nevada supports S.B. 178.

Donald Gallimore (G-Fusion Fitness and Health):

I am the owner of G-Fusion Fitness and Health, and I work with school-age children. I support S.B. 178 and its benefit to our children. Physical education is very important in schools. Physical education can give children the confidence they need to succeed throughout their lives. Physical education programs do not have to be limited to in-school programs. After-school physical education programs can be very beneficial to schools as well.

Matthew Tramp:

I also support S.B. 178. Physical activity plays an important role in a child's overall upbringing and should be a requirement in school. Research has

suggested that regular physical activity time, including P.E., can promote better classroom learning and help improve the overall learning development of a child. According to the Robert Wood Johnson Foundation, sacrificing physical education for classroom time does not improve academic performance. Students whose time in school-based physical activity was increased, maintained or improved their grades. Their standardized achievement scores also improved, even with less classroom instructional time.

In order to raise truly well-balanced children, physical activity needs to be part of their daily lives. We invest in education because we want our students to be productive citizens as adults and productive in the workforce. It does not do any good to invest in education if that person is not healthy enough to be a full-time worker.

Senator Hammond:

I appreciate Senator Hardy bringing this bill forward. I foresee there will be problems implementing the mandatory requirement of P.E. I understand the importance of getting up and moving, but I think what we will hear from those in the school districts is there are already a number of hours we put toward physical education in grades kindergarten through Grade 5, Grades 6–8 and Grades 9–12. There will be some obstacles because in the sixth grade, there is a mandatory computer class. A student takes one semester of P.E., and the other semester the student takes a computer class. We do not want to be in the position of deleting one in favor of another. In eighth grade, there is a similar situation. Students take one semester of health, and the other semester, they are enrolled in P.E.

In elementary school, there are special days where students participate in P.E. or art or library. I would like schools to add more recess. Maybe it is not the structured exercise that is asked for in this bill; but sometimes I think children have too many structured activities. Children learn by playing.

Nicole Rourke (Clark County School District):

The Clark County School District (CCSD) recognizes the importance of regular physical activity and P.E. for our students. With a longer school day or school year and with the means to make it possible, there would be no opposition to ensuring physical education for every student in K–11 every day, along with all other curricular demands that we place on our system. However, we cannot continue to add to the daily requirements of teachers and students without

increasing instructional time or removing other critical components of the already full curriculum. This bill suggests that P.E. should be a core content area, but one would question how to determine that P.E. be considered more important than the arts, health, computers and technology, and other subjects. We recognize the importance of all core and noncore content areas. The *Nevada Administrative Code* (NAC) contains physical education standards that are required for school districts to teach students at various grade levels: NAC regulations 389.2425, 389.283, 389.2946, 389.386 and 389.485 address different grade-level course content for P.E. programs.

Requiring P.E. every day for K–11 would require a significant number of changes at the elementary, middle and high school levels in our district. The elementary level in the CCSD currently provides P.E. twice per week for 50 minutes. That is part of our specialist program. It is on a five-part rotation with art, music and library. To increase that to 5 days per week would require additional P.E. teachers at every elementary school and would require increasing the workloads of or staffing levels for the other specialists. Elementary schools do not have dedicated P.E. facilities, and increasing P.E. to every day could require additional facilities and equipment.

At the middle school level, P.E. is currently offered one semester in Grade 6, as previously mentioned, and one semester at Grade 8. Increasing the offering to a full year in Grades 6–8 would require additional teachers and equipment similar to those at the elementary level. However, scheduling for computers in Grade 6 and health in Grade 8 would be disrupted. We would probably have to move our middle schools to a 7-period day to accommodate a full-time P.E. requirement.

At the high school level, P.E. is currently required by CCSD Regulation 5127 for 2 years with multiple possibilities for exemptions, which is also in the NAC. Increasing P.E. to 3 years would require additional facilities, teachers and equipment for every high school.

This bill specifically removes waivers for P.E. by participation in any extracurricular sport. We are not in support of removing this exemption. The CCSD has students with certain physical limitations that must be accommodated, and we would like to see those exemptions stay in place. We also think there should be exemptions for sports, as mentioned before, and the ROTC programs within our high schools.

Regarding the measuring and reporting of student weights and heights, this bill seeks to make permanent a piece of legislation that was scheduled to sunset in 2013 and again in 2015. While we likely can continue this screen, we would like to see a cap on the sample that is required to ensure that it continues to be a representative sample. We believe parents should be notified.

Senator Woodhouse:

I have experience in this area as an elementary teacher at a time when there were no art, music, P.E. or library classes. The regular classroom teacher did all of those things. At that time, all we had was recess. When we had the negotiated agreements so that P.E. was put into the elementary, middle school and high school day for the students, it was positive. I really appreciate Ms. Rourke—indicating the impact of this program. I really like the bill because I think it is important that our students have P.E. every day, but I agree with Ms. Rourke; if we are going to do this, we need to extend the school day so that we do not take away from instruction in other classes. Students need to have activity in order to be good students who achieve well. We must look at the whole picture. Physical education must be balanced with academics. Someday we will have to take that step and determine how we are going to put it all in place and fund it.

