

**MINUTES OF THE JOINT MEETING OF THE
SENATE COMMITTEE ON EDUCATION
AND THE ASSEMBLY COMMITTEE ON EDUCATION**

**Seventy-Eighth Session
March 31, 2015**

The joint meeting of the Senate Committee on Education and the Assembly Committee on Education was called to order by Chair Becky Harris at 5:09 p.m. on Tuesday, March 31, 2015, in Room 4100 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.

SENATE 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

ASSEMBLY 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

Senate Committee on Education
Assembly Committee on Education
March 31, 2015
Page 2

GUEST LEGISLATORS PRESENT:

Senator David R. Parks, Senatorial District No. 7
Assemblywoman Ellen B. Spiegel, Assembly District No. 20

STAFF MEMBERS PRESENT:

Todd Butterworth, Policy Analyst
Kristin Rossiter, Policy Analyst
Pepper Sturm, Senior Policy Analyst
Risa Lang, Counsel
Betty Kaminski, Committee Manager
Trinity Thom, Committee Assistant
Beth Ann Reykers, Committee Secretary

OTHERS PRESENT:

Michon Martin, Chief Counsel, Office of the Governor
Mary Bryan
Aimee Hairr
Jason Lamberth
Joseph C. Reynolds, Deputy Chief Counsel, Office of the Governor
Dale A.R. Erquiaga, Superintendent of Public Instruction, Department of Education
Brian Bresee
Natika Bird
Misty Allen, Suicide Prevention Coordinator, Division of Public and Behavior Health, Department of Health and Human Services
Daniel Lincoln
Patricia Fedele
Lavetta Schneider, Mrs. Nevada-America 2014
Candace Bean
Nick Vassiliadis, R&R Partners Foundation
Jordan Marzka
Jerry Webster
Teresa Bresee
Erika Greisen-Leach, Las Vegas Against Bullying
Jenn Blackhurst

Senate Committee on Education
Assembly Committee on Education
March 31, 2015
Page 3

Christine Givant
Caitlyn Caruso
Lisa Muntean
Shane Greener
Amanda Williams
Leo Murietta
Charmine Diez
Jenny Person, LMSW
Amy Rose, Legal Director, American Civil Liberties Union of Nevada
Philip Kaiser, At-Large Director, Washoe Education Association
Lindsay Anderson, Washoe County School District
Nicole Rourke, Clark County School District
Carlos McDade, General Counsel, Clark County School District
Jeff Geihs, Ed.D., Assistant Chief Student Achievement Officer, Clark County School District
Jessica Ferrato, Nevada Association of School Boards
Mary Pierczynski, Ed.D., Nevada Association of School Superintendents
Kara Jenkins, Administrator, Nevada Equal Rights Commission, Department of Employment, Training and Rehabilitation
Rueben R. Murillo, President, Nevada State Education Association

Chair Harris:

We will open the hearing on Senate Bill (S.B.) 504.

SENATE BILL 504: Amends provisions relating to a safe and respectful learning environment in public schools. (BDR 34-1201)

Michon Martin (Chief Counsel, Office of the Governor):

Senate Bill 504 originated after three families met with the Governor and described what happened to their children who were bullied while attending school. When the Governor heard what had occurred to these families and many other families across Nevada, he knew he had to act, and that action is before you this evening, S.B. 504.

When we take our children to school, we first and foremost expect they are safe. That is the genesis of S.B. 504. The goal of this bill is to take the gray area out of bullying. School districts have struggled with the definition of bullying. We borrowed language from other states that have been successful

with this topic in order to give clarity. Examples of that language are contained in S.B. 504. Within the bill, time frames in which parents shall be notified of a bullying incident are established. Parents are entitled to know when something happens at school to their child in real time. The bill outlines an investigative process to ensure this conduct is addressed immediately. In those limited circumstances when notifications do not occur, there are consequences, and those are also outlined.

The Governor's staff in conjunction with the Department of Education (NDE) has reviewed bullying policies, definitions and procedures from across the Country in the development of S.B. 504. The best practices, with proven results are included within this legislation. The final component of the S.B. 504 is the creation of the Office for a Safe and Respectful Learning Environment within the Department of Education. This will ensure parents and children have somewhere to go and someone to hear their concerns regarding bullying issues. There will also be a 24-hour hotline established. The program director will provide training for school personnel, and the director will have the capability to conduct investigations.

We will now hear from several families whose testimony will provide the context for S.B. 504.

Mary Bryan:

I will now read from my written testimony ([Exhibit C](#)).

Aimee Hairr:

I will now read from my written testimony ([Exhibit D](#)).

Jason Lamberth:

I will now read from my written testimony ([Exhibit E](#)).

Assemblyman Hickey:

How will this legislation help solve a very real problem? Do you think teachers and administrators were hampered from communication with you? Why do you think you were not contacted?

Mr. Lamberth:

There was nothing that hampered the communication between my daughter's school and our family. If she had a 50-cent balance on her school lunch account, we were notified immediately. I cannot answer why we were never notified that our daughter was the victim of bullying.

Ms. Martin:

These three brave families are sharing their very personal stories trying to make a difference for children. Hearing those stories gives context to the legislative intent and need for S.B. 504 and S.B. 204. As I stated earlier, we looked at other states to see what has worked and what has not worked so that Nevada can take a lead on the bullying issue. It is very clear this is the Session for Nevada to lead in education. A piece of the link must be keeping our children safe in our schools.

SENATE BILL 204: Providing for protections from bullying in public schools.
(BDR 34-51)

Joseph C. Reynolds (Deputy Chief Counsel, Office of the Governor):

In response to the Bryan, Hairr and Lamberth families, and families throughout the State, we asked ourselves how the children in the State could be better protected from bullying in our schools. We also asked, how can we place Nevada as a leader on this issue? In addition to listening to the families who have experienced bullying, we reviewed the bullying laws in all 50 states, case law and decisions from state supreme courts and the Clark County School District's (CCSD) internal bullying task force report. We also reviewed reports from the U.S. Department of Education that specifically noted Nevada's anti-bullying laws were deficient in areas of investigations, written records, legal remedies and mental health. We also consulted with officials from the Nevada NDE, including the superintendent, the Department of Health and Human Services (HHS) and the Department of Public Safety.

We examined our State's statistics. What we learned was shocking. In the 2012-2013 academic year, there were 2,410 incidents of bullying reported. The number nearly doubled in the 2013-2014 academic year to 4,289 incidents of reported bullying. We learned there are links between bullying and suicide. According to the Office of Suicide Prevention, suicide is the second leading cause of death for youths in the State. In 2013, 25,986 Nevada youths

reported they had seriously considered attempting suicide. The study stated 22,216 Nevada youths made a plan for suicide and 15,887 young Nevadans attempted suicide one or more times.

Bullying is a complex problem, but it can be narrowed down to one simple principle: schools must be safe. Children must feel safe to learn. When a parent drops off his or her child at school, the one thing every mother and father wants to know, above everything else, is that their son or daughter will return home safely. If something happens to a child at school, the parents have a right to know; parents want to know.

