

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Seventy-ninth Session
March 23, 2017**

The Senate Committee on Education was called to order by Chair Moises Denis at 3:36 p.m. on Thursday, March 23, 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 and to High Tech Center, Great Basin College, 1500 College Parkway, Elko, 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 Becky Harris

COMMITTEE MEMBERS ABSENT:

Senator Scott Hammond (Excused)

GUEST LEGISLATORS PRESENT:

Senator Pete Goicoechea, Senatorial District No. 19
Senator James A. Settelmeyer, Senatorial District No. 17
Assemblyman John C. Ellison, Assembly District No. 33

STAFF MEMBERS PRESENT:

Todd Butterworth, Policy Analyst
Asher Killian, Counsel
Shelley Kyle, Committee Secretary

OTHERS PRESENT:

Andrew Hillyer

Stephen Augspurger, Executive Director, Clark County Association of School Administrators and Professional-Technical Employees

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

Lindsay Anderson, Washoe County School District

Natha C. Anderson, President, Washoe Education Association

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

Brad Keating, Clark County School District

Nicole Rourke, Associate Superintendent, Clark County School District

Tammy Malich, Assistant Superintendent, Clark County School District

Brian Lee, Executive Director, Nevada State Education Association

Jason Lamberth

Daniel Lincoln

Aimee Hairr

Steve Canavero, Superintendent of Public Instruction, Department of Education

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

Patrick Herman, Principal, Spring Creek Christian Academy

Jeff Snyder

April McNeil, Teacher, Spring Creek Christian Academy

Dan Johnson

Mike Shanks

Janine Hansen, Nevada Families for Freedom

Bart Thompson, Executive Director, Nevada Interscholastic Activities Association

Erin Cranor, Nevada Association of School Boards

Jill Berntson, Deputy Director, Aging and Disability Services Division, Department of Health and Human Services

Ruben Murillo, Nevada State Education Association

CHAIR DENIS:

I will open the hearing on Senate Bill (S.B.) 248.

SENATE BILL 248: Revises provisions relating to pupils with disabilities.
(BDR 34-328)

SENATOR BECKY HARRIS (Senatorial District No. 9):

I am presenting S.B. 248. During the Interim, I served as Vice Chair of the Legislative Committee on Education. Among other things, we discussed how the school districts handle students with disabilities while enrolled in K-12 education as the students age out or turn 22 years old.

We received anecdotal information that some school districts disenroll students with disabilities immediately upon their twenty-second birthday even if it occurs during the school year, while other districts allow such students to complete the school year.

By revising the definition of people with disabilities, this bill brings clarity to the law and ensures its consistent application among school districts. *Nevada Revised Statutes* (NRS) defines a pupil with a disability to mean a child with a disability as the term is defined in federal law and who is under 22 years old. The statute is silent on whether a student turning 22 can finish out the school year. Occasionally, that has created frustration and tension between parents and school districts.

The Legislative Committee on Education discussed this issue with the State Superintendent who advised us that with few exceptions, school districts continue to receive funding for special education students for the remainder of the school year even if those students are disenrolled during the school year.

The State Superintendent further advised there are not a large number of students who remain in school until the age of 22. The Clark County School District (CCSD) estimates this particular student population to be 120 to 150 students.

Senate Bill 248 revises NRS to provide a student with a disability who turns 22 years old after the enrollment period begins would remain eligible to complete the school year irrespective of his or her age. This clear language defining when a student ages out of special education will not only ease the frustrations of parents and school personnel, but will allow students with disabilities to complete the school year with their peers.

This issue was brought to our attention by Andrew Hillyer. He is the parent of Katie, a young lady with a disability. Mr. Hillyer served six years on the Nevada Interscholastic Activities Association (NIAA) Board of Control and 14 years on

the Humboldt County School Board. All of this experience could not help him avoid the frustration that came along with his daughter's transition from high school to adult life. He is here today to share some insights from his experience.

ANDREW HILLYER:

I am a Winnemucca native and a long-term Nevadan. I want to thank Senator Harris for introducing this bill and also thank Assemblywoman Melissa Woodbury, Chair of the Legislative Committee on Education during the Interim.

I would like to introduce my daughter, Katie, who is now 23 years old and was the subject of this age out rule. She turned 22 on February 19, and we were informed she could no longer receive education services or other special education benefits from the Humboldt County School District. We were informed she had aged-out according to federal regulations and that was the way things were.

I reviewed NRS 395.020 that has language similar to what has been discussed already. I was told that the school district was correct. Later on, I was told it only pertains to certain special education students. What the district was saying was the bill only applied to individuals who could not be educated within the district that they resided in. If the funds were available, they could go ahead and have those services performed elsewhere.

In my research it is hard to discern intent of past legislation. However, it was very clear in the minutes of the Assembly Committee on Education, Monday, January 31, 1977, pages 17 to 31 of the 59th Session, that A.B. No. 107 of the 59th Session amended NRS 388.440 to 388.520, inclusive and NRS 387.123 to 388.124 inclusive and raised the upper age eligibility from 18 to 21 years old for handicapped pupil programs, removed references to minor, and appropriated funds for additional units. The minutes, exhibits and bills were all from the 59th Session and can be found in ([Exhibit C](#)).

Assembly Bill No. 106 of the 59th Session, A.B. No. 107 of the 59th Session and A.B. No. 108 of the 59th Session amended special education programs for handicapped pupils. All three passed unanimously; A.B. No. 111 of the 59th Session amended NRS 395 and revised provisions for out-of-district placement for visually or aurally handicapped pupils, clarified provisions and was passed out of Committee.

We were told there was a federal regulation that Katie could not go to school past the age of 22. I contacted the U.S. Department of Education, Office of Special Education Programs, and spoke to Genee Norbert who I understood was the director of that department/service program. She stated to me, "No, at the very least the regulation would provide for transitional services." Unfortunately, in Humboldt County High School the transitional services are not good; down the road in Elko, they are. There is a big disparity.

I did an informal survey of the 17 school districts in the State and spoke to a lot of people across the State ([Exhibit D](#)). I found there were approximately seven of the school districts that were aging out students. In some of those school districts, whether a student was aged-out depended on the proximity of their birthdates to their graduation dates. This violates what our Constitution is based on: equality and equity.

Aging out students on the day of their twenty-second birthday is very arbitrary, and it is not done uniformly across the State. It affects some students adversely while others are not affected at all, based on their birthdate. The date of a student's birth should not inhibit his or her access to educational benefits.

Is a student who turns 22 on the day of graduation more worthy than a student who turns 22 the month before?

