

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

**Seventy-Ninth Session
May 24, 2017**

The Committee on Education was called to order by Chairman Tyrone Thompson at 4:26 p.m. on Wednesday, May 24, 2017, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/79th2017.

COMMITTEE MEMBERS PRESENT:

Assemblyman Tyrone Thompson, Chairman
Assemblywoman Amber Joiner, Vice Chair
Assemblyman Elliot T. Anderson
Assemblywoman Olivia Diaz
Assemblyman Chris Edwards
Assemblyman Edgar Flores
Assemblyman Ozzie Fumo
Assemblywoman Lisa Krasner
Assemblyman William McCurdy II
Assemblywoman Brittney Miller
Assemblyman Keith Pickard
Assemblywoman Heidi Swank
Assemblywoman Jill Tolles
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Senator Heidi S. Gansert, Senate District No. 15
Senator David R. Parks, Assembly District No. 7



STAFF MEMBERS PRESENT:

Amelie Welden, Committee Policy Analyst
Karly O'Krent, Committee Counsel
Sharon McCallen, Committee Secretary
Melissa Loomis, Committee Assistant

OTHERS PRESENT:

Christina McGill, Director, Office for a Safe and Respectful Learning Environment,
Department of Education
Lindsay Anderson, Director, Government Affairs, Washoe County School District
Alex Ortiz, representing Clark County
Jeanne Marsh, Director, Children's Services Division, Washoe County Department
of Social Services
Mary Pierczynski, representing Nevada Association of School Superintendents;
and Nevada Association of School Boards
Paige Ritzman, representing Nevada Association of School Boards
Nicole Rourke, Associate Superintendent, Community and Government Relations,
Clark County School District
Ruben R. Murillo, Jr., President, Nevada State Education Association
Steve Canavero, Ph.D., Superintendent of Public Instruction, Department
of Education
Brad Keating, Legislative Representative, Community and Government Relations,
Clark County School District
Peggy Lear Bowen, Private Citizen, Reno, Nevada

Chairman Thompson:

[Roll was taken and Committee rules and protocol were reviewed.] We will start with
Senate Bill 212 (1st Reprint).

**Senate Bill 212 (1st Reprint): Revises provisions governing the welfare of pupils.
(BDR 34-674)**

Senator Heidi S. Gansert, Senate District No. 15:

Senate Bill 212 (1st Reprint) evolved out of work done last session on Senate Bill 338 of the 78th Session, which was introduced by Senator Debbie Smith. I want to pause for a moment to talk about Senator Smith. I was privileged to work with her in the Assembly on bills. She was a friend and a strong advocate for Nevadans. Senate Bill 338 of the 78th Session, creating the Safe-to-Tell Program, was a classic piece of legislation for Senator Debbie Smith. In her 2015 testimony, Senator Smith described a recent suicide of a middle school student in Fallon, which inspired her to do more than what was being done to help create a safety net for our students.

The Safe-to-Tell Program was developed to provide an easy mechanism for Nevadans to anonymously report violent, unlawful, or threatening activities about which they are aware, so that caring adults could respond and react to intervene appropriately. The Safe-to-Tell Program is based on researched and best practice recommendations from a series of respected national publications, including a study completed in May 2008 conducted jointly by the United States Secret Service and the U.S. Department of Education titled "Prior Knowledge of Potential School-Based Violence: Information Students Learn May Prevent a Targeted Attack."

This report, like several others before it, echoed the conclusion that perpetrators exhibited concerning behavior prior to an attack in 93 percent of incidents, and at least one other person had some type of knowledge of an attacker's plan 81 percent of the time. More than one person had some type of knowledge 59 percent of the time. Of those individuals who had prior knowledge, 93 percent were peers of the perpetrators—friends, schoolmates, or siblings. The framework for the Safe-to-Tell Program has been established, and funding has been identified through a \$5 million grant. I want to recognize the work of Edward Ableser and Christy McGill in the Office for a Safe and Respectful Learning Environment in the Department of Education. I also want to thank the Superintendent of the Department of Education for the Department's successful grant application.