Senate Bill 504 contains five central ideas: provisions for procedures for real-time notification of parents and investigations; immediate action; clarity and guidance for teachers, staff and students; accountability and oversight at multiple levels; and finally, change the conversation in Nevada to one of school safety. These pieces center on parental involvement and layers of checks and balances. Every child, regardless of race, religion, color, ethnicity, sexual orientation or background shall feel safe and protected in our schools.

Assemblyman Armstrong:

Does S.B. 504 include activities that occur outside of the school environment?

Mr. Reynolds:

Senate Bill 504 does not address what happens outside school. I am not sure as a State government we have that ability. We do not propose to amend the definition of cyberbullying. It is included in the broader bullying definition.

The language in section 2 amends the reporting requirements of bullying within *Nevada Revised Statute* (NRS) 388.1351. The current statutory provision has no accountability for the failure to follow the law. We included current NRS provisions, specifically NRS 391.31297 and 391.313 in the bullying statute. If a teacher or administrator willfully and knowingly fails to report an act of bullying, there shall be accountability and discipline.

Section 3 of S.B. 504 addresses "the duty of care." Senate Bill 504 recognizes schools have an obligation of care to their students, and parents have a remedy if the school is not following the law. If a school is not engaging in an investigation and providing parental notification, a parent has the option to file a

writ of mandamus in a district court and obtain a court order to compel the school and district to comply with the law. This is not something new. This is a remedy that exists in NRS. Section 3 of S.B. 504 codifies it within the bullying statute as a means of accountability and empowers parents to pursue a court order to compel school officials and administrators to do their jobs.

Section 4 establishes the Office for a Safe and Respectful Learning Environment (OSRLE) within the NDE. This will provide State-level oversight of bullying policies in the State. It will be a centralized resource for parents, teachers, students and others concerned about bullying issues. Advice and information will be available. The OSRLE will be a resource for parents with concerns that bullying issues involving their children are not being addressed appropriately. The OSRLE will provide information and training regarding anti-bullying strategies, identification of bullying behavior, filing a report of bullying and suicide prevention. It will educate parents, students and teachers and arm them with the tools necessary to address this critical student safety issue.

The definition of bullying in statute is problematic. It requires bullying to be repeated acts over time. It also requires the bullying to be highly offensive. Senate Bill 504 is based on the notion that one incident is enough. The definition included in section 6 of S.B. 504 is borrowed from the state of Maine and includes some policies enacted by the Maine Department of Education. We like this definition because it gives enumerated examples of what acts can constitute bullying. It is not an exhaustive list, but it will empower teachers and students to identify instances of bullying.

With the enactment of S.B. 504, Nevada is poised to be a national leader in bullying law. The intent is to change a school's responsibility for the care of our children. Every child regardless of where he or she comes from or looks like, will be safe and protected while in the school's care. We specifically use the word "care." The Governor believes that is important. The schools need to acknowledge their responsibility to our children, and so we need to declare it.

Sections 8, 9, 10 and 11 of the bill contain conforming provisions.

Section 12 of the bill outlines the revised procedures for notification and communication with parents. It begins with the premise that parents are in the best position to help their children; and parents want what is best for their

children. No governmental entity should know more about a child than his or her parent. Parents cannot help if they are not involved and unaware of what is happening at school. They must be informed. One would think this is common sense, but as we have heard this evening, it is not. Senate Bill 504 requires same-day parental notification. If a principal or his or her designee is notified by a teacher that a bullying act has occurred, the school has a responsibility to notify a parent, through any means, within 24 hours. The notification simply informs a parent that something happened at school today involving their child. It gives parents the opportunity to discuss the situation with their child. The provision does not require specificity regarding the incident, or a detailed account of an incident. It simply requires parental notification that their child was involved in an incident, and the school will be conducting an investigation.

Nevada law as written allows 10 days for a school to conduct a bullying investigation. Ten days are a lifetime in the world of a child. If a child is afraid to go to school, 10 days are too long. Senate Bill 504 shortens the current 10-day investigation window to 48 hours. Within 48 hours of a reported bullying incident, an investigation shall occur and a safety plan put in place ensuring the child is protected. Without a mandated time frame, a problem could linger.

Senate Bill 504 decreases the time line to notify parents of a bullying incident concerning their child; decreases the time frame to conduct an investigation; requires a written action/safety plan; and requires a follow-up with the student and parents 2 weeks after the incident. This process is a statewide procedure, not a district procedure. The notification, communication and investigation procedures are necessary to ensure student safety. These procedures are not burdensome. They are necessary reforms to existing policies. This is an opportunity for Nevada leadership.

Dale A.R. Erquiaga (Superintendent of Public Instruction, Department of Education):

Senate Bill 504 creates an OSRLE. It is rare that a legislative action creates an office in the NDE. It is a testament to Governor Sandoval's commitment to this issue that he has chosen to require an office within the NDE. In the NDE, only two positions other than mine and those of the deputies that assist me are created by law. One is in parental involvement and one is an historic position for

library resources. It will be unusual, yet appropriate that staff will be denominated in the law.

The process for complaint and investigation at the school-level ends with an escalation to the NDE. Section 4 delineates the investigation process. After educator licensure and Individualized Education Plans in special education, the NDE receives the most calls regarding bullying incidents. The role of the NDE is extremely limited in this area. Families come to the NDE when they do not know where else to go. The families that you have heard from today, and some of the families that you will hear from after me, reach a point where they do not know where to go for assistance. The NDE has a person in special education who works in bullying. My predecessor assigned him to work with the CCSD task force on bullying. In 2013, the NDE was able to cobble together a position through a number of grants. That individual has the responsibility for preparing training on bullying. When a complaint comes to the NDE, there is no place for them to go, so they reach me. I then go to the two staff members I just mentioned and they try to gather information.

To do that, I rely on two very old statutes that allow me to request any information from a school district. I rely on a statute that authorizes the superintendent to enforce the provisions of the title of the statute in which our education laws are found. My enforcement has amounted to, "tell me more, and tell my staff your side of this story." Senate Bill 504 provides a much more reasonable mechanism and the Governor's budget provides a much more reasonable staffing structure. When a family has exhausted their avenues at the school district or a charter school, they can contact the NDE pursuant to this bill; and the NDE will have the ability to conduct an investigation. We do not propose to add staff for that purpose. In section 4, the Governor has given the NDE access to the Department of Public Safety, Investigation Division. That is a power other regulatory agencies use, and S.B. 504 allows the NDE the opportunity to access that resource. Given the escalation in the number of cases of parents trying to reach me to ask for relief, I think it is appropriate.

An additional function of the OSRLE, not mentioned in this bill, will be to place social workers and other mental and behavioral health professionals in the schools at the ratio recommended by the School Social Workers of America. The Governor's proposed budget has included \$36 million over the biennium for school social workers. That program will be administered from the OSRLE.

The program is meant to provide a continuum of care for children in our schools. This office will provide the proper backbone for anti-bullying efforts in our State and for mental and behavioral health efforts in our schools. This will provide the support that the families you have heard from deserve.

Assemblyman Hickey:

Why are the schools not communicating with parents? How is this bill going to help solve this problem?

