

**MINUTES OF THE  
SENATE COMMITTEE ON EDUCATION**

**Seventy-ninth Session  
March 2, 2017**

The Senate Committee on Education was called to order by Chair Moises Denis at 3:42 p.m. on Thursday, March 2, 2017, in Room 2134 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Moises Denis, Chair  
Senator Joyce Woodhouse, Vice Chair  
Senator Tick Segerblom  
Senator Pat Spearman  
Senator Don Gustavson  
Senator Scott Hammond  
Senator Becky Harris

**GUEST LEGISLATORS PRESENT:**

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

**STAFF MEMBERS PRESENT:**

Todd Butterworth, Policy Analyst  
Asher Killian, Counsel  
Linda Hiller, Committee Secretary

**OTHERS PRESENT:**

Corbin White, FranklinCovey Company  
Lee Esplin, Principal, Harriet A. Treem Elementary School, Clark County School District  
Ben Day, Principal, Andrew J. Mitchell Elementary School, Clark County School District

Senate Committee on Education  
March 2, 2017  
Page 2

Anthony Nunez, Principal, Jacob E. Manch Elementary School, Clark County  
School District

Kim Cox

Jenny Hammond

Morgan Owens

Gavin Flake

Chris Jenkins

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

Mary Pierczynski, Nevada Association of School Superintendents; Nevada  
Association of School Administrators

Brad Keating, Clark County School District

Alison Gardner

Amanda Finn

Emily Owens

Juanita Clark, Charleston Neighborhood Preservation

Patti Jesinoski

Amber Howell, Director, Washoe County Department of Social Services

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

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

Ed Gonzalez, Clark County Education Association

Christy McGill, Director, Office for a Safe and Respectful Learning Environment,  
Department of Education

Will Jensen, Director, Office of Special Education, Department of Education

Bailey Bortolin, Legal Aid Center of Southern Nevada; Washoe Legal Services

Patrick Gavin, Executive Director, State Public Charter School Authority,  
Department of Education

Sara Almo, General Counsel, Washoe County School District

CHAIR DENIS:

I will open the meeting of the Senate Committee on Education with a hearing on  
Senate Bill (S.B.) 154.

**SENATE BILL 154:** Creates the Program to Develop Leadership Skills for  
Elementary School Pupils. (BDR 34-819)

SENATOR SCOTT HAMMOND (Senatorial District No. 18):

Senate Bill 154 creates a leadership skills development program for elementary  
school students, a program that some of the schools I am associated with have

taken on. I happened to attend a meeting where most of the principals in attendance talked about having a difficult time getting these programs up and running. I had already seen the impact the student leadership program had on the students and the culture of the school, so when the principals were talking about the financial issues in getting the programs going at their schools, I started to look into what others had done to implement the program in their schools.

Section 5 of the bill creates the program and outlines the student skills targeted for development.

Section 6 creates the Account for Leadership Skills in the State General Fund to be administered by the Superintendent of Public Instruction, who is authorized to award competitive grants to public elementary schools, including charter schools, participating in the program.

Section 7 requires each participating school to establish goals for the school, and to have each student establish personal goals for his or her participation. Each year an outcomes report must be submitted to Nevada's Department of Education (NDE), which can discontinue a grant if a school fails to demonstrate satisfactory improvement in the behavior and academic achievement of its students. This is the outcome portion of the bill.

Section 8 of the bill requires that the State Board of Education adopt any necessary regulations that include various grant provisions and a requirement that participating schools provide matching resources. The NDE must use performance indicators and outcome indicators to prepare and submit an annual report to the Governor and Legislature. This is the framework we are allowing the regulators to come up with; it is essentially the floor of the program.

In section 8, subsection 1, paragraph (a), there is:

... A requirement for each public elementary school, during the first year in which the school participates in the Program, to provide matching money or goods or services in kind equal to the amount of money granted to the school from the Account ... .

People have questioned me on that, specifically regarding some of the schools with limited funds or fund-raising capabilities. This basically means that if

schools meet those requirements, Title I monies could be allocated for a program like this. You might have a Title I school that wants to allocate money to a student leadership program and then request a grant of matching funds to this program, which could double the school's investment.

Finally, Section 9 appropriates \$400,000 for implementation of the competitive grant program at \$200,000 per year of the biennium, which is a great start.

We do have a few changes. On page 1 where it says, "AN ACT," it limits the program to elementary schools, but we do not want to limit the program, so we will need to draft an amendment to that end. Also, in section 7, subsection 3, paragraph (b), where it says, "as measured by," we would like to add, "without limitation."

SENATOR HARRIS:

Regarding the proposed amendment for section 7, subsection 3, paragraph (b), would you be open to setting the standards for academic success that you and I talked about earlier in terms of attendance, etc., and not necessarily measuring growth or success in particular classes? I would hate to see a school that is moving the needle with attendance and behavior from being able to re-up this leadership program. I think that as kids learn leadership skills, and what it takes to be effective, the academics will naturally follow, but they may not follow immediately.

SENATOR HAMMOND:

Certainly, I am open to talking about it. Many times, when this program is initiated, the first year is about learning the vocabulary that goes along with leadership skills and how to fill out goals, plus the behavioral part. At J. E. Manch Elementary School in Las Vegas near Nellis Air Force Base, they had 3,000 disciplinary referrals last year. After they started implementing the leadership program this year, they have had only 300 referrals.

CORBIN WHITE (FranklinCovey Company):

In Elko County, there is a school called Mountain View Elementary School. The principal, Jon Foss, who has been in education for 17 years, said he has never seen a school without bullying incidents, referrals or reports, yet that is what his school now has. He said this is because he has been taking steps to teach students skills purposefully so they can have their own conflict resolutions and other positive behaviors stemming from the leadership training.

SENATOR HARRIS:

I would measure that as a success, and I would hate to couple an academic metric with that as well.