Senate Bill 212 (1st Reprint) has two main components to help ensure the safety of students across the state—prevention and postvention. Concerning prevention, this bill includes the recommendations made by the Safe-to-Tell Advisory Committee report, which was submitted June 29, 2016. Postvention includes planning, especially around suicide prevention. I have talked a bit about statistics and how people typically know about incidents before they happen, but I wanted to go over a few that are fairly recent and why I brought this legislation.

On October 21, 2013, Jose Reyes, a 12-year-old student in seventh grade at Sparks Middle School, killed a teacher, injured two others, and then committed suicide by shooting himself. In January through April of 2015, there was a string of suicides in southern Nevada, with two 14-year-olds, a 15-year-old, and two 17-year-olds committing suicide, according to the Clark County Office of the Coroner/Medical Examiner. In 2015, three eighth-grade girls who attended O'Brien STEM Academy in northern Nevada committed suicide within just over a month of each other, one after the other. There are many stories, and I know you are all aware of them. There is a table that has suicide rates for school-aged children ([Exhibit C](#)). In 2015, there were 23 in Nevada, and in 2016, there were 22.

As mentioned earlier, this bill includes recommendations from the Safe-to-Tell Advisory Committee. If you look at section 4, it requires the appointment of a team of at least three members, including, without limitation, a school counselor, psychologist, social worker, or similar person at each school to receive reports from the Safe-to-Tell Program.

It ensures that information concerning the program, including the phone number for a hotline, which is text-capable, is included on the back of identification cards for pupils and staff and posted in conspicuous places such as cafeterias and buses. It also requires, when notified by the support center of an unlawful activity or threat, that the individuals who have been trained must respond.

Section 4.5 includes civil immunity for the team, which is appointed at each school. Section 5 provides for the establishment of a support center to receive reports to the Safe-to-Tell Program and direct information. It also establishes a process to handle reports, require training, and complete statistics to be used for quarterly reports to the Director of the Office for a Safe and Respectful Learning Environment and appropriate law enforcement agencies. To reiterate, all of these components were part of the Safe-to-Tell Advisory Committee report. It was their recommendation.

The second part of the bill has to do with postvention. Today, school districts plan for crises and emergencies, but this bill adds suicides to the statute. This addition is important for the school districts. They are already required to plan, but they do not plan for suicides. Suicides typically take a longer time frame to be able to help the affected students. Right now, because they do the planning, this would not be too difficult for them to do. There is no fiscal note on the bill because of that. That planning exercise does require consultation with local social services and emergency management organizations. It requires assessment and identification of partner organizations that could help in a critical event, and requires a plan during the post-event time frame.

This bill is intentionally not prescriptive. Each school district will need to come up with their plan, given the resources they have available. This bill, if passed, would be effective January 1, 2018.

[Prepared text was submitted that included additional testimony ([Exhibit D](#)).]

Senator David R. Parks, Assembly District No. 7:

I was fortunate enough to be appointed last year to serve along with Assemblywoman Spiegel on the Safe-to-Tell Advisory Committee that put together the plan that resulted in the bill that you are considering today, S.B. 212 (R1). I think it is important to point out some key features of the Safe-to-Tell Program. I know you will hear from Ms. McGill from the Department of Education in more detail. She has all the answers to the questions you will be asking, I am sure. The important thing here is that a lot of what will come about with the passage of S.B. 213 (R2) is already in place due to bills that have been passed in previous sessions of the Legislature.

You will hear a lot about the Safe-to-Tell Program. This program came about as a result of the Columbine shooting and what the state of Colorado did following that incident in 1999 and 2000. The key benefits for using this model are that it is proactive intervention

and it prevents incidents, hopefully, before they happen. There is an anonymous tip line. It saves time investigating incidents. It also works to deter troublesome behavior. It is a 24/7 forwarding program. The important thing here is that action is taken almost immediately. It also has the tendency to reduce liabilities.