The U.S. Department of Education allows states to choose their own age-out rule. I did not survey all the states in our Country because that is a huge undertaking. The majority of the western states have a clause exactly like the one stated in section 2, subsection 2 of S.B. 248. Other states, however, do not.

The compulsory school attendance laws for minimum and maximum age limits for states can be found on the United States Department of Education Website, <<http://www.ed.gov>>. The maximum age limit runs from 19 years old to 26 years old. Michigan's age limit is 26 years old; Hawaii's limit is either 24 years old or 26 years old.

The Nevada school districts now age out students arbitrarily. If there was a uniform policy throughout the State's school districts, parents would be aware, in advance, and understand the process. A lot of parents are now placed in

situations where they think their child is getting something that he or she is not getting.

Our daughter, Katie, needed more time in school, and we fought for her to get it. Her principal, Ray Parks, created a volunteer office position for her within the school administrative office. She recited the Pledge of Allegiance daily and performed clerical and other duties. This would not have happened in our school district's special education department.

Katie is a challenge, but she is a diligent and hard-working young woman who does the best she can, as all our special needs kids do. She was voted "Most Inspirational Student" by her peers and the staff at Lowry High School in Winnemucca.

Had we not fought for her, she would not have had the opportunities her principal gave her to learn additional skills, and she would not have received that honor in her high school. This experience has affected her life in a positive way.

There are these students who really need the best of our help. Elko County School District is proactive and positive in the transitional process. The school administrators coordinate efforts with student goals, job shadowing and job coaching.

I spoke to the Director of Special Education of Nevada Department of Education (NDE) some time ago and received a letter stating no one in Nevada was receiving services under NRS 395.020. This is inaccurate. The State's small county of Esmeralda buses all of their high school students, including their special education kids, from Goldfield to Nye County, with Esmeralda County paying for the service.

There is not a lot of uniformity or consistency with our special education kids. It does not sit right with me when we are stopping services and help for young adults at arbitrary dates.

If it was against the United States federal law, we would not have been able to reach an agreement with our school district that Katie could go to the end of the school year. This issue needs to be addressed one way or another. Either a special education student cannot start the school year when he or she is going

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to turn 22 years old or he or she can finish the school year when turning 22 years old.

STEPHEN AUGSPURGER (Executive Director, Clark County Association of School Administrators and Professional-Technical Employees):

The Clark County Association of School Administrators strongly support this bill and urge its passing.

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

I am from the State Public Charter School Authority; ditto.

LINDSAY ANDERSON (Washoe County School District):

We support this bill. We do allow students who have birthdays mid-year to continue receiving educational services through the end of that school year.

NATHA C. ANDERSON (President, Washoe Education Association; Nevada State Education Association):

We are asking for your support. Our remarks have already been stated.

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

We support S.B. 248.

BRAD KEATING (Clark County School District):

The CCSD is testifying in neutral. We are working with the sponsor to change some dates to enable us to meet with parents during individual education program meetings to set up a transition plan for students over the final year. There is some cost for continuing the year. We will continue to work with the sponsor to get the matter resolved.

SENATOR HARRIS:

I loved this bill when I read it. At the time I did not know that I would be presenting it. I encourage everyone to support S.B. 248.

CHAIR DENIS:

Sometimes we find things that do not make sense, and we have to fix them.

I will close the hearing on S.B. 248. I will open the hearing on S.B. 294.

SENATE BILL 294: Revises provisions relating to bullying. (BDR 34-449)

NICOLE ROURKE (Associate Superintendent, Clark County School District):
I am Nicole Rourke representing the CCSD. I will present S.B. 294 for Senator Patricia Farley, Senatorial District No. 8.

After the passage of S.B. No. 504 of the 78th Session, the CCSD learned some lessons throughout the last Interim and have asked Senator Farley to carry this bill. The CCSD worked hard over the Interim to implement the 2015 bill with lots of training. We learned some lessons and had requests from parents to make some changes.

We thoroughly vetted S.B. 294. In the Interim we talked to other school districts, the former director and the current director of the State Office for a Safe and Respectful Learning Environment, and Senator Parks about this bill.

TAMMY MALICH (Assistant Superintendent, Clark County School District):
In my capacity in the CCSD, I serve as the liaison between the State Office for a Safe and Respectful Learning Environment and the CCSD. I provide training to our district administrators and serve as the guidance person to all our schools as they are working through bullying investigations, notifications and the like.

After S.B. No. 504 of the 78th Legislative Session passed, the CCSD created numerous documents including guidance documents. We also set out to ensure that our student information system, Infinite Campus, had the ability to do all of the reporting that the State required, as well as to host all the required components of the legislation.

In this process, we learned some things. I will walk through the changes we are requesting in S.B. 294 and give you the reasons and some examples that have occurred in the CCSD.

There are offenses that were addressed in S.B. No. 504 of the 78th Legislative Session that are criminal offenses for adults or delinquent offenses for juveniles. In section 1, subsection 1 of S.B. 294, we are asking that we still provide the parent notification and put a safety plan in place for the student, but we ask to let law enforcement officials do their investigation first before the case is handed back to the CCSD. We do not want to interfere with their investigation or potentially taint their investigation. If it was a criminal act or a delinquent act,

we want that to be taken care of in the proper forum prior to us finishing a bullying investigation.

In section 1, subsection 2, the principal or designee determines if the bullying act was caused by a recorded or a known disability of a student. Our concern is labeling our disabled students as bullies when they are exhibiting behaviors that are identified as their documented disability and continuing to label them as a bully. This has been a huge concern from our special education parents; especially for some of our disabled students who exhibit behaviors that are consistent with bullying.

In section 1, subsection 3, paragraph (a), the request is for a pupil who is enrolled in preschool that we handle the problem as a preschool behavior and not as a bullying incident. We have several preschool programs in the CCSD and the students all have been identified as special needs students. It is unrealistic to go through the bullying process with students who are biologically under age five and socially, emotionally or mentally even lower than their chronological age.

In section 1, subsection 3, paragraph (b), we want to clarify that if the incident is an employee against another employee, it is not covered under the law. Although we feel it was made clear in S.B. No. 504 of the 78th Session, there is still a lot of confusion. Those instances, employee against employee, are still handled as a personnel matter. It does not go through the bullying protocol. It would not be sensible to follow the same procedures for an adult.

There is concern when parents want to bring forth an adult who is not a CCSD employee or an adult who is working in any capacity in the school. When appropriate, these incidents result in a trespass and would not follow the bullying protocol. Although we thought this was clear in S.B. No. 504 of the 78th Session, there is a lot of concern. Section 1, subsection 3, paragraph (c) clarifies this concern.

We are requesting that section 3, subsection 1, paragraph (c), subparagraphs (1) and (2) be moved to section 3, subsection 2, paragraph (i), subparagraphs (1) and (2).