SENATOR HAMMOND:

I agree. That is the reason we are talking about some other things we can put in there as measurements. We still want that outside independent person or entity looking at what is successful and what is not. Obviously, we want to see academics improving, but it is not like we are putting in a regulation that says after the first year of implementing the program, everybody in the school is going to pass all the tests. What we really want to see is change in the culture of the school and in the way students interact with each other and with staff. This program has had success in measuring growth, which is one of those requirements necessary to get to that Title I money.

CHAIR DENIS:

Is the purpose of the leadership training to change the culture of the school? What is the main goal?

SENATOR HAMMOND:

Mr. White can talk about that. He represents one of the vendors who has a student leadership program being used at many schools. We will talk about many other vendors to make sure everyone knows it is not about just one particular company. In section 5 of S.B. 154, you can see some of the skills we want to make sure the kids are receiving. We do have a booklet for you with information about the program, including outcome expectations ([Exhibit C](#)).

MR. WHITE:

I will go through the booklet, [Exhibit C](#), because this is the evidence-based piece people will be looking for when talking about what is needed to move the needle on improving academic performance, preparing for postsecondary education, increasing the quality of data instruction and effective learning time, developing leadership effectiveness, increasing family and community engagement and improving school culture.

The first section of the booklet, [Exhibit C](#), includes letters written by principals who have experienced a shift in the culture at their schools and impacts with their students that positively affected their academic performance.

Section 2, starting on page 17, references the skills needed to prepare for postsecondary readiness. On page 25, there is a box with information about the bullying impact of these leadership programs, which teach students about problem solving, communication and social skills necessary for conflict resolution.

Section 3, starting on page 28, [Exhibit C](#), talks about something we touched on with Title I and The Leader in Me program, which is what we do at FranklinCovey with *The 7 Habits of Highly Effective People* by Steven R. Covey. It also explains how that connects to the Tier I school improvement plans associated with Title I funding.

Section 4, starting on page 45, explains the Positive Behavioral and Intervention Supports (PBIS) through The Leader In Me and how they complement each other on page 46, [Exhibit C](#). We have seen these results with PBIS and other intervention systems in 3,000 schools worldwide in 68 countries.

Section 5, starting on page 48 is something I was involved with in Utah. We created a bill, Utah S.B. 122, in 2013 that was a student leadership skills pilot program. The pilot lasted three years where schools were asked to utilize the leadership components. The report from that pilot starts on page 51, [Exhibit C](#), and was given to the Utah Legislature in November 2016 by the Utah State Board of Education and the Utah Education Policy Center at the University of Utah. Some of the things that were said during the presentation to the Legislature can be seen on page 49 of the booklet. Page 50 lists other companies providing leadership programs for schools.

On page 55, [Exhibit C](#), on the top of the page there is a chart compiled from 399 teacher survey respondents where the overwhelming majority reported that the leadership program accomplished all that it promised. On page 56, the bottom chart shows the parental involvement in the leadership programs, increasing the connection between the home and the school. On the top of page 57, [Exhibit C](#), you can see the list of program goal areas that were successfully achieved with the leadership programs.

We have a video to show now that puts all this in context. It is of a school in Louisiana that uses this leadership program based on the 7 Habits. The video shows how the program has impacted the students, staff and parents at that diversely populated school by teaching the students to make goals and to see

themselves as leaders, and by actively engaging staff and parents to facilitate this increased focus and teambuilding on the part of the students.

CHAIR DENIS:

We are talking about concepts in this room, but in that video, you actually saw a program that was helpful.

LEE ESPLIN (Principal, Harriet Treem Elementary School, Clark County School District):

I am the principal at Harriet Treem Elementary School in Henderson. I have been in education more than 22 years, and a few years ago, I was struggling with the fact that there is no real motivating factor for our kids to do homework at night to raise the bar and get things done. This is in spite of the fact that our teachers are working hard to teach and motivate them.

I had a chance to read a book, *The Leader in Me: How Schools Around the World Are Inspiring Greatness, One Child at a Time*, about A.B. Combs Elementary School in North Carolina. I thought to myself, "This school is going through exactly what we are going through." As I saw them put into place the leadership opportunities, I was inspired by that. I then talked to Ben Day, who is a principal, and he let me visit his Clark County School District (CCSD) school, Andrew J. Mitchell Elementary School. I sat down with a kindergartener who took me through the leadership notebook of the program. He could tell me exactly everything they knew in August—their letters, numbers and sounds, and he also told me what they did not know and the goals they had set. In October and again in December, the same student told me what they had accomplished and the new goals they had set. I was totally blown away with how this child had become a leader of their learning. Afterwards, the teacher told me that student was the lowest kid in the class. I decided we needed this in our school.

As we have implemented this leadership program, it is unlike anything we have done in the past. I have seen behavior improve immensely. Kids who come from multiple homes or who have been in foster care and do not trust anybody who are given leadership opportunities go from being the kid who is a behavior problem to being a leader on campus. It is an amazing opportunity to be able to teach kids leadership skills and help them to be able to empower themselves in their learning with the end in mind by setting goals.

In the two years since we implemented it on my campus, it has been phenomenal to see the culture change and to see kids get excited about coming to school, wanting to learn and becoming leaders of their own learning and leaders of their lives. I support this bill because it offers the opportunity for schools that cannot fund these leadership programs.

BEN DAY (Principal, Andrew J. Mitchell Elementary School, Clark County School District):

I am the principal at Andrew J. Mitchell Elementary School in Boulder City. I, too, found out about the leadership program through that book. We have been implementing *The Leader in Me* for six years. What has happened in our school has far exceeded my expectations. We started slow by teaching the kids a few leadership terms and changing the paradigm by talking about how every child can be a leader and that there is greatness within each child.

After a couple of years, it seemed like we were no longer dealing with discipline issues or bullying. I have not had a single bullying incident this year. We had one bullying incident last year; we are not too proud of that one, but zero this year is great.