I think this is probably one of the most important bills that the Legislature will pass this year. I certainly hope that you will give it favorable consideration.

Assemblyman Pickard:

I happen to know someone—a good friend of mine had a son who made some really awkward, threatening comments on social media. The thing I like about this is that it is a school-based intervention as opposed to law enforcement, which is what happened in this case. I see this as being far quicker and far less adversarial than what exists presently. My question is, once the intervention is had, what is the outfall? What are the next steps? I know it goes a bit beyond the point of the bill, but what happens to the child once the intervention begins?

**Christina McGill, Director, Office for a Safe and Respectful Learning Environment,
Department of Education:**

The Safe-to-Tell Program is housed at the Department of Public Safety, although it is not a law enforcement response because of the 24/7 piece of it. After that, they will funnel the tip down to appropriate responders. If it is during school hours, it will be funneled to a multidisciplinary team that the district will support. That team will work together to take the necessary interventions. Again, the interventions are about pro-social behavior and trying to get the kids back into a good learning environment.

Assemblyman Pickard:

My question is a bit more specific. Once the team is mobilized, they make contact with the student. What then? Are they taken out? Are we looking at something akin to a Legal 2000, where they are kept until diagnosed and determined stable, or do you sit with the parents and the student and have a chat? What is the process?

Christy McGill:

The beauty of this bill is that it provides a multidisciplinary team that multiple people are on—whether it is a resource officer, an administrator, a social worker, or counselor. The response depends on what needs have to be addressed. We want the ability to respond flexibly. If there is a mental health issue, and the child needs a screening or assessment, that is what the child will get. If it is a discipline issue and they need to intervene, that is what will happen. The team comes together and is able to do a quick assessment if there is a threat. It is about the need of the student. Whoever needs to take the lead will. If there is a mental health issue, obviously, the social worker or school counselor will take the lead and do the follow-up in that manner.

Assemblywoman Swank:

I think I am not parsing some of the language right. I am looking at section 4, subsection 1, paragraph (a). It says, "... that is located in the school district or of the charter school . . .," but in the previous line it exempts charter schools. It says, "Appoint a team of at least three members of the staff of each public school, other than a charter school" I am not exactly sure what that means and what the intent is there. Can you clarify that?

Senator Gansert:

The intent is for the charter schools to be included.

Karly O'Krent, Committee Counsel:

Assemblywoman Swank, I think the way I am reading this, they will appoint a team of at least three members from the charter school. The two pieces are just broken out separately. Section 4, subsection 1 says, "The board of trustees of a school district or the governing body of a charter school shall: (a) Appoint a team of" and the first part of the sentence is appointing three members that are not from a charter school, and the second part of that sentence refers to the three members who are at the charter school.

Assemblyman Elliot T. Anderson:

How do we ensure that all the various stakeholders are following the statutory scheme we have put out here? How do we ensure that it is enforced?

Senator Gansert:

There is training involved and it is well thought out.

Christy McGill:

There is training, and we are using technology called "P3 Campus" that tracks the tip. We will be able to go in and see what happened to that tip. It adds another layer of accountability to ensure that students are not slipping through the cracks. When the tip goes through, the multidisciplinary team will be notified. If no one says that we have done something about this, then a tickler will come to our office to ensure this was followed up on appropriately.

Assemblyman Elliot T. Anderson:

I am wondering what the thought was with the civil immunity provision. I know that is in a number of other statutes, but as it relates here, I am thinking about if I was a parent and someone knew something bad was going to happen. Maybe someone was targeting my child and they told someone that they were at risk. If something bad happens to them, at the worst, they die. What is the policy thought there? If someone is sitting on something and does not do anything or is negligent, is it for us to say that the person should not be held liable for that?