Mr. Reynolds:

Senate Bill 504 will address the problem by providing clarity, clarity of the investigation and notification procedures to parents, and clarity by offering examples for the definition of bullying. It will also provide much-needed training to students and teachers through the OSRLE.

Chair Woodbury:

What is the vision for the training? Will it be specific to grade level?

Mr. Erquiaga:

The NDE will provide the training. Today the training is focused on a collection of materials and is static. In the future, the NDE will establish standards. These are things a person should know and perform for differing situations. It will be the role of the DOE to accomplish the standards work. The DOE will establish what an elementary, middle school and high school teacher should know, at a minimum, about bullying, reporting requirements and processes.

This bill does not contemplate the DOE having a large professional development team. The DOE will rely on the professional development programs and school districts' programs for the delivery of the standards content. The delivery could be instructor-based or video-based. Fortunately, this is an area where a great deal of work has been done throughout the Country. We have amassed a number of online resources. There are communication firms in this State that work on this topic. We know from our work with the Clark County task force, there are already great partnerships in this area.

I envision this like professional development in other sectors or the way we deliver instruction to students. We will start with what a teacher should know at a certain level, and assist the districts to deliver that instruction. Key things

in S.B. 504 are the report that goes home to families and the investigation that shall be conducted. There is some training and sensitivity around those processes based upon the types of students involved. How teachers talk with parents of a child who has been bullied is important. How a dean talks to the parents of the child who is accused of the bullying is equally sensitive. We have not done a great deal of work in this area, but it must be addressed.

One message heard this evening is families want a lot more engagement. They want to feel a personal connection to their child's educators. It is the same thing that we hear in the Office of Parent Involvement and Family Engagement (PIFE). Educators are not required to take a class in how to talk to parents. For the NDE, it seems a logical role to marry the functions of both the OSRLE and PIFE so that families are a part of the solution. We want to help the educators talk often about some very difficult subjects.

Assemblyman Anderson:

Can the use of computerized communications systems, such as the CCSD Infinite Campus, assist in implementing this measure?

Mr. Erquiaga:

Yes, there is certainly a backbone in place. The school districts could better respond to your question.

Senator Hammond:

School activities addressing bullying have increased in recent years. As a result, students are more aware of bullying behaviors. Senate Bill 504 defines bullying and places additional responsibilities upon teachers. I am concerned teachers' duties are increasing at the same time their performance is being linked directly to student performance. Teachers are continually asked to do more.

The stories we heard today exemplify a lack of communication between schools and parents. Teachers need to understand the definition of bullying and their responsibility to the student and his or her parents.

Mr. Reynolds:

In *C.A. v. William S. Hart Union High School District*, 53 Cal. 4th 861 (2012), the California Supreme Court stated, "The duty of care owed by school personnel includes the duty to use reasonable measures to protect students

from foreseeable injury at the hands of third parties acting negligently or intentionally.”

The Utah Supreme Court held, “When a school district has custody of a child, it acts as a substitute for the student’s parents or guardian.” We believe the duty of care already exists; S.B. 504 acknowledges it.

At the end of the day, we are concerned about learning. Students cannot learn if they are afraid in the classroom. Senate Bill 504 provides clarity; what is bullying, how to identify it and how to appropriately respond to it. Training included in the bill will address these topics.

Reports of bullying have increased, but we believe bullying is underreported. Senate Bill 504 will provide procedures, clarity and change the conversation in our State surrounding the responsibility of schools for the safety of our children while at school.

Senator Hammond:

California stated “reasonable measures.” Does the bill define reasonable measures so teachers understand the term?

Mr. Reynolds:

The entire body of civil jurisprudence is based upon the reasonable person standard. The bullying definition contained in S.B. 504 states “reasonable fear” and “reasonably be expected” to have the effect of impeding learning. This is not a new concept transported into statute. We are simply acknowledging one already exists.

Assemblywoman Diaz:

If our students have to abide by a certain set of rules, so should the professionals. I know this is the right thing to do. How does subsection 2 of section 3 fit into the larger picture?

Mr. Reynolds:

The NRS provides for different writs. There is a writ of prohibition and a writ of mandamus. The writ of mandamus compels a public body, office or official, to perform an act that they are obligated to perform. We have looked at the writ already provided in the NRS, and added this legal option to bullying statutes. If

there is a situation such as those the Hairr and Bryan families faced where a school official is not responding, a writ of mandamus is one of several options available to parents. Our idea was to provide layers of options to parents.

Senator Lipparelli:

Senate Bill 504 defines bullying. Does the bill provide a “safe harbor” for a teacher or employee who witnesses something and they make a determination it was an outburst as a result of frustration rather than bullying? Is the definition robust enough to protect a teacher?

Mr. Reynolds:

There is a provision in NRS 388 called a “safe harbor provision” for reporting bullying. It also provides consequences for the malicious or false reporting of bullying. Those provisions are already in statute. Senate Bill 504 does not propose to amend those in any way.

Assemblyman Flores:

Is there a concern the time frame to notify a child’s parents is too long? Obtaining a writ of mandamus through the district courts would also take too long.

Ms. Martin:

We envision the writ of mandamus as an additional option for parents. It gives parents more than one avenue to make sure these incidents get resolved. The OSRLE, a 24-hour hotline, and an ability to investigate are avenues available to parents making certain the issue gets resolved, and children are protected.

Assemblyman Flores:

Will the OSRLE have the authority to compel information? Will they have an injunctive type of approach, where they can obligate a school to take immediate action?

Mr. Reynolds:

Yes. Senate Bill 504 gives the NDE that authority, under section 4, subsection 5: “The Director of the Office or his or her designee shall investigate any complaint that a teacher, administrator, principal, coach, or other staff member”

Brian Bresee:

Our 14-year-old son committed suicide on June 9, 2014, the result of bullying. Senate Bill 504 is not just about my child or Mr. Lamberth's child. It is about your child. You may think it is not about your child, but that is what I thought, too. Do not ever pretend that it is not your child next. Bullying defenders blame everything else except bullying, especially when it results in a suicide. They are quick to point out it is an issue of mental illness. Bullying and suicide are most certainly results of mental illness. Bullying defenders neglect to tell the whole story. Research by the National Institute of Child Health and Human Development found children and adolescents who are bullied are at increased risk for mental health problems. Bullying is a likely cause of mental issues found in bullying suicide cases, and that truth played out in our very home.

We noticed a distinct change in our son's moods not long after his fourteenth birthday. We could not understand what was going on, although we did ask him about it on several occasions. We attributed the behavior to him being a teenager. He was our oldest child. We did not know any better. He shared some of the minor things that were happening to him, but he was too embarrassed to tell us about the most harmful aspects of the bullying he endured. We were unaware of how to help him.

It is my hope the awareness aspect of this legislation will seek to remove the societal stigma bullied children endure when asking for help. A child in a school will be bullied even more if he or she asks for help.

It is my opinion children do not ask for help because the response time from adults takes too long. There needs to be a cultural change that makes it all right for a child to ask a teacher for help. Help needs to be provided in a prompt and respectful manner, not with defensiveness. After our son's death, a search through suicide notes, chat logs and friends told us what our son could not while he was alive. I do not want another parent to have to experience the devastation we felt.