We wondered if the parents are seeing a difference with their kids at home, so we sent a letter home with the kids asking for feedback. I thought It would be great if we got 20 replies back, but we got 200 back and we have just over 300 kids in the school. Parents were writing two pages of how different their kids were behaving. We saved all the letters and put them in a binder.

There is no doubt this program has transformed our school culture in a way I never expected. Our kids know they are leaders. We have had more than 200 people from other schools from Clark County and other states come visit us. Without, fail, they always tell us our kids are different—they know they are leaders, they behave differently, they speak with confidence and they know their goals and can keep track of them. I support this bill.

ANTHONY NUNEZ (Principal, Jacob E. Manch Elementary School, Clark County School District):

I am the principal of J.E. Manch Elementary School, which is both a Turnaround School and a Victory School. We have been using leadership training based on the book the two previous principals referenced. Simply stated, there has been

no higher return on investment than our investment in leadership development. I support S.B 154 and have submitted my written testimony ([Exhibit D](#)).

KIM COX:

I am a counselor at Andrew Mitchell Elementary School and at Martha P. King Elementary School, both in Boulder City. As a counselor at the two schools, we have one that is fully invested in the leadership program, Mitchell, and the other one has started the program but is not yet fully invested, that is King. Among the big differences I have seen is that Mitchell has zero bullying and very few behavior or office referrals while King Elementary has more issues. The culture is different at Mitchell, where the kids feel like leaders and the parents are on board. These students know they are lifelong leaders and they carry it with them. That is what we want to achieve with our kids. Part of the concern is figuring out how we can do leadership programs financially. Without that backing, we are hitting a wall. I support this bill.

JENNY HAMMOND:

I support S.B. 154 because I believe it will truly make Nevada schools better. I am a parent and I made a decision to drive my two daughters 45 minutes each day to a public school with the leadership program. The skills they learned and continue to learn are extremely valuable. Not only do these skills teach my girls to take initiative and become better students, they learn to be more productive members of society. One skill they have learned in particular with the leadership program is to be proactive. Not only do they learn initiative skills, this tool teaches them they are in control in how they react to things outside of their own control. This is a skill difficult for most adults to master and I have seen it taught and used by children in kindergarten. This skill is great for me as a parent. I do not regret the many miles and hours I spend in my car each week because I find these leadership skills are of great value to my children.

MORGAN OWENS:

I am a first grader at Harriet Treem Elementary School. Today I am going to explain to you how leadership helps individuals and how it helps kids, too. The 7 Habits have helped me deliver strong leadership skills. For example, I have learned to be proactive and stay focused in school. I show leadership at Treem Elementary by participating. We work together and make fun events for the school, like the father-daughter dance and the mother-son dance. I also have recently shown leadership by presenting at *The Leader in Me* symposium. I think there were 500 people there, but who really knows. I did not have time to

count all those people. I am a leader in my classroom, too. For example, when I finish my work I always help others finish their work, too. I even use leadership at home with my dog, Sparkles. I feed her every night and make sure she gets her water. Leadership has helped me be a better person. Let me leave you with this one question: how has leadership helped you? I hope you support the student leadership bill.

GAVIN FLAKE:

I am from Martha P. King Elementary School in Boulder City. I have been on the leadership team, and at Andrew J. Mitchell Elementary, too. It has helped both schools become a great team to synergize and help our school make bullying and teasing stop. We could use leadership teams all throughout Nevada to help all schools become a team and synergized. I am in the fourth grade.

CHRIS JENKINS:

I am a principal in Bunkerville, a rural area school. We started a leadership program this year. Some of the kids who are habitually in the office or in trouble just need some sort of leadership opportunity. I have seen a huge change in these kids in this first year of doing leadership at my school. What *The Leader in Me* has done for us is to formulate a common vocabulary for them to use where they know the skills and are developing those skills. Those frequent fliers into my office have now turned into coming in and sharing leadership opportunities with me that they are taking on around the school. It is changing the culture. I support this bill.

SENATOR GUSTAVSON:

This sounds like a great program. My question may be more for the principals who are already doing the program, but where is the funding coming from? Are the schools being self-funded or getting grants?

SENATOR HAMMOND:

A lot are self-funding. Schools are having fundraisers and trying to get support from community members. One school had a bubble fundraiser, blowing bubbles all day to earn money. This is why I wanted to do a bill like this. First of all, it fits into my philosophy of not creating a mandate on anybody, and if the schools want to do it, they can have ownership of it. We do like to ensure that the community has some skin in the game with some funds going into the program. Recently in southern Nevada, we changed things with the reorganization and the formation of the School Organization Teams (SOTs). That

group can decide to do a leadership program, and this bill basically says we want to help out with that. It plays well with some of the recent legislation, too, particularly in stamping out bullying in our schools. It is also about leadership skills that can make our kids college-ready and career-ready—goal setting, knowing how to talk to people in your job, personal relationships, etc.

MR. WHITE:

There are 17 schools in the Clark County area doing these leadership programs. A number of the schools are Victory Schools and Zoom Schools, receiving funding through those programs. Andrew J. Mitchell Elementary in Boulder City was fully self-funded by the community and they are even recognized in the town parade. In Elko, there are four schools that have had help from the juvenile justice system because the chief of that system went before the judges and asked if he could use his prevention budget to bring a leadership program into the schools there. He was granted that permission, so Elko now has amazing data showing how they used that money to help the public schools institute leadership. In White Pine County, they were trying to raise funds through bake sales and other fundraisers. Interestingly, in many of the rural areas in several states, they developed this implementation before the larger school districts. There are three schools in Las Vegas that received full implementation grants from a 501(c)(3) organization.

CHAIR DENIS:

What is the typical cost for the leadership programs?

MR. WHITE:

For our program, it could range anywhere from \$11,500 per year for membership. There is also professional development learning that would take place with an out-of-district consultant that would run anywhere from \$2,000 to \$3,000 per day. There are also a number of professional development days you would need, which is hard in some areas like Clark County where they change it to one hour per week.