Senator Gansert:

The intent of the legislation is to be able to respond immediately. The Safe-to-Tell Program is built around being able to respond like we have never been able to before. With the P3 Campus system they are using, and with the training, they will do the best that they can. There may still be bad outcomes. I do not know that we can prevent everything from happening. I think that is the reason for this. The team is taking responsibility on behalf of the school, so I think it is important that they be able to participate and respond as best as they can and hope we do not have a bad outcome.

Assemblyman Elliot T. Anderson:

I guess I am still wondering about the liability issue.

Senator Gansert:

I think there is always risk that there could be a bad outcome. I know that people who would be a part of this team and are involved in this process will make their best efforts to ensure schools and activities are safe. There is always the threat of litigation.

Chairman Thompson:

Is there anyone wishing to testify in favor of the bill?

Lindsay Anderson, Director, Government Affairs, Washoe County School District:

I appreciate Senator Gansert mentioning Senator Debbie Smith, because this is something we worked on with her last session also. We had members participate on the Safe-to-Tell Advisory Committee over the interim, so I am happy to see their recommendations come forward in a piece of legislation like this.

Alex Ortiz, representing Clark County:

I am here on behalf of our Clark County Department of Family Services, which provides child welfare services in Clark County. We are in support of this legislation.

Jeanne Marsh, Director, Children's Services Division, Washoe County Department of Social Services:

On behalf of Director Amber Howell, we support this bill with enthusiasm.

Mary Pierczynski, representing Nevada Association of School Superintendents; and Nevada Association of School Boards:

We want to thank the bill sponsor and also Christy McGill for working on resolving some of the questions we had with the bill when it initially came out, clarifying that the teams are on call and working during school hours, and that the Department of Education will provide the proper training. The school districts that do not have identification cards do not have to institute that program, but if they have them, then they need to have the number for the Safe-to-Tell Program on the back. That can be a stickler, so those were little things that were big deals to school districts, and we appreciate the clarification that has been made by the bill sponsor.

Paige Ritzman, representing Nevada Association of School Boards:

We sincerely appreciate the work from Senator Gansert and Senator Parks, as well as the Safe-to-Tell Advisory Committee and the legislators before who helped us get here. We wholeheartedly support this legislation.

Nicole Rourke, Associate Superintendent, Community and Government Relations, Clark County School District:

I will echo the comments of my colleagues and just say that Clark County School District (CCSD) is also supportive of this. We do appreciate working with Senator Gansert and others on this legislation and tweaking some of the small things to ensure we can make it work logistically in schools. As you know, we have done a lot of work in the area of bullying and training. We are trying to get our staff and reporting mechanisms all right. We look forward to this next step.

Ruben R. Murillo, Jr., President, Nevada State Education Association:

I had the opportunity and privilege to serve on the Safe-to-Tell Advisory Committee. I am not speaking on behalf of the Committee, but on behalf of my position as the President of the Nevada State Education Association. We are in support of S.B. 212 (R1).

Steve Canavero, Ph.D., Superintendent of Public Instruction, Department of Education:
I am in support.

Chairman Thompson:

Is there anyone wishing to testify in opposition to the bill? [There was no one.] Is there anyone wishing to testify as neutral to the bill? [There was no one.] We will close out the hearing for S.B. 212 (R1). We will open the hearing for Senate Bill 213 (2nd Reprint).

Senate Bill 213 (2nd Reprint): Revises provisions relating to education. (BDR 34-583)

Senator Heidi S. Gansert, Senate District No. 15:

Senate Bill 213 (2nd Reprint) is about education for children with disabilities. The topic was first brought to my attention based on some articles that were published last year in the *Reno Gazette-Journal*. Siobhan McAndrew did an extensive, two-year investigation interviewing 50 families. What she found was that special education in Nevada was not the best that it could be. There were particular issues in Washoe County.