We would like to replace the word "immediate" with "as soon as practicable" in section 4, subsection 6, paragraph (b). This speaks to administrators and staff

having an obligation to take immediate action when an allegation is brought to their attention.

Often in a school, a notification comes to a principal on a Saturday and he or she has no access to the student. We want the administrators or staff to take reasonable action the next school day when they have access to the student.

Section 4, subsection 6, paragraph (e) clarifies the bullying is against a pupil and not against another adult.

Section 5, subsection 2; section 6, subsections 4 and 5; section 7, subsection 2; and section 8, subsection 1, paragraph (c) are all referencing the changes in section 1.

The change in section 6, subsection 3, paragraph (a) was a request from the former director from the Office for a Safe and Respectful Learning Environment. That Office does maintain a 24-hour call line. However, it was the thought of the former director of that Office, that if the money ran out, to change the language to read "To the extent that money is available for this purpose, maintains" a 24-hour, toll-free statewide hotline. This is not required of the district; it is required by the NDE.

Section 7, subsection 1 was a request from the former director of the Office for a Safe and Respectful Learning Environment. In a State Board of Education (SBE) meeting, the agreement was that the process for school districts applying for grant funds from the Bullying Prevention Account would go through the NDE and then be approved by the SBE.

We ask in section 8, subsections 3, 4, and 6 for the language to be inclusive to state, "or a program of training developed by the school district that is deemed equivalent by the NDE."

In the CCSD we created our own training and it has been approved by the NDE. We ask that the law be clear that the CCSD is able to provide that training to our administrators, board of trustees and others.

Section 9, subsection 1 is a conforming change as well as section 9, the top portion of subsection 2. In section 9, at the bottom of subsection 2, we clarify, "If the principal or designee does not have access to the reported victim of the

alleged violation of NRS 388.135, the principal or designee may wait until the next school day when he or she has such access to take the action required by this subsection."

Section 9, subsection 3, paragraph (b) is a conforming change. In section 9, subsection 5 is a request regarding the process timeline. Current statute states the investigation be completed no more than two school days after the principal or designee receives notice. We are asking for an additional day or three school days. We want schools to ensure complete investigations. We want the investigations to be timely and for schools to do them in a complete manner. Within the same paragraph, if a school is working and making a good faith effort to get the parent in for an interview, we are asking for two additional school days. Sometimes parents cannot just get off work within a day to come meet with administrators. For these interviews, the CCSD would like the schools to meet face-to-face with parents when at all possible.

We have talked to the Washoe County School District about this next change. In section 9, we are adding additional wording to subsection 5, and adding paragraphs (a) and (b). If the alleged bully is an adult employee, we still provide the notice and we make a safety plan if that is appropriate, but we are able to waive the timelines in order to follow the negotiated agreement in labor laws. Under the current law, we are having to close the investigation in the two-day timeline without ever having had a formal meeting with the employee.

Either we close out the investigation without the information and we give the family written notice without ever having spoken to the employee or we force the employee to speak with us thereby, negating the opportunity for discipline. Once the employee timeline is met then we would conclude the investigation.

SENATOR HARRIS:

I want to understand the intent of this section. You come across an instance where an adult employee is bullying a student at the school?

MS. MALICH:

Yes, that is the allegation.

SENATOR HARRIS:

How many cases are you aware of?

MS. MALICH:

For the CCSD, I personally am aware of 10 to 12 in a year and a half. It is not a common thing. Is it one too many? Absolutely. We want to follow the law, but we also want to discipline employees if in fact, they are bullying students. Those would include unsubstantiated as well as substantiated cases.

SENATOR HARRIS:

What would an elimination of the timeline do for your investigations? I understand there is a collective bargaining process where the employee would go to the union for help. Do you think waiving the timeframe enhances or impedes the investigation?

During this stage of the investigation you are dealing in allegations and the district is providing necessary protection. How many days or weeks does it take for you to get access to complete what you need to complete?

MS. MALICH:

The timeline is dependent on the bargaining group and how accessible the representation is. The intent on our part though is to not let it sit. The CCSD would still have an obligation to create a safe environment for the student pending this investigation.

We do not want to give the parent a final outcome absent the information. We want the parent to know the issue has been addressed and we have handled it. The written notice says: "Discipline imposed: yes or no."

As it stands today, all of those are "no," and all of those, generally, are unsubstantiated because we only have one-half of the story.

In the event it is proven the employee is bullying, then discipline would be appropriate. As a parent, I would rather be assured that it has been handled as a personnel matter.

Parents feel that we are protecting our own by closing the case and telling them we will handle it later. This change would let them know we are not closing it out; we must go through the process for our negotiated agreements and labor laws to ensure our employee's due process rights are met.

SENATOR HARRIS:

If there was an allegation of a school district employee bullying a student, there would not be a linear timeframe with all that needs to be done, is that correct? The student needs to be protected, and the investigation needs to continue in a respectful way. How would you handle the interim?

MS. MALICH:

You are right. It is not linear, and it is not concrete. It is dependent on the situation.

If an employee has been alleged to have committed a serious offense, the employee may be removed from the building and assigned to home. The parents would be notified. Our first obligation is to protect the students. Parents are part of the safety plan process. We create the safety plan with the parents. We make sure the student is comfortable with the plan prior to proceeding. We also have the obligation to honor due process for our employee.

I will continue with the bill. The additional language in section 9, subsection 6 came at the request of parents and some of our Nevada advocates. It is: "If a violation is found not to have occurred, information concerning the incident must not be included in the record of the reported aggressor."

When the bullying laws were passed in the 77th Legislative Session, the requirement was the notification be submitted in writing only. The 78th Session made a change that the notification to parents could be provided in person or by electronic or regular mail. The compatible list of resources was not changed in the 78th Session, and in section 9, subsection 8 we are adding the language that the list of resources "may be provided in person, or by electronic or regular mail."

Subsection 10 is added to section 9 with "School hours and school days are determined for the purposes of this section by the schedule established for the school pursuant to NRS 388.090."

SENATOR HARRIS:

Section 1, subsection 3, paragraph (a) is addressing the preschool students. It reads, "if the behavior is addressed through measures intended to modify the behavior of the pupil." Is there a behavior plan that schools currently have that

would encompass this type of behavior? Are there objectives in mind when working with a child who may have challenges?

MS. MALICH:

Yes. Our preschool students enrolled in the public school are special education students and they do have behavior plans. We are asking that we address inappropriate behaviors through that mechanism instead of through a bullying report.

SENATOR HARRIS:

Are you opposed to clarifying that in the bill? I read it as just behavior modification and not specifically the behavior plan.