Bullying is a much larger issue than just in schools. Senate Bill 504 will set a standard and an example to build upon. It will spread to other organizations; it is that important.

School leaders become very defensive around the topic of bullying. They do not want to address it. Perhaps they are too busy, perhaps they are more afraid of an aggressive bully's parents. Nobody wants to deal with an angry parent. Who here wants to tell a parent their child is misbehaving? It is a hard task.

This is no longer about my son. He is already dead. It is about the next child, the next family. With liability concerns and the general desire to avoid the responsibility of addressing the issue with a bully's parents, authority figures fail to do the right thing. Society cannot always rely on an individual's ethics to properly address bullying. We must have guidelines and legislation. Senate Bill 504 legislates thoughtful instruction on the manner with which bullying should be addressed. This bill is badly needed in Nevada to protect the most vulnerable children in our schools. I hope this bill will apply to charter schools as well.

Defenders of bullying deflect responsibility by saying it is healthy for children to experience bullying, as it prepares them for the hardships of life. I have not found one person who says he or she benefitted from bullying. Some children cannot stand up for themselves. In my darkest moments, I have always known it is not about the children. It is about the adults who make excuses for bullying behavior. Children are still learning. We need to make the effort to teach children about bullying.

The National Institute of Child Health and Human Development found that bullies are at increased risk for substance abuse, academic problems and violence to others later in life. Bullying becomes a problem for society-at-large if left unaddressed, specifically in the cost of caring for mentally ill and incarcerated adults.

Like with slavery or racism, humanity will look back and wonder how we ever tolerated so many children to be abused daily for so long. Now is the time to be on the right side of history, to lead Nevada into a safer and more decent world. I urge you to pass S.B. 504 and S. B. 204.

Natika Bird:

I will now read from my written testimony ([Exhibit F](#)).

Misty Allen (Suicide Prevention Coordinator, Division of Public and Behavioral Health, Department of Health and Human Services):

The Division of Public and Behavioral Health supports S.B. 504. I have worked in the area of suicide prevention for almost 20 years. Youths who report frequent bullying of others are often being bullied themselves. Both are at the highest risk of suicide.

The training component of S.B. 504 is crucial. We know early intervention works. I will summarize my handout ([Exhibit G](#)). Bullying behavior may be an important signal a youth needs mental health services, additional support or some other interventions. The provision of parental same-day notification is urgent. According to a study of young people surviving near-fatal suicide attempts, there was very little time between the triggering event and reaching for the means to end one's life. Twenty-four percent of those who attempted suicide spent less than 5 minutes from the triggering event to their attempt. Another 47 percent said it was less than an hour. This gives parents and teachers very little time to intervene. Only 13 percent said 1 day or more passed between a triggering event and a suicide attempt. One-third of youths who died by suicide had experienced a crisis within the previous 24 hours. The majority of the crises were relationship breakups and school-related events.

Senate Bill 504 addresses the need for urgency with its prescribed notification and investigation time lines. Impulsive attempters were as likely as non-impulsive attempters to report leaving clues or telling someone they were considering suicide. Approximately one-third of impulsive and non-impulsive attempters reported telling someone they wanted to die. We have to be able to recognize how they are telling us. They are telling us in the best way they can. It might be a behavior change; it might be through obvious communication. We have the opportunity to train parents, school staff, teachers and students on what to look for and how to connect them to the help they need. The Office of Suicide Prevention has many layers of training available. I see the Office partnering with the OSRLE to make sure the correct information, at the right level, is available to teachers and other school personnel.

The implementation of policies and procedures to identify and respond to youths at risk for suicide, including staff training and linkages with community mental health centers, is a nationally recommended strategy. After listening to the previous testimonies, it is evident there is a need to include components on

specific risk and protective factors relevant to our lesbian, gay, bisexual, transgender and queer or questioning (LGBTQ) youths, such as those related to bullying and other harassment based on sexual orientation. Elements that are particularly successful in preventing bullying include effective disciplinary measures, adult supervision, education of parents and creating a school culture that does not support bullying.

Senate Bill 504 gives us the opportunity to strengthen the safety net through education, notification, investigation and training. Schools that provide a safe learning environment in which adult role models show positive behavior may mitigate the negative effects of bullying. Youths who feel connected to their schools are less likely to engage in suicide-related behaviors. It is one of the most powerful protective factors.

Daniel Lincoln:

I will now read from my written testimony ([Exhibit H](#)).

Patricia Fedele:

I will now read from my written testimony ([Exhibit I](#)).

Lavetta Schneider (Mrs. Nevada-America 2014):

I will now read from my written testimony ([Exhibit J](#)).

Candace Bean:

I support S.B. 504. I represent many of my friends and colleagues in southern Nevada who could not be here today. We are college-educated, business professionals residing in Clark County. We are teachers, recreational therapists, psychologists, hospitality executives and small business owners. Most importantly, we are parents who support S.B. 504 and S.B. 204.

We support anti-bullying legislation that creates a 24-hour hotline so children can report incidents of bullying anonymously. We support anti-bullying legislation that creates a plan for all teachers and administrators to treat every bullying incident with the exact same processes and procedures. We support a plan that also holds them accountable if they do not. We fully support a plan that requires administrators to notify parents immediately.

Senate Committee on Education
Assembly Committee on Education
March 31, 2015
Page 18

Suicide as a result of in-school bullying could happen at any time to any child. We strongly encourage you to pass these bills to protect our children.

Nick Vassiliadis (R&R Partners Foundation):

The R&R Partners Foundation supports S.B. 504. We offer a program, "Flip the Script," that has been in many of the CCSD schools. We have seen positive results from it.

In past Sessions, we have created laws that spoke to this issue, but not nearly as strong as necessary. We also did not provide the resources necessary to implement the laws. Implementation and enforcement is as important as the policy itself.

The R&R Partners Foundation will assist in the implementation of S.B. 504.

Jordan Marzka:

I am a high school junior. I have been bullied at school numerous times, starting in middle school. The bullying intensified once I came to terms with my sexuality. The insults and the names that I have been called have created a shell around me. I internalize the names bullies call me. I am still experiencing bullying at school.

My friend who is also a regular victim of bullying, has taken a razor blade to her arms because she was hurt so badly by being labeled "fat" by bullies. She cannot see the beauty in herself. She only related to the names the bullies were calling her. Bullying has shattered both of our lives. I support S.B. 504. Teachers should not allow any student to feel alienated by their peers.

Gerald Webster:

Teachers are bullied and harassed in the CCSD by administrators. I have been the victim of abusive comments, my classroom has been searched and administrators have demeaned me in front of my colleagues. As I told my story to my friends and associates, I learned my treatment was not atypical. There are principals who demonstrate bullying behavior. If their subordinates do not support the behavior, they become the enemy and are bullied too. Something needs to be done about the administrators and personnel in the CCSD. If children see bullying behavior modeled by authority figures in a school, they are more likely to accept and model the poor behavior.

Most teachers love their jobs, but it takes good administrators and principals for good teachers to flourish. Teachers must be supported in their efforts. When parents pursue lawsuits against teachers, the teachers' confidence and effectiveness can be compromised. The support of principals and administrators is essential.