In your packet is a map ([Exhibit E](#)). In 2016, more states failed to meet federal standards for teaching special education students set by the stricter standards introduced by the U.S. Department of Education in 2014. Unlike most states, only Nevada and the District of Columbia needed intervention for chronically falling short of federal standards for special education.

There is a federal law called the Individuals With Disabilities Education Act (IDEA). It relates to children with disabilities. The IDEA ensures that students with disabilities have access to a free and appropriate education, just like all other children. Schools are required to

provide special education in the least restrictive environment, which means that schools must teach students with disabilities in general education classrooms whenever possible. It is also meant to give parents a voice in their children's education.

Under IDEA, you have a say in the educational decisions the school makes about every child. At every point in the process, the law gives parents specific rights and protections. Given that we have IDEA, we need to look at what is actually happening in Nevada. In Nevada, the reality is, the individualized education program (IEP) process varies from district to district. Many parents do not understand the process itself or their rights. Though the IDEA requires the least restrictive environment, some districts have high levels of segregation. For instance, Washoe County has 200 segregated classrooms. Graduation rates are low, especially in segregated environments. Smaller districts, like Douglas County School District, are much more inclusive because they are smaller. They have a 72 percent graduation rate for regular diplomas versus adjusted diplomas, with 548 students with disabilities graduating. Carson City had a graduation rate of 66 percent. Washoe County's graduation rate is 29 percent ([Exhibit F](#)).

To make it a bit more poignant, Douglas County, with just over 6,000 students, granted 548 students with disabilities regular diplomas. Washoe County, which is ten times the size, only had 536 students with disabilities graduate. Nationally, according to the National Center on Educational Outcomes at the University of Minnesota, 85 to 90 percent of students with disabilities are capable of earning a regular high school diploma, but here in Nevada, expectations have been low. There has been frequent use of adjusted diplomas. What many parents do not know is that adjusted diplomas do not meet the requirements for college entrance, federal Pell Grants, or the military. Nevada has the lowest graduation rates for children with disabilities in the nation because of the use of these adjusted diplomas.

Sections 5 and 6 assure that providers of special education are accountable and compliant with the IDEA. There is a lot of detail in that portion of the bill, but it really follows federal standards and makes the school districts more accountable. Section 7 ensures that people who work with special education pupils, including teachers, administrators, and other licensed personnel, such as substitute teachers, receive training. The reason I added that to the bill is because when there are incidents of abuse and neglect with students who have disabilities, often it is substitutes or paraprofessionals with no training.

Section 7 also assures that parents of students with disabilities are notified and understand the IEP process. It provides information about their right to invite other people to the IEP meetings. It verifies that parents of students with disabilities are notified about the effect of receiving adjusted diplomas and that boards of trustees and school governing bodies report information concerning special education programs.

Section 8.2 duplicates some language in another bill of mine, Senate Bill 287. It requires background checks for individuals working in education. If you are licensed personnel, you are required to have a background check initially and whenever you renew your license. However, if you work in a school as a paraprofessional, substitute, or ancillary personnel,

you only have a background check when you first start working at the school district. This would require a recheck on the backgrounds every five years. The background checks are also enhanced. They go beyond just the fingerprint checks. This is also in S.B. 287.

In addition to checking it against the Central Repository for Nevada Records of Criminal History, there would also be a check against the Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child or equivalent registry in each jurisdiction. This is on a five-year cycle, but it is also checked against the preceding five years. Section 10 assures that a court may appoint an educational surrogate for a pupil with a disability if a parent or guardian is unavailable.

[Prepared text was submitted that included additional testimony ([Exhibit G](#)).]

Assemblywoman Swank:

I have a question about existing language to see if you would be open to making some changes. I have a lot of concern for the way boards and commissions are run in this state. We have a very large state with a lot of geography in between cities. In section 1, subsection 1, it states, "The State Board shall hold at least 9 but not more than 12 regular meetings annually at the State Capital." I am pretty sure that we could do a lot of those by videoconference. That would cut down a lot of expenses for the state. I am always on the lookout when boards and commissions come up for places that we could make some of these videoconferencing changes. Are you open to amending in some language like that?