LINDSAY ANDERSON (Director, Government Affairs, Washoe County School District):

We support S.B. 154. The Washoe County School District (WCSD) has made an investment in social and emotional learning over the past four years—being part of a collaborative of academic and social emotional learning, which is a national grant-based program we are participating in with other school districts. We

believe in the value of leadership skills and social emotional learning. We talked to Senator Hammond about this being an optional program so schools can opt in instead of it being a mandate, so we appreciate the structure of the program.

MARY PIERCZYNSKI (Nevada Association of School Superintendents; Nevada Association of School Administrators):

We support this bill. These leadership programs are wonderful and this is a great opportunity to get it more widespread in Nevada. I am happy to hear that some of the rural communities have really taken it on.

BRAD KEATING (Clark County School District):

We are in full support of this bill. We believe that teaching leadership traits is essential to providing the full student experience at our schools. Creating a safe and secure environment is a top priority for us. Over the last year, we have used programs like *The Leader in Me* and Sanford Harmony, and we have seen a 10 percent reduction District-wide in recorded behavior incidents. As the plan for the reorganization of CCSD was developed, we heard from community members and parents about the need for increased flexibility in their schools and school-based decisions. This bill allows SOTs to come together, discuss the importance of leadership programs at their schools and use their own data to decide if creating or purchasing a program is feasible for them. With the passage of this bill and the matching funds being made available, we hope this will entice many more schools to apply and begin offering leadership programs to their students.

ALISON GARDNER:

I am a teacher in the CCSD, and I say, "Ditto."

AMANDA FINN:

I am a first grade teacher in CCSD, and I support it, too.

EMILY OWENS:

I am Morgan Owens' mom. With the leadership program, she comes home and takes charge, feeding and watering our dog and picking up her room. I have seen a big change. She also has a lot of confidence. I think it is a great program and I support this bill.

JUANITA CLARK (Charleston Neighborhood Preservation):

We are against S.B. 154. I have submitted my written testimony ([Exhibit E](#)).

PATTI JESINOSKI:

I am against this bill. I have submitted my written testimony ([Exhibit F](#)).

SENATOR HAMMOND:

I have seen this in action. At one of the schools I go to all the time, there is a little mirror the height of a small child that has a sign on it saying, "Look at the leader in my school." This program does not take all day, and it does not take much out of a teacher's instructional time, maybe five minutes a day. The students are leading assemblies and lunchtime activities.

We can share evidence of this program's success. It is about the culture change, and as you saw, there are all kinds of different ways to measure the program. Many educators say kids are not as ready to learn unless you can cut down on the disciplinary problems in the schools. This is a way to do this. It is completely voluntary. If I have to pass all my bills, I will ask Morgan to come testify at all my hearings, and I appreciated Gavin's testimony.

CHAIR DENIS:

I will close S.B. 154 and open the hearing on S.B. 212.

**SENATE BILL 212:** Revises provisions governing the welfare of pupils.  
(BDR 34-674)

SENATOR HEIDI S. GANSERT (Senatorial District No. 15):

My interest in this bill was inspired by some articles in the *Reno Gazette-Journal* last summer about education. This bill, S.B. 212, is about prevention and postvention concerning crises, emergencies and suicides in schools. It has two components to help ensure the safety of students across the State—prevention and postvention. The prevention piece is about the Safe-to-Tell Program via S.B. No. 338 of the 78th Session led by Senator Debbie Smith, who said at the time that it was the suicide of a middle school student in Fallon that inspired her to do more than was being done to help create a safety net for our students. Safe-to-Tell was developed to provide an easy mechanism for Nevadans to anonymously report violent, unlawful or threatening activities so caring adults can respond and react to intervene appropriately.

Much of the language here is from the Safe-to-Tell Advisory Committee Report and Recommendations submitted June 29, 2016. The Safe-to-Tell initiative is based on research and best practice recommendations from a series of

respected national publications, including a study completed in May 2008 conducted jointly by the U.S. 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 the attack in 93 percent of the incidents, at least one other person had some type of knowledge of the attacker's plan in 81 percent of the incidents, while more than one person had such knowledge in 59 percent of the incidents. Of those individuals who had prior knowledge, 93 percent were peers of the perpetrators—friends, schoolmates, or siblings.

The framework of this bill was created around Safe-to-Tell, which creates a way for students to communicate that there could be an incident at a school. I want to congratulate Eddie Ableser and the Office for a Safe and Respectful Learning Environment for their successful grant application. Safe-to-Tell was created, but there was no funding, so that Office was able to obtain a \$5 million grant.

The first half of S.B. 212 includes five recommendations from the Safe-to-Tell Advisory Committee. The first recommendation is for the appointment of a team at each public school to receive reports from the Safe-to-Tell Program.

The second recommendation ensures that all the information concerning the Safe-to-Tell Program, including the phone number that is text-capable for the hotline, is included on the back of an identification card for pupils and staff.

The third recommendation provides for the establishment of a support center to receive information reported to the Safe-to-Tell Program and to direct where that information should go.

The fourth recommendation requires the Director of the Office for a Safe and Respectful Learning Environment of NDE to provide certain training.

The fifth recommendation requires quarterly reports to the Director of the Office for a Safe and Respectful Learning Environment. All of these are components that were included in the Safe-to-Tell Advisory Committee report.

The second part of S.B. 212 is about postvention. Today, school districts plan for a crisis or an emergency and this bill adds suicides to statute. The reason we are adding to that list is because we have had an epidemic of suicides in some

school districts. For example, between January and April 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 Middle School in Reno, all friends of each other, committed suicide within just over a month.

Currently, school districts are required to plan for emergencies and crises. We have added suicide, which asks them to plan for further out so they have people on the ground at the time of the incident and beyond that time. The bill does not tell them exactly how to do it, but it does ask for districts to assess resources and identify partners and organizations that could help with a critical event. For example, a northern Nevada district's partner might be The Children's Cabinet in Reno, a nonprofit or some other entity from the State.