Teresa Bresee:

I support S.B. 504. Bullying is not the same as when we were children. Everyone has cell phones with cameras, iPads and access to computers. It quickly becomes not just one bully, it becomes school-wide bullying.

Students who are kind and try to stick up for those who are the victims of bullying often become bullied themselves.

Bullying is a societal problem; racism was also a societal problem. Much progress has been made to correct the ugly results of racism because it was not acceptable to society. The well-being of our children deserves the same attention. The abuse some of our children receive every day at school is unacceptable. Our children deserve our protection.

Erika Greisen-Leach (Las Vegas Against Bullying):

I will now read from my written testimony ([Exhibit K](#)).

Jenn Blackhurst:

It does not matter how much we improve our education system if our children are not safe when they are at school. Parents are entitled to expect communication from the children's schools. A clear directive in policy needs to be in place, so our teachers, administrators, as well as our students and parents can trust in that procedure to ensure the best environment for education. I support S.B. 204 and S.B. 504.

Christine Givant:

I have been a victim of bullying since kindergarten for how I look, how I act and what I do. I was born with autism. It has been painful, and as I got older, the bullying got worse. I was beaten for being different. I was suspended from school for defending myself. I support S.B. 504. Please make bullying in school stop.

Caitlyn Caruso:

I am a member of the LGBTQ community. I was bullied in school relentlessly for being different. Schools should be a safe place for all children, regardless of their sexual identity. Teachers should be provided education on the unique challenges all of their students face, not just those of the “normal” student. I was denied equal access to a safe education. I was harassed continually. As we look at S.B. 504, it is necessary to examine where students are being harassed and why. The LGBTQ student population is seven times more likely to attempt suicide. Schools try to downplay and forget about students’ sexual identities and the real harassment these students face.

As a bullied person, I became a bully. It was the only way I thought I could fit in. I hope this bill will provide a safety plan that encompasses students like me who are going home every night crying, and trying to end their own life so they do not have to face bullies the next day.

I have had teachers tell me I was wrong, and I am incorrect because of my sexual identity. The education component for teachers is a crucial part of S.B. 504.

Lisa Muntean:

I was born with a red port-wine stain birthmark on my face. Nobody looked like me at school. I was bullied throughout school. I urge your support of S.B. 504. Looking back, too long went by without someone who was in a position of authority engaging me as a person. I do not remember anybody in school making me feel safe enough to share my experiences and sadness.

I am a teacher and my experience as a teacher is that professional development exercises do not engage teachers on a personal level with experiences like those shared by the students here today. Teachers need to hear their messages first-hand.

There are teachers in schools today who are being bullied by administrators. We are doing ourselves a disservice if we are not examining how leadership affects school climate.

Shane Greener:

I support S.B. 504. As a high school junior who has and is experiencing bullying in school, I believe we need to update and adjust the laws we have in place to ensure young victims of bullying are given assistance. Suicide should not be a student's attempt to escape bullying.

Whenever I try to report the harassment to school administration, it seems to stay on a little piece of paper and not be relayed to anyone, including my parents. I considered taking my only life because I felt like nobody wanted to help me. My parents fortunately got me the help I needed. We need this bill so that administrators' responses do not vary and victims of bullying are treated respectfully. Students deserve to feel safe in our schools.

Amanda Williams:

I will now read from my written testimony ([Exhibit L](#)).

Leo Murietta:

I will now read from my written testimony ([Exhibit M](#)).

Charmine Diez:

I will now read from my written testimony ([Exhibit N](#)).

Jenny Person, LMSW:

Bullying starts earlier and earlier in school. It peaks in middle school and then starts to decline in high school. Last year the CCSD implemented a pilot program to assess suicide. They placed it in high schools, but it should have implemented the program somewhere between the fourth and sixth grades because that is where bullying really escalates.

According to a national survey, only 4 percent of teachers scheduled would intervene if they witnessed a bullying episode. The number one reason given was the belief that it was a "rite of passage," and "something that adolescents just go through." Further down the list was a teacher's fear for his or her own safety. No matter the reason, this behavior is unacceptable for our teachers.

The Governor's goal is to meet the recommendation of one social worker for every 250 students. The current ratio in the CCSD is 1:13,000 students. The School Social Work Association of America (SSWAA) recommends a master's

level educated social worker for every 250 “average” students. What is recommended for students with a higher level of need is a ratio of 1:50, preferably a licensed clinical social worker. These are lofty goals; very few states come close to meeting the SSWAA goals. The CCSD currently employs 26 social workers.

The shortened time line for parental notification included in S.B. 504 is essential, as is the definition of bullying. Schools have a duty to inform parents immediately of any incident regarding their child. Ten days is ridiculous.

Characteristically, bullies have not changed over time; their means have just gotten more sophisticated. The biggest risk factor in the promotion of bullying is the bystander. Bullies in general are cowards; they usually bully because somewhere in their lives they are being bullied, often at home. Bullies feel powerless. This is their way of gaining power. When people stand by and watch without doing anything, they actually give the bully more power. When teachers and other authority figures are also bystanders, it exacerbates the behavior.

Amy Rose (Legal Director, American Civil Liberties Union of Nevada):

The ACLU of Nevada supports S.B. 504 and its intention to create a safe and respectful learning environment for all students. I will now read from my written testimony ([Exhibit O](#)).

Philip Kaiser (At-Large Director, Washoe Education Association):

The Washoe Education Association (WEA) supports parental notification and the goals of this legislation. We support the training related to recognizing and intervening on behalf of students who face bullying. We do not advocate for educators to ignore bullying. No rational person supports bullying.

The WEA is concerned with the definition of bullying in S.B. 504. It is overly broad. The definition is so broad that it potentially puts teachers and administrators at risk of losing their licenses or being dismissed if they do not automatically report something that they overheard or observed. It includes behaviors such as gossip, spreading rumors and disrespectful gestures.

If a teacher sees a disrespectful gesture, for example, they should know how to respond. Training should be adequate and age-specific. There are over 1,800 students at the high school where I teach. I know about one-tenth of the

students at the school. Things occur during lunch, passing time and in the parking lot. Students speak to one another in ways that are not respectful. This does not always mean a student is being bullied.

Lindsay Anderson (Washoe County School District):

The Washoe County School District (WCSD) takes bullying seriously. We continue to believe that our staff inherently wants to do the best for all students. The testimony has been clear that mental health is a root cause of this pervasive issue. While we make every possible effort to create a culture where student safety is a priority, the investment in additional resources for mental health services is critical. The training is also a very important component.

Concerns with the definition of bullying contained in S.B. 504 have already been raised. We look forward to getting support from the NDE about the best ways to interpret the language contained in the bill. The main concern is our staffs' capacity to implement the provisions in the bill. If the schools, community and parents are dedicated to creating a culture of respect and tolerance, perhaps we can greatly reduce the prevalence of this issue.

Nicole Rourke (Clark County School District)

I will read from my written testimony ([Exhibit P](#)). The CCSD understands this bill was brought forward out of a deep concern for children and their well-being. We share that concern and agree that schools have a responsibility to provide safe and respectful learning environments and are making efforts to support prevention and appropriate discipline for bullying among students.