STEPHEN AUGSPURGER (Executive Director, Clark County Association of School Administrators and Professional-Technical Employees):
We support this bill.

I thank Dr. Malich and Ms. Rourke for bringing S.B. 294 forward. Secondly, I thank Senator Farley and Senator Parks for their assistance with this bill.

Senator Harris, I want to address the issue you raised with collective bargaining. I am sensitive to discussions about that as if it may be a problem precluding something. That section did catch my attention, and I did talk with Dr. Malich.

I want to clarify that there is not anything in our collective bargaining group, and I cannot speak to those of other groups, but most are rather similar, that would preclude, or that would require, this wording to be in this document. I believe our documents would allow for an investigation to occur no matter how long it took. It simply requires a day-before notice if the supervisor believes there are actions that have been taken that are not consistent with the contract.

We stand in full support of the bill and think the changes are great. It will facilitate a more efficient implementation of a very difficult bill to manage and which has been managed very well by administrators in CCSD.

BRIAN LEE (Executive Director, Nevada State Education Association):

We fully support the effort to combat bullying and have submitted a letter of support ([Exhibit E](#)).

Ms. PIERCZYNSKI:

The Nevada Association of School Superintendents (NASS) and the Nevada Association of School Administrators (NASA) want to thank the CCSD and the Legislators who have helped to make these commonsense changes which will make it easier to implement the law on bullying. We support this bill.

Ms. LINDSAY ANDERSON:

We support this legislation. We have worked with the CCSD through the Interim to ensure our concerns were addressed during the discussions.

JASON LAMBERTH:

My name is Jason Lamberth and I oppose S.B. 294. Ms. Rourke, in her opening statement, mentioned she worked with parent groups and other groups, yet, I did not see any of them offering testimony in support of S.B. 294.

I sit on the Southern Nevada Anti-Bullying Council (SNABC), and I am also a member of the Nevada Coalition for Suicide Prevention. I was appointed by Governor Brian Sandoval to the Safe to Tell Advisory Committee. The CCSD has my contact information and I was on the internal task force for bullying. They never reached out to me or any parent groups that I am aware of.

I take this bill for what it is. I have submitted my written testimony ([Exhibit F](#)).

DANIEL LINCOLN:

My named is Daniel Lincoln and I strongly oppose S. B. 294. I have lived and worked in Las Vegas my entire adult life. In December 2013, my niece, Hailee, died by suicide. I have submitted my written testimony ([Exhibit G](#)).

AIMEE HAIRR:

I fully oppose S.B. 294.

Within the first few days of his first year in middle school, my son who had just turned 11 began to be bullied by two boys who sat next to him in class. The boys began to run their fingers through my son's hair and used words like "effing faggot, cunt, effing girl, effing tattletale." I am shortening those because I see children through the screen in the audience. These are harsh words for me to say; they are harsh words for you to hear. They are the words my son heard for six long months along with many of his peers in his classroom.

No adult or child should have to be called an "effing faggot" more than once to consider that bullying. This is one example of why I disagree with section 3 of NRS 388.122 by adding the word "repeated."

Weeks later, that same 11-year-old boy sat quietly in his band class numb from the relentless name-calling, and out of the blue, he felt a sharp pencil stab in his penis from the bully sitting beside him. Only one child spoke out of a classroom of students.

The first week of school, my son had made a report to the Dean, but that was ignored. He received profound silence from the people he had always trusted and I had always trusted.

The incident in the band room was a sexual assault and a crime. This incident was reported numerous times by a concerned mother. The same incident was ignored by the principal, vice principal, the school counselor, the dean of students and by the teacher.

Let me state this fact: under oath, the teacher said he was aware of the stabbing incident, but he made a choice to not confront my son's bully. It is apparent that my son's sexual assault was not enough to get any type of notification from the school. Now we want to change that. It was not enough to even call the school police even though that was a policy and law at the time.

Do you know what it feels like to sit in court and watch the principal of your son's school say that he was not required by policy or by law to contact the victim's parents? "It would have been a courtesy call," he said. A call I never received.

My family and I are indebted to many people because of my son's bullying. Governor Brian Sandoval listened and his staff crafted the language of Hailee's Law for the 2015 Legislative Session. Senator David Parks, Assemblywoman Ellen Spiegel, the American Civil Liberties Union, Nevada Equal Rights Committee and two selfless attorneys, Allan Lichtenstein and John Scott, all believed in me and my son. They did not have to do any of this for my family. The biggest hero is my young 11-year-old boy who spoke up and began a bullying experience of his own.

I sometimes believe sharing the load with a friend was my son's saving grace. The reality is that children are dying from bullying in our State and across the world. This is a hard fact to swallow.

The guilt parents like me suffer can be suffocating at times. That guilt does not go away. Hailee's Law was crafted from life experiences that are real, true, raw pain. And yes, the reality is children dying by suicide.

The Governor's staff sat down with parents like me and listened so they could come up with real solutions that will continue to help save children's lives. I urge you to oppose S.B. 294.

STEVE CANAVERO (Superintendent of Public Instruction, Department of Education):

Christy McGill, Director of the Office for a Safe and Respectful Learning Environment, joins me. I want to voluntarily withdraw the request in section 6, subsection 3, paragraph (a) and return it to a commitment to maintain the 24-hour, toll-free statewide hotline. This directly affects the NDE.

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

I want to thank all the parents and all the school districts who really try to do the best they can in making Hailee's Law a reality and ensuring that our children are safe.

There are two themes that we are dedicated to working on with the sponsors and the CCSD.

Our first concern is when a bullying incident occurs, it is our priority that the parents are contacted. It is essential and the spirit of this law that the parents and the schools work together to create a safe environment. If a parent is not notified, the process cannot begin.

The process begins at home with the parent checking on the child. Often in middle school, a child is embarrassed and does not want to tell the parent. We have heard from parents who are worried they will not get the opportunity to check on their child if they are not notified right away.

The second concern is the timeline for notifications, especially around investigations. We understand the complexities of these investigations. We also understand the frustration parents have that an investigation can take months. We are looking for clarification on the timelines.

MS. ROURKE:

We appreciate Senator Farley sponsoring this bill and understanding the hard work the schools do every day to protect children and complete the investigations. The CCSD has done an enormous amount of work to implement S.B. No. 504 of the 78th Session. We have improved our methodology, and practices are better today than two years ago.

I want to clarify section 1 of this bill. The purpose of that section is to allow a law enforcement agency to investigate and later prosecute a crime. Bullying, itself, is not a crime. Assault, battery and harassment are all crimes. They have additional penalties beyond bullying that need to be sought. The purpose for section 1 is so the school districts do not interfere with law enforcement investigations.