Scott Baez (Washoe County School District):

I echo the sentiments of Ms. Rourke and Senator Woodhouse. We support the idea of increasing access of children to more opportunities for P.E. One substantial way in which the Washoe County School District (WCSD) does differ from the Clark County School District is we do not currently offer formalized P.E. courses in grades kindergarten through Grade 6. Some of our schools have parent groups which employ volunteer physical education programs that they can fit into the current academic day. Senate Bill 178, as written, would require a significant investment in additional teachers.

We look forward to working with the sponsor and other stakeholders to provide more equal access to P.E. among our elementary students in a way that we can afford.

Chair Harris:

Did I understand correctly that WCSD relies on parent volunteers for its P.E. programs?

Mr. Baez:

Yes, in the WCSD elementary schools, volunteer parent groups support and staff P.E. programs.

Senator Hammond:

In schools where P.E. is not offered, is there recess? Does the WCSD have more recess than the CCSD?

Mr. Baez:

Typically, the elementary schools in Washoe County School District have 40 minutes per day of recess.

David Gomez (President, Nevada Peace Alliance):

While I support this bill and P.E. programs, schools in Clark County have much greater educational issues. We have children who are not ready to exit the CCSD and are not literate in some issues. We have students who cannot meet entrance requirements at the University of Nevada, Las Vegas. We have students that cannot fill out job applications. Physical education is not going to determine whether they can get into college. We have more important issues.

Some schools do have P.E. a couple of times per week. Other schools have "Wii rooms," where students use the Wii exercise consoles in school. This helps the students get exercise. Physical education is good, but we have other pressing issues and we need to ask ourselves if we should be taking away from the already limited learning environment. The CCSD is moving 61 schools into year-round spaces; how can we have kids in P.E. in 120-degree heat? There should be opt-in provisions for both counties and parents.

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

The Nevada Association of School Superintendents understands the importance of P.E. The same issues that were raised by Ms. Rourke are present in the rural counties. Some rural districts have full-time P.E. teachers; others do not. This issue comes down to time and money. The Nevada Association of School Superintendents welcomes the opportunity to work on the amendment with the sponsor to get this more solidified with standards, and make it workable for our school districts.

Jessica Ferrato (Nevada Association of School Boards):

Physical education in our schools is very important. Obesity is an epidemic in our State. Anything that we can do to help our students and their families address this issue is important. As testimony was previously presented, it is a time and cost issue. There is some concern about the rural districts not having teachers who are currently certified to teach P.E. It would require hiring staff for some of those districts. We want to make sure that we are focusing on the academic part of the day and have some concerns about interrupting the instructional time.

Lauren Hulse (Executive Director, Charter School Association of Nevada):

The Charter School Association of Nevada appreciates Senator Hardy's openness to work on amendments. We support the concept of getting children more active and recognize the importance of physical fitness and health. Because charter schools are small, they have similar issues to those that rural schools face. Many charter schools do not have full-time P.E. teachers. Some schools have come up with creative ways to implement their P.E. courses. Because of the innovative structure of the school schedule, charter schools are concerned that implementing a mandated course will interfere with successful programs already in place.

Laura Valley (Physical Education Teacher, Carson City School District):

We have been trying to get P.E. required for so long. This bill is exciting and I want you to support the concept. At the same time, I have some concerns regarding this bill. I am neutral on this bill.

I am concerned about the way the school district might implement it. The district might triple my class size to 75 kids just to meet the requirement. It would take so much out of a classroom. Teachers are already overwhelmed by the amount of learning objectives required to be accomplished in a day.

I also teach education at the University of Nevada, Reno. There was one class where elementary education majors used to be required to take teaching elementary P.E. It is no longer a requirement, it is an elective. I am worried that our new elementary education teachers do not have the experience or background to teach P.E. every day to their students. I would hope that we would work with our universities at some point to get that back in. We need to support P.E. departments in our universities because we are not producing physical education teachers any more in the State.

Senator Woodhouse:

How big are the P.E. classes you teach in Carson City?

Ms. Valley:

Each class gets one 45-minute period of P.E. per week with a rotating Friday. My maximum class size is 32 students.

Ms. Rourke:

The CCSD "Good News Minute" today is: the Rancho High School Cheer Team received ten awards at a Universal Cheerleader's Association national camp. Cheerleader Caitlyn Mae was selected as an all-American and invited to participate in the 2015 New Year's Parade in London, England, with the Varsity All-American cheerleaders, dancers and spirits performers.

On another note, the Clark County School District also holds 16 regional titles and 4 State titles in high school football.

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Chair Harris:

There being no further comment or business before the Committee, the meeting is adjourned at 4:34 p.m.

RESPECTFULLY SUBMITTED:

Beth Ann Reykers,
Committee Secretary

APPROVED BY:

Senator Becky Harris, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit		Witness or Agency	Description
	A	1		Agenda
	B	5		Attendance Roster
S.B. 75	C	2	Todd Butterworth	Work Session Document
S.B. 101	D	1	Todd Butterworth	Work Session Document