Prevention is the best way to stop bullying and we engage with students and staff in multiple ways. The CCSD has rules and behavior expectations that include respect for others, personal responsibility and positive actions for students posted throughout our schools and classrooms. It has partnerships with programs like "Flip the Script" and "Operation Respect" that focus on the prevention of bullying through exhibiting positive behaviors, reporting bullying incidents and being an "upstander" to students who are targets. The CCSD provides multiple training opportunities for staff on prevention methods, bullying indicators and reporting requirements. It actively participates in the Week of Respect, which is the launching of a yearlong effort to build safe and respectful school environments. This year our theme was "Get your Blue On," and students wore blue to express their support to be an upstander for targets of

bullying. Various activities occurred in schools to involve students in anti-bullying efforts, including professional development for educators by Mike Dreiblatt based on his book, *How to Stop Bullying and Social Aggression*. Dr. Eric Landers provided training on changing antisocial, bullying behaviors into pro-social behaviors. Mayor Goodman and the CCSD Superintendent Pat Skorkowsky helped launch the "Change Reaction" event to encourage elementary school students to pay it forward by doing something kind for students from another school. Brian and Teri Cram Middle School featured Assemblywoman Marilyn Kirkpatrick during the school anti-bullying assembly. She spoke to students about respect, empathy and acceptance. Greenspun Junior High School had its students sign a pledge banner, and filled a wall with unheard voices, finally heard. Students wrote positive comments to each other. At Desert Pines High School, band students participated in a "drum circle" during lunch, where they displayed their drumming skills by beating on plastic buckets and calling attention to the school's anti-bullying efforts and the need to be an upstander. Nearly half of the students at Lois and Jerry Tarkanian Middle School took the "Pledge to be an Upstander" during this anti-bullying campaign. Anti-bullying informational stickers were placed on all school buses and district vehicles to increase awareness and the opportunity to report incidences of bullying and cyberbullying. A total of 3,400 stickers were distributed by the CCSD Transportation Department.

When bullying does occur, we encourage students to report it. They can share it with a teacher or an administrator at school or if they are not comfortable making the report in person, the CCSD Say No to Bullying Website provides a simple portal for submitting the report online anonymously.

Carlos McDade (General Counsel, Clark County School District):

Section 2 of S.B. 504 requires the parents of a child to be notified the same day, or it is failure to comply with NRS 388.1351. Employees must follow each procedure exactly or they fail to comply. This is significant because the discipline and punishment in section 2, subsection 1 require a school district to skip progressive discipline and impose one of four more serious punishments allowable under the statute. The lower level disciplinary tools, such as counseling and written counseling are designed to eliminate the one strike and you are out management style. It provides an opportunity for employees to make mistakes, to be made accountable and then for administrators and others to teach those employees so they learn from their mistakes and become better

educators. This section requires a jump in discipline to the more serious level and removes the ability to counsel and coach employees. The CCSD would like to see this provision balanced with resources provided to the schools so educators can succeed.

More resources to the schools will assist in compliance with the statute. Standard formatting for notification to parents; investigations and reports; and safety plans from the NDE will enable the schools to comply more readily with the statute. These standardized forms will be critical to meet the deadlines included within S.B. 504. It will also eliminate the uncertainty as to what the Legislature and the State intend the statute to mean and allow school personnel to comply.

Section 3, subsection 1 of S.B. 504 discusses an affirmative duty. The cases concerning special relationship are analogous to the affirmative duty requirement. I am concerned with the bill's interactions with other case law such as *Dorris v. County of Washoe*, 885 F.Supp. 1383 (1995). This decision held that the State does not enter into a special relationship with students even though it requires them to attend school. There are several other cases, and I hope there is opportunity to work with counsel to ensure the provisions of S.B. 504 do not conflict with other State law.

The definition of reasonableness is a staple of civil law, as was stated, but it is also a staple of the courts. It is frequently litigated because it requires application to specific facts of the case and what defines a reasonable standard. The CCSD requests the opportunity to work with counsel to define "reasonable" means in more detail to reduce the districts' involvement in litigation. A more clear definition will also assist teachers who are required to implement this law, understand and recognize the legislative intent.

The current law required repeated acts of bullying before disciplinary action was taken. Senate Bill 504 removes that requirement. The current statute requires clarification. There is concern and uncertainty with the definition of bullying; what constitutes a repeated act, and what a pattern of behavior might be. If a child pokes one child in the chest just one time, is that considered bullying under this definition? The strict enforcement and accountability provisions in S.B. 504 require school personnel to know what it is they are policing.

Typically, when a onetime incident occurs, a teacher will stop the behavior, make sure no one is hurt, make it a teachable moment and modify the behavior of the children. This can be done without the paperwork that is required by S.B. 504. Teachers customarily deal with these singular incidents throughout the day. In order to comply with the statute, teachers need to understand the expectations, so they can respond appropriately.

The CCSD recommends "gender identity" be added to the list enumerated throughout the bill. It is not the same as sexual orientation and it is required by NRS 651.070.

School safety is a main priority of schools. The mandatory nature of NRS 388.1351 in S.B. 504 is problematic. Section 12, subsection 6 of S.B. 504 states parents may file a complaint with the director of the OSRLE. Section 14 mandates teachers shall be suspended, dismissed or not reemployed and administrators will be demoted, suspended, dismissed or not reemployed for noncompliance. Section 15 allows for immediate dismissal. Section 4, subsection 5 states that the office of the director can investigate a complaint by parents regarding any of these sections in the bill. If the complaint alleges illegal conduct, the director may request assistance from the Investigation Division. Section 7, subsection 6, paragraph (d) states that any employee who tolerates or engages in an act of bullying or cyberbullying or violates NRS 388.121 through .145 or sections 2, 3 and 4 of the bill, will be held accountable.

Before we affect the lives of our teachers and administrators in this drastic manner, we must ensure that statute requirements are well-defined and detailed and the resources are provided giving educators in the buildings the opportunity to succeed.

Section 12 of S.B. 504 sets forth many of the requirements previously discussed, and there are no conditions to these requirements. The CCSD recommends "good faith attempt" language be added to the bill. If witnesses are not available, if parents have gone out of town or phone numbers are out of date, the notification requirement provides no room for school personnel trying to complete the investigation. The CCSD requests flexibility within this section. Sometimes there are exigent circumstances. Section 12, subsection 6 of S.B. 504 allows a parent to complain to the NDE, but provides no description regarding what the nature of the complaint may be.

The CCSD recommends that S.B. 504 divide the bullying definitions by grade level, such as elementary school, middle school and high school to ensure age-appropriate management. Different offenses constitute bullying going to be understood differently by children of ages. One way to add flexibility is to change the definitional structure.