There are some friendly amendments. In section 4, it calls for a team of three people to be at each school. If a counselor, social worker or school psychologist are dedicated to a school, they should be on the team.

Section 14 references surveying resources and identifying partnerships. We think a survey could just be a poll.

In section 18, we wanted to add "or a referral," after access.

In section 20, because there is typically an investigation when there is a death, we do not need the automatic trigger.

In section 31, we want to make sure it is not just the school district or the child welfare department responding. Instead, it needs to be the partners that have been identified in the plan. Each school district will make up its own plan and whoever is in that plan will respond as a team. There was also concern about the inclusion of "private school" in that section.

Lastly, the implementation date was July 1, 2017, and we think we should move that to January 1, 2018.

SENATOR HARRIS:

I was on the Committee last Session that dealt with Safe-to-Tell. In terms of tightening up the bill, in section 4, subsection 1, paragraph (a), I cannot tell if

you are exempting charter schools or including them as I read where it says, "Appoint a team of at least three members of the staff of each public school, other than a charter school, that is located in the school district or of the charter school... ."

SENATOR GANSERT:

I think the charter schools are meant to be included. There are locally-chartered charter schools and State-chartered charter schools, so I am thinking that is what that is about. Legal will have to help us clarify.

SENATOR HARRIS:

How is the program implemented? When we are talking about unlawful, violent or dangerous activities on the property of a school, are you also including things that happen off campus? So, if a threat is made off campus about something that could occur in the future on a school campus, are we going to include that in what you are trying to create that needs to be reported?

SENATOR GANSERT:

I think the intent of the bill's language is that if the event or threat was conducted on the property of the school at an activity sponsored by the school, or on a school bus, it is related to the school.

SENATOR HARRIS:

So, whether it is on campus or off campus, if it is related to the school, you want to capture that?

SENATOR GANSERT:

Right. If there is a threat to the students.

SENATOR HARRIS:

In section 4, subsection 2, where action is required to be immediate, I am not sure that "immediately" is a clear enough definer for me. I can imagine that term being misinterpreted. How would we handle threats or things that happen on weekends or over summer vacation?

SENATOR GANSERT:

We need to work that out. Because of the 24/7 nature of this, there needs to be a designee to receive that information, and it does not necessarily have to be one of the three team members—it may be someone from law enforcement.

There needs to be a designee who can respond appropriately, because when school is not in session, it would be difficult to have a member of the team on call all the time. Also, in section 4, subsection 1, paragraph (a), regarding the team, it was suggested that there should be administrators on the team. That part of the bill does not specify this, and I am not sure what the intent of the Advisory Committee was on that, but I think that is important.

SENATOR HARRIS:

I agree. In section 11, subsection 2, paragraph (a), the word "promptly" is used, and I have the same concerns with that term not being specific enough.

We had a bill last Session that dealt with jurisdiction of law enforcement for schools dealing with emergencies, which is very similar to what you are trying to do here, and there was a conflict within law enforcement in terms of unincorporated Clark County where I live. The conflict was in determining which person or agency was to be the first responder. You may want to reach out to law enforcement and see if you can borrow language from that bill about who will be responsible for first responding. We do not want to be in a situation where one branch of law enforcement thinks a different branch is going to respond, and neither ends up responding.

SENATOR GANSERT:

Thinking of the back half of the bill, the schools and districts already go through planning exercises. I think they probably worked out some of that so when there is an incident, they have a procedure they follow. We should probably figure out if that is applicable to the Safe-to-Tell Program.

SENATOR HARRIS:

I agree. Along those same lines, what needs to be considered is who the spokesperson is for the school. Will it be the team of three, the social worker or the principal? That way, if there is a serious incident, we know who has authority to speak on behalf of the school as they are coordinating with the police and other agencies in your bill.

SENATOR GANSERT:

I agree. This is pre-event, but post-event they have it all worked out. They probably need to look at the templates or the protocols they have and see how they could apply to this bill and how we can tie them together with language.

AMBER HOWELL (Director, Social Services, Washoe County Department of Social Services);

We support S.B. 212 and the proposed amendments to the bill because this is very important to our schools and community. In the last 5 years, Washoe County alone has had 13 teen suicides. Statewide, in the last 5 years, there have been 85 teen suicides. When suicides occur, they not only affect friends, family and the community, but school administration and the students. It is vital that we get our approach right in responding to suicide within the school environment. It is not possible for one agency to respond, assist and intervene without many professionals assisting in rebuilding and repairing the grief and loss among the students. As a community and as a State, we need to do this carefully and collaboratively, because it is dangerous if we do not.

In child welfare, when a fatality happens, there is a team approach to the situation. Suicides in schools should be no different. We need a team approach. We need to get it right. We need to get better at wrapping as many services as possible around students, with several people to assist in the healing for all. A teamed family and community approach not only addresses the current incident, but mitigates future incidents of a copycat suicide, unresolved grief or children who may not have been provided the needed services in a timely manner.

NICOLE ROURKE (Associate Superintendent, Community and Government Relations, Clark County School District):

We feel student safety is important and this bill complements our efforts. Currently, we conduct a report a bully Website with a Say No to Bullying hyperlink provided for all CCSD schools. The site is anonymous and proactive, with an immediate response from staff within the times laid out in the bullying statute. We will work with the stakeholders to ensure this system is as responsive as what we currently have. As we understand it, this system will ensure timely notification to a community of providers who promote student safety, and school districts will have the ability to establish a list of contacts and times when those contacts are available. It also ensures that during summer vacation, there are responders who will respond to those notifications.

We do have a proposed amendment ([Exhibit G](#)), and we appreciate the changes in the bill that extend the time of implementation. Six months is a good time for us to stand the program up, make sure the training is in place so when we are ready to launch, everything is in good shape.