SENATOR SPEARMAN:

How much time might it take for school police or a local law enforcement agency to investigate? I think it is critical in understanding what you are trying to do with this bill. I understand not interfering with an investigation, but how do we keep children safe?

MS. ROURKE:

That is why we have added in section 1, subsection 1, "If a principal or designee suspends an investigation pursuant to this subsection, the principal or designee shall: (a) Immediately develop a plan to protect the safety of each pupil directly involved in the alleged violation of NRS 388,135"

First and foremost we are here to protect children and ensure their safety. There is a safety plan in place even if a law enforcement agency is conducting an investigation. That is reiterated very specifically under this piece with purpose.

In section 1, subsection 1, paragraph (b) the bill reads, "To the extent that the law enforcement agency has provided the principal or designee with information about the projected date for completion of its investigation" We would also be able to provide this information to parents and students.

We thought through this wording, understanding that law enforcement agencies do not have the same timelines the CCSD does. Criminal investigations are different from a school district's bullying investigation. If the school district believes the bullying investigation to be a criminal activity, we have an obligation to involve law enforcement.

No, I do not know what the timelines are. This is in no way meant to let us out of our investigation. It is to pursue the highest penalty possible if a crime is committed.

SENATOR SPEARMAN:

I am hearing what the parents are saying in opposition, and I think that I understand what the CCSD is trying to accomplish. Is there a way to communicate to parents that this is not a period of silence; it is a period allowing the legal process to move forward?

MS. MALICH:

Absolutely. That is why we were very clear in that section. First, we will provide the parent notification on the front end of the bullying incident. If it is a criminal act by an adult or a delinquent act by a youth, we hand over the case to law enforcement. We would also put the safety plan in place.

The concern we get from law enforcement is tampering with our concurrent investigation. The problem that occurs generally is when we begin our own investigation interviewing students. The more students who know what is going on and the more students we talk to results in more the information changes. Each time something is told, it is told a little differently. A student could have more information. We want to make sure the highest consequence is administered for the event.

SENATOR SPEARMAN:

A bullying case must be referred to as an alleged bullying case until it is proven otherwise. In the alleged case, you have one set of parents who are anxious to make certain justice is done for their child; the accused child's parents probably are equally as adamant about their child's innocence.

The balancing act becomes making sure you are getting to the bottom of the incident, making sure the child is protected and at the same time making sure

you are not violating the constitutional rights of the child who has been accused.

Does the Fifth Amendment apply if the individual is under 18 years old?

Is there a way to clarify that an administrative process review is in progress? This would let people know there are two sides of this one incident. Both children have to be protected until the full extent of the law has been completed.

MS. MALICH:

Since I have been in my current role, I can assure you whenever the bullying law changes, we put the verbiage of the law in our back-to-school report which goes to every parent. We message it out in our behavior guidelines and in our policy, and we lift the exact language from the law.

To your first point, the messaging absolutely would take place. I will give you an example of what has been done in the CCSD. We are a large district and have some flexibility. When we have had delinquent act investigations by law enforcement, my office has offered to parents of the accuser and the victim an administrative reassignment through the course of the investigation. We can keep the victim safe if the victim turns out to be a victim.

We want the alleged bully or delinquent to be protected, which could mean the child is removed without discipline until an outcome is determined. That way no child can be pressured to change a statement or comments. That has worked well for us. We have not met opposition from parents. We are not doing it as a disciplinary action; we are protecting those students.

Minimally, we have two sets of parents involved in these situations, and we have an obligation to protect both sets of parents. We go to great lengths to protect both parties, even suggesting reassigning the students to different campuses. We absolutely message all of this to parents before the beginning of the school year.

SENATOR HARRIS:

Have there been any criminal investigations as a result of a bullying incident since S.B. No. 504 of the 78th Session was passed?

Ms. MALICH:

Yes, there have been. I would guess about 25 to 30 incidents.

SENATOR HARRIS:

How significant are the criminal charges that you have seen brought as a result of bullying?

Ms. MALICH:

Fairly significant. The most common delinquent acts that are covered under the bullying law are harassment, sexual harassment specifically. That has been a struggle for us to address within the timelines provided within S.B. No. 504 of the 78th Session because the federal Title 9 law has a different set of requirements. When harassment was repealed into bullying in 2013, it created some conflict.

Sexual harassment is predominant and then battery. Battery is a significant charge. We can have battery alone or battery by way of bullying. The battery that comes to us by way of bullying does not necessarily vet as bullying, but often comes with a delinquent charge of battery.

SENATOR HARRIS:

Were any offenders put in juvenile detention or detained in any way in our prison system?

Ms. MALICH:

Yes, there have been students detained as a result of delinquent acts related to bullying. It depends on the students' records within the Juvenile Justice (JJ) system and whether they have committed other delinquent acts. Generally, for first time offenders, detention is not the outcome. In some cases, detention has been the result.

CHAIR DENIS:

I will close the hearing on S.B. 294 and open the hearing on S.B. 252.

SENATE BILL 252: Revises provisions governing the Nevada Interscholastic Activities Association. (BDR 34-785)

SENATOR PETE GOICOECHEA (Senatorial District No. 19):

I am presenting S.B. 252. This bill would require the NIAA to allow a pupil who is enrolled in a charter school, private school or parochial school to participate in a sanctioned sport or other interscholastic event at a public school under certain circumstances.

Presently we allow homeschoolers to participate. This bill would expand it to include students attending private, parochial and charter schools. The schools must be in the same district as the public school. We do not want the district to be shopping for athletes. The residents pay their property taxes and the local school support tax. Many of us know how important sports and interscholastic activities are in a student's education. I think it is critical and essential.

CHAIR DENIS:

Schools must provide uniforms and equipment from their budget which is based on the number of students attending that particular school. A student coming from a private, parochial or charter school to play sports would be taking money out of the school's budget but would not be included in the budget count. Sports are important in urban, suburban and rural districts.

SENATOR GOICOECHEA:

The point I want to make is that the parents are paying 75 percent of the local school support tax but receive nothing in return. It is about equity and fairness.

ASSEMBLYMAN JOHN C. ELLISON (Assembly District No. 33):

I have spent a lot of time in the past two years trying to resolve this issue. There have been conversations with the NIAA. We have travelled to the NIAA in Reno to try to make this work.

We are out in rural Nevada. It is not like we can go to Reno to have our kids participate in sports. A public school student or a homeschool student can compete in NIAA sports. However, a student in a private, parochial or charter school cannot compete in a sanctioned sport or other interscholastic event at a public school.

We have suggested that if we pay for our own uniforms, would the NIAA then allow our kids to try out? We have tried every avenue to fix this problem. The school district's hands are tied based on the regulations. I have asked for a copy

of the NIAA regulations so I could study them, but I have been told they have no copy of the regulations to give me.