Jeff Geihs, Ed.D. (Assistant Chief Student Achievement Officer, Clark County School District):

Safety of children is paramount. The CCSD supports the premise of S.B. 504. We are concerned with the practicalities of implementation. The bill requires same-day reporting by teachers to administrators. It also requires same-day notification of parents. Both should be goals that are aggressively pursued. In practicality, depending on the time of the incident, or the availability of a parent's phone number, notification may be delayed. Senate Bill 504 also requires an investigation be conducted and completed within 2 weeks of the incident. Sometimes children, in order to avoid consequences, will miss school to avoid a situation. It may be difficult to adhere to the time line. Transiency rates can also affect the time line of an investigation. If staff expeditiously tries to notify parents or investigate an incident, they should not face disciplinary action because of circumstances that are out of their control.

Senate Bill 504 provides no discretion for a teacher or administrator. If there is a first-time event that is not egregious, but still may be quantified as bullying, there should be discretion. For example if it is in a period of high-stakes testing.

I am also concerned with the mandate for a post-incident report. The report may have anonymity, but parents can most often discern who is involved from a report. This procedure may lead to parental investigation, with unintended consequences.

Everyone agrees there must be clarity; training is imperative for school personnel. We do not want any well-intentioned teacher or administrator to have an undue punitive consequence. The proactive nature of the education component in S.B. 504 is outstanding. The CCSD supports social workers in the schools. Additional requirements for parental notification, investigation, post-reports and mandatory 2-week follow-up with the victim may require additional staff. Those are school structures, functions and processes that

Senate Committee on Education
Assembly Committee on Education
March 31, 2015
Page 28

would require other staffing positions, particularly with the student transiency rate of 40 percent in the CCSD.

Assemblyman Armstrong:

What is the CCSD doing to address the lack of parental notification as expressed this evening?

Ms. Rourke:

The CCSD provides training to teachers on bullying reporting procedures.

Jessica Ferrato (Nevada Association of School Boards):

The Nevada Association of School Boards (NASB) supports S.B. 504. The NASB has taken a position of support for all legislation that comes forward pertaining to school safety. The NASB looks forward to working with the NDE on the implementation of S.B. 504.

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

It is one thing to write the bill, it is another to carry out the provisions fairly. The Nevada Association of School Superintendents wants to ensure the mechanics of the procedures are clear and easy for everybody to understand. These are difficult cases to deal with and to investigate properly. It is essential that students be treated in a fair manner.

Ms. Martin:

We have heard from some extraordinarily brave families. We are happy to work with everybody who expressed concerns regarding S.B. 504.

Assemblyman Anderson:

"For everyone that is watching that has been bullied—don't fear—it gets better. ... Hang tough. We are going to try and help."

Chair Harris:

I will now close the hearing on S.B. 504 and open the hearing on S.B. 204.

Senator David R. Parks (Senatorial District No. 7):

Over the last 14 years I have presented a number of anti-bullying bills; most of them passed with a unanimous vote. They include A.B. 459 of the 71st Session; A.B. 202 of the 73rd Session; S.B. 163 of the 75th Session,

where we added cyberbullying; S.B. 276 of the 76th Session; and S.B. 164 of the 77th Session. Today along with Assemblywoman Spiegel, I am here to present S.B. 204 for your consideration.

The testimony you have heard during the past few hours has provided the rationale for S.B. 204. The system that this Legislature put in place over a decade ago and amended several times, still does not work for the benefit of our students. The Legislature unanimously approved the current anti-bullying law. It is our belief that S.B. 504 and S.B. 204 are complementary legislation, and are consistent. We never dreamed that any school staff would willfully fail to comply and that is why the current wording is such that it is. Both bills include more stringent reporting requirements.

Assemblywoman Ellen B. Spiegel (Assembly District No. 20):

According to the National Association of School Psychologists, one in seven students in Grades kindergarten-12 is either a bully or a victim of bullying. We need to provide help for all of the children, not just the children who are bullied, but also the ones who are doing the bullying. Over two-thirds of students believe that schools respond poorly to bullying, with a high percentage of students believing that adult help is infrequent and ineffective. We need to change that. We heard testimony this evening from students who confirmed this belief.

Harassment and bullying have been linked to 75 percent of school shooting incidents. Our children need to be safe; they need to feel safe; they should not express their pain by taking it out on their peers. Senate Bill 204 works as companion legislation with S.B. 504 providing a comprehensive solution with processes to help children, and enable parents to help their children as well.

Senator Parks:

The safety plan is outlined in S.B. 204. It is a comprehensive plan, easily understood and easily and effectively implemented. Section 3 provides a right of action for any person who is injured by a breach of the duty of care.

Section 6 outlines the guidelines for the imposition of discipline and is consistent with an established school safety plan. It specifies additional reporting requirements.

Schools are places of public accommodation. Sections 9 through 11 authorize the Nevada Equal Rights Commission (NERC) to investigate a bullying incident, if not all parties are satisfied by the school's investigation.

Assemblyman Armstrong:

Section 2 discusses cyberbullying. Most cyberbullying occurs outside of school. If I am a teacher or administrator, how do I determine when and where the cyberbullying occurred?

Senator Parks:

We know that much of the cyberbullying takes place off school premises, after school hours. There is usually a close nexus to the issue. Very often an activity occurred at school that precipitated the cyberbullying event.

Assemblyman Armstrong:

My worry is whether we have the authority to connect that nexus or if we are opening the school districts up to liability if they are trying to determine precipitating events.

Assemblywoman Spiegel:

Section 2, subsection 2, paragraph (b) of S.B. 204 states, "Increased adult supervision of the pupil and any other pupil determined to have committed the bullying or cyber-bullying" It is not intended to determine where the nexus occurred, but to acknowledge that it has occurred and provide more supervision to the students involved.

Assemblyman Armstrong:

I do not understand where the NRS gives schools the authority to make the connection between cyberbullying that occurs outside the school and a student's behavior in school.

Senator Parks:

The NRS has additional provisions regarding cyberbullying. I will provide those to the Committee.

Assemblyman Gardner:

Section 3, subsection 2 states, "A plaintiff who prevails in such an action is entitled to recover treble damages and reasonable attorney's fees and costs."

Do you have any concern this will lead to unfounded lawsuits? Is only the plaintiff entitled to attorney's fees? If it turns out to be a frivolous lawsuit, the school district would have no means to recover the cost of litigation. Will this increase the number of frivolous lawsuits?

Senator Parks:

Section 3 will allow a parent of a student who has been bullied the opportunity to seek damages if the school district failed to take action or committed a violation of certain provisions of NRS 388.

Mr. Murrieta:

I support S.B. 204 and particularly the safety plans as outlined in the bill. I refer the Committee to my previously read testimony, [Exhibit M](#).

Kara Jenkins (Administrator, Nevada Equal Rights Commission, Department of Employment, Training and Rehabilitation):

The NERC is neutral on S.B. 204. Passage of the bill will require the NERC to acquire staff to support the efforts of outreach and training necessary to schools statewide. The NERC included within its current budget request funding for such a position. The position is "Compliance Investigator for Minors." The position will investigate complaints and allegations of discrimination in places of public accommodation, which includes public schools. It will also assist with training and outreach.

Ms. Rose:

I will now read from my written testimony ([Exhibit Q](#)).

Ms. Rourke:

The CCSD understands S.B. 204 came forward as a concern for student well-being. We agree schools should provide safe and respectful learning environments. We appreciate the sponsors of the bill meeting with us today to discuss our concerns. We support the Governor's recommended funding for school social workers. We think those positions will be responsible for the duties outlined in section 2 of S.B. 204, regarding counseling and identification of mental health issues. The CCSD would not have trained staff without those positions. They are necessary to meet the requirements within this bill.