Senator Gansert:

I would have to ask the superintendent of schools and the State Board of Education if they are open to that. That is something that would be new to me for a proposal. I want to check with the entity affected.

Assemblywoman Diaz:

I recall that in prior sessions, we had addressed the lack of getting background checks on our personnel every time they renewed their license. I am trying to understand the new issue we are addressing by bringing it into this bill. I thought we were already doing that. What are we missing currently in practice where we are not delving deep enough or getting the information we are seeking?

Senator Gansert:

If you are licensed personnel, you are absolutely on renewals. When you renew, you get your background check. Other people who work for school districts do not get regular background checks. They get background checks the first time and then never again. There could be incidents of substantiated reports of abuse, neglect, arrest, et cetera, that could happen, but those staff members are never rechecked. You could work for a school district for 20 years and only have gotten one background check. Absolutely, all licensed and endorsed personnel have automatic background checks upon renewal of their licenses. It does not expand that at all; it is really looking toward other people working in schools.

Assemblywoman Diaz:

Does this encompass personnel and staff that work at charter schools? I want to get the genesis. We are already capturing personnel who get this when they become licensed teachers in the public school system. Is this seeking to address other individuals working with special needs kids that currently do not get background checks?

Senator Gansert:

It addresses all personnel in a school. It also addresses certain volunteers. If volunteers have ongoing relationships with children, like coaches or someone who would be alone with a child, it also expands the background checks to those individuals. If it is a parent who wants to come in and read to the class, they would not be affected by this. The background checks for licensed personnel are pretty much the same. There are significant numbers of personnel who are at schools and are not licensed.

Assemblywoman Diaz:

This is expanding it to cover our charter school systems. Are private schools encompassed in this as well?

Senator Gansert:

Yes. Charter and private schools are covered.

Assemblyman Elliot T. Anderson:

I am looking at section 5, subsection 2. The bill uses the phrase "good cause." It says, "If the Superintendent of Public Instruction determines there is good cause to conduct an inspection" What constitutes "good cause" under your language?

Senator Gansert:

I think there is discretion in this bill. I would defer to the Superintendent of Public Instruction for that answer.

Steve Canavero, Ph.D., Superintendent of Public Instruction, Department of Education:

I am referencing other sections of statute as a term of art that does include my discretion as to whether cause exists for my continuation of the inspection or investigation.

Assemblyman Elliot T. Anderson:

Can we ask legal counsel?

Karly O'Krent, Committee Counsel:

That is correct. The language of this bill requires that the Superintendent of Public Instruction determine whether good cause exists. Frequently in statute, we place this requirement on certain individuals who have it within their purview. Obviously, a court would interpret that to have a reasonableness standard, so he could not decide something constituted good cause that clearly did not constitute good cause, but he does have discretion there.

Assemblyman Elliot T. Anderson:

It is not complete and total discretion. There still has to be some indicia that something wrong is happening. Is that correct?

Karly O'Krent:

That is correct.

Assemblywoman Miller:

My question is under section 6, subsection 3, paragraph (i), subparagraph (1). It talks about punitive action against a provider of special education. It says, "To the extent possible, redirecting money provided by the Federal Government for administrative costs related to the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq." Can you explain how that would work?

Steve Canavero:

It is one of an enumerated list of potential actions that I could take. Once I consider the factors related to a compliance investigation for a special education provider, if it were to come to it, I could, under this particular section of law, redirect IDEA special education monies from a particular provider towards another or alternative provider to deliver the same services to the student that otherwise were not being delivered under the student's IEP. Are you asking what it would look like mechanically?

Assemblywoman Miller:

Yes.