We are only asking if the students can try out. We would like to resolve this problem for our children.

CHAIR DENIS:

Is the reason this is an issue is because the students are coming from a small school, and there are not enough students to form a team?

ASSEMBLYMAN ELLISON:

That is correct. The school is so small they have only three or four kids who can try out. The kids can compete in their early years with Little League and T-ball sports until high school. Then they are unable to play in high school sports.

SENATOR JAMES A. SETTELMAYER (Senatorial District No. 17):

My districts have a different spin on this issue. I have districts that have 6,000 population and districts with 50,000 population.

For example, there are not enough students in a public school who are interested in a particular sport, but there are people in that school who wish to go forward with that sport. There are individuals interested in the sport from other schools who would like to field a team. Without these other avenues, the school cannot put a team together.

I understand your concern about the funding. Parents of athletes donate fairly willingly through fundraisers and such, because funding is not always there for athletics. The teams must find the funding themselves.

SENATOR SPEARMAN:

The bill is not talking about just rural public schools, it is including all the other schools. My concern would be the liability piece of the bill. Who bears the brunt of that?

SENATOR SETTELMAYER:

Regarding the numbers I quoted of 6,000 versus 50,000, I was talking about the populations of the counties and not the population of the schools. My daughter has played team sports through school and I have to provide insurance

or she would not play on the team. That is the way it is done in my district's schools. Mr. Goicoechea would have to answer for some of the other districts.

SENATOR SPEARMAN:

Correct me if I am wrong. There is also liability insurance schools need. If something happened to a child, invariably someone is going to go after the school district. How do we get to the equity of funding the liability issues? Is it included in the fees that parents pay for their child to participate?

SENATOR SETTELMAYER:

My father was president of the Douglas County School Board for 14 years, and I worked with the president of that Board for 16 years after my father's term. I do not have current data. Ten years ago, whether the school had six or seven teams or two or three more members on a team did not create an additional liability for the school in the way of increased cost. That was included in the initial aspect as the scholastic sports as a whole. I will ask Mr. Goicoechea to follow up if I am incorrect.

SENATOR GOICOECHEA:

We had to carry insurance whether it was the school insurance program and/or our own private insurance when my children were in school. It has been a long time since my children participated.

The liability insurance is there for the students from the public schools. It is not provided if the student is homeschooled or if he or she were from a private, parochial or charter school. It would be hard to focus down on the cost for an additional student. Liability is what it is and we know liability coverage is expensive. We know that.

SENATOR SPEARMAN:

I am not speaking about liability with respect to the overall cost. It is one thing to talk about children from rural public school, but it is quite another to have children enrolled in private or parochial schools coming under the umbrella of a public school and the only reason is for sports. I am thinking about equity. Let us say the student comes from an urban private school. I am thinking about equity.

SENATOR GOICOECHEA:

People pay the same level of property taxes if their child is enrolled in a public or a private school. We are talking about equity and the ability for students to assess the programs the parents are paying for presently in their property taxes.

ASSEMBLYMAN ELLISON:

A student who is homeschooled, or who is in a public school or a charter school, can participate in sports. A student in a private school cannot participate. When we met with the NIAA, we asked if we could cover the costs needed for uniforms or whatever costs there might be just so our kids could to try out for a team. I do not think the additional insurance cost at that time would have been the problem. The problem was trying to get to first base, and we never got past that point.

CHAIR DENIS:

You keep bringing up charter schools. Public charter schools currently are allowed. In section 1, subsection 2, paragraph (a) refers to school district. I am assuming you are referring to their zone school.

SENATOR GOICOECHEA:

The bill does state a student would have to participate in the public school they would have attended if they had chosen public education. Public charter schools and homeschoolers can participate in NIAA sports. Parochial schools and private charter school students cannot participate.

CHAIR DENIS:

In the bill it refers to charter schools, private schools or parochial schools. Do we have private charter schools? It does not sound like you need to include charter schools in the bill.

SENATOR GOICOECHEA:

I agree.

CHAIR DENIS:

This bill does not apply only to rural areas. It applies to urban areas as well.

SENATOR SETTELMAYER:

What I have seen regarding private schools in the larger jurisdictions, they are the ones who are extremely hard to beat. They tend to have their own funding, good teams and athletic directors.

MR. GAVIN:

We support this bill. There are two points regarding the necessity of the bill for charter schools that I want to bring to you. The first, NRSA 388.474 does provide for charter school students to participate in interscholastic activities including athletics as well as extracurricular activities. S.B. 252 specifically relates to requirements in the NIAA.

For the record, over the past several years, we have seen greater collaboration between the charter sector and the NIAA. There are a number of schools, particularly in our rural areas, that do have concerns. We have some charter schools that have developed strong collaborative relationships with their local school districts and have students on their zone school teams.

There is an ongoing issue in certain communities regarding charter school students who appear to be categorically excluded based on their attendance at a charter school. For example, a student who was formerly on a team is suddenly cut when he or she transfers to a charter school. There are allegations we have heard from families, and I have no investigative authority to deal with that. I can only report the information we have been told by families.

Additionally, the imposition of substantially greater fees for parents who do pay the local school support tax than what is required for a student from the local district school for uniforms and other fees raises concerns whether the increase in cost is intended to be an exclusionary practice. While these are isolated incidents, they are big pain points, particularly in small communities.

In our rural areas, sports are very much part of the lifeblood of the community. We want to be sure we are able to bring together the civic and community cohesion that sports bring for all of us.

CHAIR DENIS:

Will this legislation change these situations?

MR. GAVIN:

The important thing is it gives the NIAA some additional voice in this matter. Frankly, the only way it will be changed is by parents trying to enforce their rights with their local school districts. That is another matter.

PATRICK HERMAN (Principal, Spring Creek Christian Academy):

I am in support of S.B. 252. Dialogue and action need to be taken on this matter to protect our Nevada students and communities at large. I have submitted my letter of support ([Exhibit H](#)).

There is a safeguard in place for the high schools. The schools have a provision that allows them to take their own students first. Any additional openings can go to a homeschooler, a student in a charter school or a student who is studying in a community college instead of a regular high school. If there is an opening in a roster, this bill would allow us to fill those spots that are not being filled. There would be a certain allotment of uniforms in the schools.

JEFF SNYDER:

My son, Connor, has participated in sports most of his life. We made the personal choice for our son to attend Spring Creek Christian Academy (SCCA).

Laws now allow students who are homeschooled to participate in public school activities including sports. Last year, we officially made Connor a homeschooler, and he took a couple classes at the SSCA to supplement our homeschool work. By doing this, he was allowed to play soccer on the local high school soccer team.