RUBEN MURILLO, JR. (President, Nevada State Education Association):

We support this bill. I sat on the Safe-to-Tell Board this year and we discussed this issue in depth in terms of addressing the needs of our students and educators on campus with these difficult issues. I have submitted a letter of support ([Exhibit H](#)).

MS. PIERCZYNSKI:

We support this bill. It complements the plans most of the schools have for emergencies. It is important that the suicide piece be added.

MS. ANDERSON:

We support S.B. 212. I appreciate what Senator Gansert said about her willingness to work with us, and I also appreciate Senator Harris's question about who will be in charge when we are on a school break.

SENATOR DAVID R. PARKS (Senatorial District No. 7):

I was on the Safe-to-Tell Advisory Committee during the Interim. I have had a number of anti-bullying and anti-cyber bullying bills since 2001. I support S.B. 212 since it is mostly in line with the Advisory Committee's recommendations, and I will certainly make my services available.

ED GONZALEZ (Clark County Education Association):

I represent 18,000 education professionals and we support this bill. It has had bipartisan support.

MS. CLARK:

I am speaking for myself on this bill. I am against this bill. What I see here is another facet of government; another facet to fund; another facet to employ government employees. I have submitted my written testimony ([Exhibit I](#)).

CHRISTY MCGILL (Director, Office for a Safe and Respectful Learning Environment, Department of Education):

This bill is in great alignment with what is currently going on. It will take that next step forward. It is also aligned with a new grant obtained by the Advisory Committee, helping offset our costs for a P3 Global Intelligence System from Colorado for the receiving and distributing of Safe-to-Tell reports which will help offset the 24/7 issue. We will engage community partners to ensure that the P3 system operates around the clock throughout the year and not just when schools are open.

SENATOR GANSERT:

I appreciate all the input. We need to tighten this up. It is important legislation for the number of suicides we have had. We want to do all we can to prevent a domino effect, like what happened in northern Nevada. I have submitted a chart of Suicides of decedents aged 0 to 18 by year ([Exhibit J](#)).

CHAIR DENIS:

I will close S.B. 212 and open the hearing on S.B. 213.

**SENATE BILL 213**: Revises provisions relating to education. (BDR 34-583)

SENATOR HEIDI S. GANSERT (Senatorial District No. 15):

There was an article in the *Reno Gazette-Journal* by education reporter Siobhan McAndrew covering a two-year investigation on special education in Washoe County that inspired S.B. 213. After reading it, I started my own investigation to see how special education was working across the State.

The federal Individuals with Disabilities Education Act (IDEA) protects the rights of children with disabilities by ensuring that students with disabilities have access to a free and appropriate public education. It also requires that special education be provided in the least restrictive environment and gives parents a voice in their child's education through the Individualized Education Plan (IEP).

That IEP process is the key to how a child is educated, how goals are established, what type of degree the child will receive and whether the child is mainstreamed or segregated into different classrooms. The IEP process varies from district to district, and many parents do not understand either the process or their rights. Although IDEA requires the least restricted environment, some school districts have high levels of segregation. For example, WCSD has 200 segregated classes, which are expensive to operate, costing about \$5.4 million a year on transportation alone.

Where students are segregated, graduation rates are lower. In a small school district where there is no capacity to segregate students, the graduation rate is higher. In 2015, in the Douglas County School District (DCSD), its special education students had a graduation rate of 72 percent, which included 548 students with disabilities. The same year in Carson City, the graduation rate for special education was 66 percent. The Washoe County School District, with its 200 segregated classrooms, had a special education graduation rate of

29 percent, with 536 graduating seniors. It is interesting that DCSD, a small school district, had 12 more students with disabilities graduating than WCSD, the most urban district in northern Nevada.

Sometimes, IEPs create low expectations. While adjusted diplomas are used widely in the State, they cannot be used for entrance into college or for meeting the standard of graduation for the military. Adjusted diplomas also disqualify students from receiving federal aid such as Pell Grants if they go on to higher education. Adjusted diplomas set a lower standard than many of the special education children can achieve, allowing them to graduate with other seniors, but it does not give them the powerful tool they need to move forward. Research has shown that 85 percent to 90 percent of students with disabilities are capable of earning a regular high school diploma.

Senate Bill 213 gives more oversight to the NDE, assuring that providers of special education are compliant with IDEA. The bill also assures that all those working with special education pupils receive some sort of minimal training to be determined by NDE. Statistics on abuse of special education students are difficult to find because of the lack of reporting. Anecdotally, we hear that abuse is often by substitutes or aides with no training.

This bill assures that parents of pupils with disabilities are notified and understand the IEP process, allowing them the option of inviting advocates or others to be members of the student's IEP. It also ensures that parents be notified of the option of receiving an adjusted diploma and the effect of that choice, and that boards of trustees and school governing bodies report information concerning special education programs. Senate Bill 213 requires paraprofessionals to undergo initial and subsequent background checks every five years and it provides that a court may appoint an educational surrogate for a pupil with a disability if a parent or guardian is unavailable.

I have submitted some informational charts on graduation rates in Washoe County ([Exhibit K](#)), federal standards ([Exhibit L](#)), Nevada school districts budgeted transfers to special education for 2017 ([Exhibit M](#)) and a letter of support for this bill from Educate Nevada Now ([Exhibit N](#)).

WILL JENSEN (Director, Office of Special Education, Department of Education):  
We support this bill. It has been a very collaborative process through both houses of the Legislature and it is best for the students. I understand that some

will have issues with this bill, but I think we can pass legislation that meets our goal and satisfies some of the concerns.

BAILEY BORTOLIN (Legal Aid Center of Southern Nevada, Washoe Legal Services): We support this bill. Educational surrogate parents are for children in foster care which will be under *Nevada Revised Statutes* (NRS) 432B. Currently it is only in *Nevada Administrative Code*, but it is something we do in our foster care cases with our programs. We train community volunteers to become surrogate parents and step in when the child has no one else to advocate for them. We will work with Senator Gansert on this. We are excited to see it move into NRS 432B, but we want to make sure it moves in with the best language possible so this encompasses as many children who really need it. We still want parents to be the first advocates when possible.