Steve Canavero:

The way I could see this happening, and obviously this is one of those provisions of many provisions, is if you had a particular provider who was not compliant with rendering services consistent with the student's IEP, we could seek a different provider who could serve that student, and those funds from the initial provider would be contracted to the other provider. We could move dollars in that respect. I think here, it is not necessarily removing services from students, it is finding those services that work and are consistent with the IEP.

Assemblyman Edwards:

I wanted to make sure that this has been a habitual problem that we are trying to solve. This gives you the flexibility to hold people accountable and ensure that the special education kids are being properly served. Is that correct?

Senator Gansert:

Yes. That is correct.

Chairman Thompson:

Is there anyone wishing to testify in favor of the bill?

Steve Canavero:

I am here in support of the bill. To answer a question that was raised, the State Board of Education actually videoconferences nearly every meeting between Las Vegas and Carson City as a way to cut down travel costs and ensure that all of our members are actively participating.

Assemblywoman Swank:

It would not be a problem to change it in the *Nevada Revised Statutes* because you are already doing it. It does say in here, ". . . at least 9 but not more than 12 regular meetings annually at the State Capital."

Steve Canavero:

If you wanted to clarify that we have the ability to videoconference meetings and that it constitutes a State Capital meeting, that would be fine.

Alex Ortiz, representing Clark County:

I am here in support.

Jeanne Marsh, Director, Children's Services Division, Washoe County Department of Social Services:

On behalf of Director Amber Howell, many children served by foster care are special education students. We wholeheartedly support this bill.

Lindsay Anderson, Director, Government Affairs, Washoe County School District:

We are here today in support. Senator Gansert was kind enough to take time to meet with several of our special education staff, including our legal counsel, at the beginning of the session, to work through some of our issues with the original bill. I definitely want to reaffirm Washoe County School District's (WCSD) commitment to special education. Superintendent Davis is a particular champion of students in special education. In fact, Senate Bill 49 has to do with special education. The Department of Education sponsored Assembly Bill 64 about adjusted diplomas. That was on the list of bills that the WCSD Board of Trustees wanted to consider also. Our commitment to improving outcomes for special education has been well demonstrated. We see this as an extension of those efforts.

Brad Keating, Legislative Representative, Community and Government Relations, Clark County School District:

We are here in support of this bill. As a special education teacher, this bill truly warms my heart, and I appreciate Senator Gansert bringing this bill forward. We have to do everything that we can as a district and a state to ensure that our most vulnerable students are educated to the best of their abilities. The items that she put in this bill truly ensure that our students are being served. I appreciate her bringing this bill forward, and Clark County School District supports it.

Paige Ritzman, representing Nevada Association of School Boards:

We are in support.

**Mary Pierczynski, representing Nevada Association of School Superintendents;
and Nevada Association of School Boards:**

We are in support of the bill.

Chairman Thompson:

Is there anyone wishing to testify in opposition to the bill? [There was no one.] Is there anyone wishing to testify as neutral to the bill?

Peggy Lear Bowen, Private Citizen, Reno, Nevada:

I am a former member of the State Board of Education. I served three terms over 12 years. I am not there only because of term limits imposed by the Legislature. I need to remind everyone so that you know this. This law is maybe not as it has been presented today in its entirety. Special education includes the entire spectrum, from gifted and talented to the disabled. I am pleased to present you with that information, because the gifted and talented have programs written that need to be followed. Their needs should be met. In fact, you need to meet the needs of all the children. I taught for 35 years. There were IEPs and other names for program deliverance. What you have accomplished by this bill in meeting the needs of one part of the spectrum, you have accomplished for the whole spectrum. It is about time that the whole spectrum be addressed.

Senator Gansert:

I wanted to address the proposed amendment. I may want legal counsel to weigh in on this. This kind of language is well established in law. There has been a record of videoconferencing being used for this and other purposes. I am not sure whether we need to amend this, because I think it has been well established that you can hold these meetings at the State Capital and have videoconferencing.