However, it has been a burden on his mother to homeschool Connor. It would be our preference that he be a full-time student at SCCA and still continue to participate on the high school soccer team.

While Connor was playing on the soccer team, we provided the school district his grades every week, and he was required to keep up all other eligibility requirements. We are in support of S.B. 252.

APRIL MCNEILL:

I am a parent and a teacher at SCCA, and I see these students' talents and athletic abilities during recess. It is a shame to waste these talents when the private school and public school can benefit from the students. The students are

not asking for a special privilege but are only asking for an opportunity to try out. Our students want to have the ability to show their talents, and the public school wants to have a complete team.

DAN JOHNSON:

I am a resident of Elko County and am speaking in support of S.B. 252 on behalf of Nevada schools and children. I have submitted my written testimony ([Exhibit I](#)).

MIKE SHANKS:

I was raised in Reno and have been a resident of Elko County for the past 27 years. I support S.B. 252. I have submitted my written testimony ([Exhibit J](#)).

MR. SNYDER:

Nine students from SCCA are here today and several are not able to participate in high school athletics because of the current rule. They are here to show their support for S.B. 252.

I would like to read a letter of support given to me to read by Stephaney and Christopher Cooper who could not be here this afternoon ([Exhibit K](#)).

JANINE HANSEN (Nevada Families for Freedom):

This is a matter of equity for students and for taxpayers. When I was homeschooling my own children in Washoe County, there was not the opportunity for them to participate in the public schools. We have made a lot of progress since that time.

We want to help all children to have the best opportunities. This bill extends that opportunity to more children. We fully support S.B. 252.

BART THOMPSON (Executive Director, Nevada Interscholastic Activities Association):

We submitted a letter of opposition for your review ([Exhibit L](#)). The NIAA organizes and administers the high school athletic programs throughout Nevada. The NIAA was authorized by an act of the Nevada State Legislature back in the 1970s.

We are subject to all of the rules regarding the prolongation and implementation of regulations by State agencies. However, we receive no direct State funding.

Gate receipts at State high school tournaments and sponsorships account for 75 percent of our funding. Fourteen percent is from member school dues and 11 percent from selling rule books, and those types of things make up the remaining 25 percent of our budget.

We are governed by a Board of Control that has nine voting members from our four geographic regions throughout the State. Region I represents Washoe County and has two representatives; Region II consists of Carson City, Churchill and Douglas Counties, which has one representative; Region III has one representative representing Elko, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Lyon, Mineral, Nye, Pershing, Storey and White Pine Counties. Region IV represents Clark County and has five representatives.

The regulations of the Association are proposed by the Board and then follow the process for approval for any regulation implemented by State agencies. Senate Bill 252 seeks to require the NIAA to adopt rules that must allow certain nonpublic school students.

I appreciate the statement of Senator Goicoechea saying, "That is not what we want to do." If you read the language of the bill, that is exactly what it does. It requires the NIAA to adopt regulations that must allow students from charter, private and parochial schools to participate. It does create a separate class of students who do not have to abide by eligibility rules, and who do not have to try out to make the team because they must be allowed to participate.

State statute currently provides for the participation of charter school students who are part of the public system and for the participation of homeschooled students. The statutes that deal with both of these types of students are very clear and are fairly detailed in the types of eligibility rules that are required of them.

Is S.B. 252 purporting to supersede the rules that already exist for the public charter school students? The homeschooled students have a number of regulations that deal with eligibility which require them to meet the same eligibility requirements, try out and make the team like traditional public school students. This bill does not include any of those regulations for the private or parochial school students. The way the bill is written now it appears to supersede homeschooled and charter school laws that are already in statute.

The regulation the bill seeks to eliminate was adopted through the process when all member schools were represented on the Board of Control. Reasons have been stated by the NIAA for the regulation opposition, and Mr. Johnson actually read a number of them in his testimony. While facilities, football, soccer, baseball fields and gyms are built with those funds Mr. Johnson was talking about, there are other costs that come out of an annual school budget to provide for the students who are in the school.

The one group we have not heard from in Elko County are the parents of the students who are going to be replaced by the students coming from a private school to participate. In many instances, basketball teams in particular, the opportunity to participate at a school are finite. They are not unlimited.

When a student comes from a private school that he or she has chosen to attend, knowing full well the private school does not have an athletic program, the student will be replacing someone from the public school. Our responsibility at the NIAA is to look out for all of the students in the schools. The student who is attending that school and is a part of that school should have priority over a student who does not attend the school when it comes to participating in school sports.

SENATOR HARRIS:

Could you outline what is paid for from property tax versus other taxes?

MR. THOMPSON:

I am new to Nevada and am happy to receive information if there is someone who can give some assistance. My understanding is property taxes, for the most part, are for facilities, and facility expenses and maintenance expense on the facilities.

The Distributive School Account (DSA) funds provided to the schools from the State is the main method of funding schools from State-accrued taxes. Those taxes fund the ongoing programs within those schools. Once the monies are received in the budgets, the monies come from the budget unless it is earmarked through some type of local assessment for a specific purpose.

SENATOR HARRIS:

In regard to equity, are you able to capture particular types of taxes that only public school parents pay that help pay for school sports?

MR. THOMPSON:

No. Everyone pays taxes whether they have students in school or not.

SENATOR HARRIS:

Looking at a funding equity perspective, are we able to distill what funds pay for which portions of sports programs?

MR. THOMPSON:

I would have to look into that much deeper than I have. I do not believe so, at this point.

CHAIR DENIS:

I think the sponsor will have to address your question if S.B. 252 would supersede the charter school regulation. You make a point that a student must be put on a team. We heard testimony earlier, the students just want an opportunity to try out for a athletic team.

If the bill was changed to read that private students be given an opportunity to try out for their zoned high school team, would that change how your organization would look at the bill?

MR. THOMPSON:

That would make it a better bill. I do not deny that. The feedback I have had from the member schools on this particular legislation is that they are opposed to the idea of students who have chosen not to attend public schools being able to pick and choose those things they would like in the public system. Representing all of the schools that are members of the NIAA, it probably would not change our position.

CHAIR DENIS:

Would it make a difference if it was made available only in rural areas versus urban areas? Is there a difference in your mind in that respect?

MR. THOMPSON:

There is difficulty with writing rules for the entire State. Do we discriminate within those rules? How do we define a rural area? Do we say any school located within a county less than a certain population? Do we look at a private school with less than a certain number of students? That would apply also in an urban area.

We do have members of the NIAA that are the larger schools and have their own programs. Statute requires that we provide for them to be members of the NIAA. There are the smaller schools within the urban areas that would hesitate to create programs of their own because they could advertise that a student could still play for the local zone high school.