PATRICK GAVIN (Executive Director, State Public Charter School Authority, Department of Education):

Our charter schools are at the national average in terms of students with disabilities. We feel it is critical that there be adequate protection for these vulnerable kids, so we support this bill.

MS. ANDERSON:

Obviously, the intent of this bill is coming from the best place. The WCSD is committed to reform in special education. We have put forward a bill to increase support for these students in the State. The State provides WCSD around \$25 million for special education. We use \$44 million of our General Fund resources to support additional needs of our students with special needs. We are supporting Assembly Bill (A.B.) 64, which has some significant reforms to adjusted diplomas so we are giving our special education students access to a general diploma as much as we can. We want to collaborate on this bill. As it reads right now, the bill seems heavy-handed, so we want to ensure that there is room for collaboration and for the NDE to support districts in compliance and best practices instead of just punishing us when we do something wrong.

**ASSEMBLY BILL 64:** Revises requirements for receipt of a standard high school diploma for pupils with disabilities. (BDR 34-251)

SARA ALMO (General Counsel, Washoe County School District):

For the most part, we appreciate the purpose behind this bill. There were just a few legal issues we have concerns with, especially in sections 5 and 6, which

gives the NDE complete and unchecked authority over our school districts and allows the NDE to act in a judicial capacity and impose punitive actions for what it deems to be a violation of the IDEA without the ability or authority of a school district to appeal or challenge the decision.

Most governmental entities with a regulatory body over them have the ability to appeal or challenge the decisions and have due process protections through the Nevada Administrative Procedure Act. The NDE is one of those entities exempted from that, which is unusual, given the authority granted the NDE over the school districts. We want to be collaborative with the NDE and generally, there is a collaborative process with them, but the way this legislation reads, there is concern that will not be a possibility.

From the legal perspective, one of our biggest concerns is in section 6, subsection 3, paragraph (g), authorizing the NDE to require school districts to discipline staff members for undefined willful violation of a corrective action plan. We have collective bargaining agreements with all our staff members, and those require an investigatory due process meeting before we can impose any discipline. We are concerned that the NDE requiring us to discipline a staff member before they can attach those due process protections would only increase more litigation, and we would then have to bring in the NDE as the party to that litigation. We hope some of these concerns can be addressed.

MR. KEATING:

I am here in a neutral capacity for a few reasons that we want to bring to light. Section 6 discusses the redirection of IDEA administrative costs in some instances. We believe this only serves to hurt children and does not alleviate noncompliance. A lot of that money helps with the compliance and monitoring of our special education programs, so to redirect the IDEA funds away from there might hurt us.

In Section 7, we support the idea of training all staff that works with students with disabilities. However, that comes at a cost, and we have spoken to the bill sponsor in hopes of finding creative ways to complete that training. Some details still need to be worked out on that issue.

Also within section 7, subsection 2, paragraph (e), it says the report must include the total number of pupils with disabilities who did not satisfy the requirement set forth in his or her IEP. That is going to be difficult for us to

produce as we change the goals of students with disabilities. We are working with the State and Senator Gansert to figure out how to best track those goals. It is our goal to continue working with the sponsor of this bill to answer some of the issues posed to you today.

SENATOR GANSERT:

This legislation is important, and we need to do the best we can for children with disabilities. I know the school districts recognize there is always room for improvement. I appreciate everyone who came to talk to me about amendments and look forward to working with all the stakeholders.

CHAIR DENIS:

I will close the hearing on S.B. 213 and invite Todd Butterworth, our policy analyst, to give us a briefing on the legislative education history of this Committee.

TODD BUTTERWORTH (Policy Analyst):

Chair Denis thought this Committee might benefit from a little historical context for the issues you will be discussing during this Session. At our first meeting on February 7, I covered the Committee's history during the 2015 Session and the 2016 Interim. Today, I will cover the 2007 and 2009 Sessions.

The 2007 Session was the last Session before the Great Recession. That year was the first time the Education-First amendment to the *Nevada Constitution* was in effect, requiring the budget for K-12 education to be passed by both houses before any other spending bills.

Among the policy bills passed in 2007, S.B. No. 238 of the 74th Session established the empowerment schools program that provides a framework for the control that school personnel exercise over school resources. This program was largely shelved during the Great Recession, but now has renewed interest through discussions about the CCSD reorganization.

Next, S.B. No. 184 of the 74th Session allowed high school students to be automatically enrolled in a sort of "default curriculum" that includes four units each of math and English, and three units each of science and social studies.

We also saw S.B. No. 143 of the 74th Session, which established an Advisory Council on Parental Involvement and Family Engagement that remains active.

Also, S.B. No. 499 of the 74th Session got the State Public Works Board out of the school construction business in all counties except Clark County. In 2009, Clark County was given independence as well.

The 2007 Legislature proposed S.J.R. No. 4 of the 74th Session to amend the Nevada Constitution relating to the governance structure of the Nevada System of Higher Education (NSHE). That measure would have allowed the Governor to appoint members of the Board of Regents. As you are aware, the Nevada Constitution requires a resolution to be passed by two consecutive sessions of the Legislature, but this resolution failed in 2009.

Finally, S.B. No. 247 of the 74th Session created the Nevada Youth Legislative Issues Forum, now the Nevada Youth Legislature (NYL). Each session, the NYL submits a bill draft request for the Legislature's consideration. You will hear the bill in the coming weeks.

When the 2007 Session adjourned sine die, the U.S. economy was still firing on all cylinders. A very brief Special Session was convened the day after the Session, and education was a significant beneficiary.

Assembly Bill No. 1 of the 23rd Special Session established the Grant Fund for Incentives for Licensed Educational Personnel. More importantly, it included approximately \$54 million to fund these incentives for the coming biennium. That bill also repealed the program that provided extra retirement credit for teachers working in schools that had difficulty hiring teachers, but it included a limited grandfather clause.