Section 3 of S.B. 204 includes volunteers. We work diligently to increase parental engagement in schools and encourage volunteer participation with our mentoring programs, tutoring and coaching. Without volunteers, many programs would not be possible. However, including volunteers in section 3 could be damaging to those programs and to the services provided to our students.

Mr. McDade:

Section 2, subsection 2 of S.B. 204 includes a requirement for counseling and intervention and other psychological services. School counselors are not trained in suicide prevention counseling. It is not part of their licensing requirement. We will need social workers who are trained in those areas in order to comply with this provision of the law.

Section 3 establishes a breach of duty of care. Senate Bill 504 outlined the liability of the employee. Senate Bill 204 outlines the liability of a school district to include liability for its volunteers. School districts cannot discipline its volunteers. We train our volunteers, but we rely on their good faith. If there is a problem with a volunteer, he or she is not asked back to the program. Senate Bill 204 establishes liability in terms of monetary damages. It also includes treble damages and reasonable attorney's fees and costs. This may increase the number of lawsuits for a school district. This is taxpayer money. There should be a better way to accomplish the goal than to have taxpayer money pay treble damages in these cases.

There is a trend away from zero-tolerance policies and zero-tolerance discipline as was outlined in the previous testimony. The disciplinary process included in S.B. 204 should not neglect the due-process rights of our students.

The CCSD supports the concept of safety teams. As outlined in section 7 of S.B. 204, the safety team requires a parent to be a member of the team. This parent will receive student data, witness information and any type of confidential information pertaining to the students involved. Parental access to student and investigative data contained within the safety plan is a concern. To protect student confidentiality, the CCSD recommends the safety team set policy only and not review specific plans.

Section 11, subsection 2 gives the NERC oversight responsibility of schools. The NERC mostly takes its cases to public hearings. The CCSD does not want

bullying cases conducted in public hearing settings. Again, our concern is student confidentiality.

Section 12 amends NRS 354.599, stating the unfunded mandate rule does not apply to the provisions of S.B. 204. If the Governor's proposed social worker funding proposal is passed, this will not be a concern. If that does not happen, this bill will force school districts to divert money to hire counselors and psychologists in order to comply with the provisions of the bill.

Senate Bill 204 becomes effective July 1, 2015. This is insufficient time to develop the policies, regulations and procedures and hire staff, including the 1,200 social workers necessary to comply with this law. School districts have already developed and submitted their budgets for the 2015-2016 school year. Staff funding necessary to address the provisions of S.B. 204 was not included in those budgets. The first child that is bullied after July 1, 2015, at summer school or a year-round school, will be able to sue the school district and the State, because neither will be able to accomplish everything required by this bill within this short time frame. If there is a delay in implementation of one part of this bill, there should be a delay for the entire bill.

Ms. Anderson:

My testimony for S.B. 504 is echoed for S.B. 204. The WCSD is committed to safe and respectful schools. We have the same concerns expressed by the CCSD. This legislation does not contemplate changing the definition of bullying; we want to make sure we do not have conflicting bullying definitions in S.B. 204 and S.B. 504.

In the last hearing, we emphasized the investigations should be conducted in an expedient manner. The WCSD experiences with the NERC on adult issues have not been particularly quick, so whether or not the NERC can be responsive is a concern.

Ms. Ferrato:

My testimony from S.B. 504 also stands. We have concerns about the volunteer portions of S.B. 204 and also the bullying definition inconsistencies between the two bills.

Rueben R. Murillo (President, Nevada State Education Association):

The Nevada State Education Association (NSEA) is neutral on S.B. 204 and S.B. 504. We support an amendment that the investigation provisions be conducted by personnel outside the school. It does not make sense for the administrator of a school where bullying is occurring to lead the investigation. There is also concern with the word "designee." We do not want an administrator asking a teacher or some other staff member to conduct the investigation.

Teachers have many duties to their students during the course of a day. An investigation of this type would require interviewing students, teachers, parents and administrators. The NSEA recommends this investigation be conducted outside the school setting, perhaps even outside the school district.

Section 3, which outlines personal damages and potential lawsuits, causes the NSEA great concern. Lawsuits can be expensive and excessive. Teachers have large classrooms, sometimes with 70 to 80 students in a class. Teachers are not always aware of all activities going on in the class. There is too much ambiguity in both bills.

The NSEA does not advocate for any teacher who is in a classroom who sees bullying and does nothing. We do not want those teachers in the classroom. They do not deserve to be there.

I have provided additional written testimony ([Exhibit R](#)).

Dr. Pierczynski:

The Nevada Association of School Superintendents is in neutral position on S.B. 204. We appreciate the sponsors meeting with us today to discuss the mechanics of this bill. The intent of this bill is good; the implementation is the issue.

Assemblywoman Spiegel:

A number of the parents who testified in favor of S.B. 504 earlier this evening are also in favor of S.B. 204. We did not ask them to repeat their emotional testimony.

Senate Committee on Education
Assembly Committee on Education
March 31, 2015
Page 35

Our children can have a bright future if we put the tools and protections in place to address the issue of bullying, I am confident we will have much better outcomes for all of our children.

Senator Parks:

Some concerns expressed this evening may be unfounded. I have worked with the NERC and always found their investigations to be confidential. I will happily work with all parties who have concerns with S.B. 204.

Remainder of page intentionally left blank; signature page to follow.

Senate Committee on Education
Assembly Committee on Education
March 31, 2015
Page 36

Chair Harris:

I now close the hearing on S.B. 204. There being no further comment or business before the Committee, the meeting is adjourned at 10:10 p.m.

RESPECTFULLY SUBMITTED:

Beth Ann Reykers,
Committee Secretary

APPROVED BY:

Senator Becky Harris, Chair

DATE: _____

Assemblywoman Melissa Woodbury, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit		Witness or Agency	Description
	A	1		Agenda
	B	13		Attendance Roster
S.B. 504	C	4	Mary Bryan	Written Testimony
S.B. 504	D	6	Aimee Hairr	Written Testimony
S.B. 504	E	2	Jason Lamberth	Written Testimony
S.B. 504	F	2	Natika Bird	Written Testimony
S.B. 504	G	3	Misty Allen	Report
S.B. 504	H	1	Daniel Lincoln	Written Testimony
S.B. 504	I	2	Patricia Fedele	Written Testimony
S.B. 504	J	2	Lavetta Schneider	Written Testimony
S.B. 504	K	3	Erika Greisen-Leach	Written Testimony
S.B. 504	L	2	Amanda Williams	Written Testimony
S.B. 504	M	2	Leo Murrieta	Written Testimony
S.B. 504	N	5	Charmine Diez	Written Testimony
S.B. 504	O	2	Amy Rose	Written Testimony
S.B. 504	P	1	Nicole Rourke	Written Testimony
S.B. 204	Q	2	Amy Rose	Written Testimony
S.B. 204	R	2	Ruben Murillo, Jr.	Written Testimony