Karly O'Krent:

There are a number of instances in which we reference videoconferencing in existing statutes. There are also instances in which videoconferencing is occurring, but is not referenced in statute. It goes both ways in the existing law.

Senator Gansert:

I am not necessarily opposed to the amendment, but I am concerned about the late date to have an amendment.

Assemblyman Elliot T. Anderson:

There is a difference between someone doing something that is not explicitly authorized by statute, and a statute saying you have to do something. I think that is what Assemblywoman Swank was thinking.

Senator Gansert:

I am not opposed to it. I am concerned about an amendment at this late date. It has been well established that we do have videoconferencing for this purpose. I want to thank all the different individuals from the agencies, departments, and school districts who came forward to help with this bill.

Chairman Thompson:

We will close out the hearing for S.B. 213 (1st Reprint). Is there any public comment?

Peggy Lear Bowen, Private Citizen, Reno, Nevada:

I thought about it, and a few legislative sessions ago, this Legislature took it upon themselves to have the state superintendent serve at the pleasure of the Governor and to set up a number of people, limiting to five, those who are elected. All the rest of the boards and commissions are not answerable to any of you or the elected folk. I was told in 2002, during my last term of service, that I had to vote in a certain way on cut scores for students because the commission had decided that that is what I needed to do. I said, I do not think it is good for kids, and if I do not think it represents what my constituents want, you did not elect me. They did. They speak for the children who do not even get to vote. I am seriously asking you to reconsider and rescind that to take the politics out of the State Board of Education, and reestablish the State Board of Education as elected members. Right now, you could utilize the same boundaries and territories as the Board of Regents has. When you have the census in 2020, then you could reestablish the designation as far as population and representation that way.

Put these people back to where they should be. Make them independent and take the politics out of it. Take the draining of the Department of Education's resources for the children and have it go back to the public school student and the public schools. Then you have a department that literally houses a Department of Education as a resource and not just in name only. We need to take education back in the state of Nevada. We need kids that are getting applications based on the information that they have to see if they have mastered any of the things taught. We need to have a superintendent that is answerable to an elected State Board of Education the way that it used to be, because it has become way too political and test-oriented to meet some ethereal, magical quest of a number or stars or whatever. You need to have the people's voice for the public education of the people's children.

I am very serious about it. It is not working. You had a shot, and quite frankly, we have lacked in education even more because the accountability package is not there. This is the only way I can figure to get the accountability package back. You are not just throwing funds to a Department of Education and elected board members. You are doing the job that needs to be done.

Chairman Thompson:

Thank you for your passion and many years of service. We will close out public comment. This meeting is adjourned [at 5:17 p.m.].

RESPECTFULLY SUBMITTED:

Sharon McCallen
Recording Secretary

Isabel Youngs
Transcribing Secretary

APPROVED BY:

Assemblyman Tyrone Thompson, Chairman

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is a document titled "Suicides of decedents ages 0-18 by year," submitted and presented by Senator Heidi S. Gansert, Senate District No. 15, regarding Senate Bill 212 (1st Reprint).

[Exhibit D](#) is a bill summary for Senate Bill 212 (1st Reprint), submitted and presented by Senator Heidi S. Gansert, Senate District No. 15.

[Exhibit E](#) is a map of Nevada as it relates to the rest of the United States regarding compliance with special education federal standards, submitted and presented by Senator Heidi S. Gansert, Senate District No. 15, regarding Senate Bill 213 (2nd Reprint).

[Exhibit F](#) is a chart showing the graduation rates for students with disabilities for all Washoe County School District high schools, submitted and presented by Senator Heidi S. Gansert, Senate District No. 15, regarding Senate Bill 213 (2nd Reprint).

[Exhibit G](#) is a bill summary for Senate Bill 213 (2nd Reprint), submitted and presented by Senator Heidi S. Gansert, Senate District No. 15.