Another bill, A.B. No. 2 of the 23rd Special Session appropriated an additional \$4.5 million to fund educational programs and A.B. No. 3 of the 23rd Special Session appropriated \$10 million to fund a pilot program for performance pay to recruit and retain highly effective teachers.

At that point in time, life was still good for most Americans. But then, the events detailed in the movie "The Big Short" unfolded in cities far from here, and quite suddenly, everything changed.

Less than a year later, the State found itself with a \$1.2 billion General Fund shortfall that needed to be addressed. This was unprecedented in State history. The Governor and the Interim Finance Committee took actions to address

roughly \$900 million of the shortfall. The Governor convened the 24th Special Session to find an additional \$275 million in budget cuts. The cuts and sweeps in education included \$7.6 million from the Abandoned Property Trust Account that had been planned for transfer to the Governor Guinn Millennium Scholarship Program and a 50 percent reduction in funds set aside for the purchase of textbooks, computers, and instructional supplies, totaling about \$48 million.

During the months following the 24th Special Session, the economic situation continued to disintegrate. The Economic Forum estimated a further 9.1 percent drop in revenue from the prior fiscal year, resulting in an additional \$337 million budget shortfall.

Governor Gibbons convened the 25th Special Session in December 2008, just before the 2009 Legislative Session. During that Special Session, budget cuts, or sweeps of funding targeted to education, primarily came from higher education, including \$4 million taken from the Estate Tax Account in the Endowment Fund of NSHE, \$2.5 million from the NSHE's Special Capital Construction Fund for Higher Education, \$4 million in workers' compensation assessments from the System and \$5 million from the Millennium Scholarship Trust Fund. There was a savings of \$1 million from NDE by eliminating funding for norm-referenced examinations.

Two months after that Special Session, the 2009 Legislative Session began and budget cuts were a continued area of focus. During that Session, A.B. No. 560 of the 75th Session downsized the regional training programs for teachers from four regions to three regions. No funding was appropriated to the Programs for Innovation and the Prevention of Remediation. State funding for teacher salaries was reduced by 4 percent; however, the actual salaries of teachers continued to be subject to local collective bargaining.

School districts were authorized to request a waiver from the minimum expenditure requirements for textbooks, instructional supplies and instructional hardware. Also, for new public employees, including teachers and employees of NDE and NSHE, the retirement age and benefit calculations were revised. Monthly furlough days were also required throughout the 2009-2011 biennium, affecting NDE and NSHE staff.

The 2009 Legislature also adopted Initiative Petition No. 1 of the 75th Session, creating the State Supplemental School Support Fund, which is a special revenue fund for the operation of school districts and charter schools. The fund was supported by an increased tax on transient lodging. The proceeds were supposed to be distributed proportionately among all school districts and charter schools, and to not supplant or replace any other school funding. Contrary to this desire, the money in this fund has been transferred to the Distributive School Account every year since 2009.

Despite the massive budget challenges, the 2009 Legislature was also able to address some education policy issues that Session. It limited school district-mandated examinations, which continued a moratorium set by the 2007 Legislature. This was due to S.B. No. 416 of the 75th Session.

Two bills—A.B. No. 425 of the 75th Session and A.B. No. 488 of the 75th Session—were passed to expand and give flexibility in teacher licensing.

With the passage of S.B. No. 303 of the 75th Session, Nevada joined other states as a member of the Interstate Compact on Educational Opportunity for Military Children. Also, S.B. No. 163 of the 75th Session created the State statutes on bullying and cyber-bullying, which have been expanded and refined over the years.

CHAIR DENIS:

Thank you, I will now open public comment.

MR. KEATING:

I have some good news. Two days ago, our Centennial High School girls' basketball team was ranked No. 1 in the Nation. Also, today it was announced that Communities in Schools, with 155 affiliates in the U.S., named Chaparral High School (CHS) principal, Lolo James, as their All In for Students award winner. This is an award they give to only one U.S. principal per year. In the last four years, the graduation rate at CHS has increased by 34 percent and is currently at 80 percent.

Senate Committee on Education  
March 2, 2017  
Page 28

CHAIR DENIS:

Great news. I will adjourn the meeting of the Senate Committee on Education at 5:50 p.m.

RESPECTFULLY SUBMITTED:

---

Linda Hiller,  
Committee Secretary

APPROVED BY:

---

Senator Moises Denis, Chair

DATE: \_\_\_\_\_

<b>EXHIBIT SUMMARY</b>				
<b>Bill</b>	<b>Exhibit / # of pages</b>		<b>Witness / Entity</b>	<b>Description</b>
	A	1		Agenda
	B	9		Attendance Roster
S.B. 154	C	64	Corbin White / FranklinCovey Company	SB 154 Student Leadership Skills Grant
S.B. 154	D	2	Anthony Nunez / Clark County School District	Written Testimony
S.B. 154	E	2	Juanita Clark / Charleston Neighborhood Preservation	Written Testimony
S.B. 154	F	3	Patti Jesinoski	Written Testimony
S.B. 212	G	27	Amber Howell / Washoe County Department of Social Services	Proposed Amendment
S.B. 212	H	1	Ruben Murillo / Nevada State Education Association	Letter of Support
S.B. 212	I	1	Juanita Clark	Written Testimony
S.B. 212	J	1	Senator Heidi S. Gansert	Chart of Suicides
S.B. 213	K	1	Senator Heidi S. Gansert	Washoe Graduation Rates
S.B. 213	L	1	Senator Heidi S. Gansert	Nationwide Map of Federal Standards
S.B. 213	M	1	Senator Heidi S. Gansert	Nevada School Districts FY 2017 Budgeted Transfers to Special Education
S.B. 213	N	3	Senator Heidi S. Gansert	Letter of Support from Educate Nevada Now