CHAIR DENIS:

So if it is a small school and we had a limitation on the size of the school, that might be workable.

ERIN CRANOR (Past President, Nevada Association of School Boards):

I am representing the Nevada Association of School Boards (NASB) and am testifying at the request of the NASB president, Wade Poulsen, who is unable to be here.

In full disclosure, I am a past president of the NIAA Board of Control and I am in my seventh year serving on that Board. We do have private school representatives on the Board and a charter school liaison.

The NASB is not in opposition to the concepts that have been presented today by the presenters and those speaking in support of S.B. 252. The NASB is in opposition of what the bill does.

It would be helpful to let you know this bill does something different than what has been presented conceptually. Mr. Poulsen was hoping there would be amendments to this bill that would actually cause it to do what has been presented. It is far from accomplishing what is intended.

I will now present the testimony from NASB president Wade Poulsen ([Exhibit M](#)). With my experience with the NASB, I can answer your questions.

CHAIR DENIS:

You stated the NSAB is not in opposition to the concepts of the bill. What would those concepts be?

MS. CRANOR:

The NASB does not oppose the concepts of wanting to provide the opportunity for sports to all students. My understanding what Mr. Poulsen was working on was something that would approximate the language that is there for

homeschoolers and charter school students and would actually do what Senator Goicoechea said this bill does, which is simply to expand the homeschool and charter situation to private students. The language would be in a different part of the NRS and would be much more complicated.

SENATOR SPEARMAN:

Do the monies follow the students from public school to private school?

Ms. CRANOR:

No. The situation for the schools, in terms of the schools making decisions on their budgets for athletics, is that if students are not attending their schools, the schools are not receiving any DSA funding for those students. Their budgets are comprised of per pupil funding that comes per the traditional public student.

SENATOR SPEARMAN:

Hypothetically, a high school has a pool of 1,500 students eligible to attend that school and 500 students go to a private school. Is the DSA funding calculated on the 1,500 or the remaining 1,000 students?

Ms. CRANOR:

The students are present and counted on count day using those statistics that are reported to the State. The school only receives funding for the students who attend the school that day.

SENATOR DENIS:

So the answer would be 1,000?

Ms. CRANOR:

Yes.

SENATOR GOICOECHEA:

Of the 75 cents of the local school support tax, the brick-and-mortar fund receives 50 cents and, I believe; 25 cents goes to the DSA fund. Again, parents are participating with their property tax in DSA that they can never access.

Wade Poulsen and I did meet and have had a conversation. I did not want to muddy the bill up until we got into it deeper. Mr. Bart Thompson and I will look at the bill as well. The bill may be misleading. In my mind, the bill says provide for membership of charter schools, private schools and parochial schools who

elect to join the NIAA. What we want is to technically allow the schools into the Association which then allows students to participate.

Hopefully, with further discussion we can get the bill clarified to the satisfaction of the NASB and NIAA.

SENATOR SPEARMAN:

Would this bill work with reciprocity? Would a chess player student in a public school without a chess team be able to join a private school's chess team?

SENATOR GOICOECHEA:

I cannot answer that. We have no control over a private school.

CHAIR DENIS:

Chess teams are not considered athletics. However, it is a valid point.

I will close the hearing on S.B. 252 and open the hearing on S.B. 301.

SENATE BILL 301: Revises provisions relating to education. (BDR 34-550)

SENATOR JAMES A. SETTELMAYER (Senatorial District No. 17):

Senate Bill 301 includes recommendations from the Sunset Subcommittee of the Legislative Commission. I was Chair of that Subcommittee in the 2015-2016 Interim. The recommendations relate to entities within the Department of Education (NDE).

The Subcommittee is authorized to review every board, commission, committee and similar entity created by statute. All of the boards and commissions that are reviewed by the Sunset Subcommittee are asked to submit their financial records, minutes of meetings, budgets and other records.

Each entity is also asked to complete a questionnaire. Each is given an opportunity to suggest revisions to statutes that govern its functions.

Nevada Revised Statutes (NRS) 232B.240 provides that: The Sunset Subcommittee shall conduct public hearings on boards and commissions that it is reviewing; and the entity under review has the burden of proving that there is a public need for its continued existence. The Subcommittee is directed

to recommend that a board or commission be continued, modified, consolidated or terminated.

There are five entities included in S.B. 301; four of these were considered by the Subcommittee at its meeting on April 21, 2016.

Most of the sections of S.B. 301 relate to the Subcommittee's recommendation to repeal the State Board for Career and Technical Education (CTE). This Board consists of the members of the State Board of Education (SBE). It is a holdover from the early 20th century. In 1917, Congress authorized federal aid for vocational education and required that every state have a state-level board to administer these funds. At that time, SBE consisted of the Governor, the Superintendent of Public Instruction and the President of the University. As a result, the Legislature created a State Board of Vocational Education, which consisted of the three members of the SBE. A few years later, a representative of agriculture and a representative of labor were added to the Vocational Education Board.

In the 1930s, the Legislature began to provide for elected members of the SBE. Eventually, in the early 1970s, the representatives of agriculture and labor were replaced by elected board members. The Legislature also required that the two boards meet at the same time.

We have maintained these two boards in NRS. In reality, the State Board for CTE exists only on paper.

Senate Bill 301 abolishes the State Board for CTE and transfers the duties of the CTE Board to the SBE or the Superintendent of Public Instruction.

The members of the Sunset Subcommittee are mindful that federal CTE regulations still require the designation of a state-level board to be responsible for federal funds. Section 10 of S.B. 301 provides that the SBE is designated as the sole State agency to administer CTE in Nevada.

The second recommendation came because the Subcommittee is concerned about CTE. The members also recommend that the membership of the SBE reflect the importance of career and technical education.

The current membership on the SBE includes seven voting members; four are elected from the congressional districts and three are appointed by the Governor. One member must be a teacher, one member must be a parent, and one member must be a business or industry representative.

Section 2 of S.B. 301 requires that the teacher appointed by the Governor must be a CTE teacher. This would reemphasize the importance of training for careers and vocations that the representatives of agriculture and labor brought to the state-level board before they were removed 40 years ago.

As I mentioned in my opening remarks, each board or commission the Sunset Subcommittee reviews is given an opportunity to request revisions to the statutes that govern its operations.

In the third recommendation, the Advisory Council on Parental Involvement and Family Engagement made the two requests that are presented in sections 4 through 6 of S.B. 301. The first request is to change the name of the Advisory Council. The term “parental involvement” is deleted. The Advisory Council indicated to the Sunset Subcommittee that the term “family engagement” encompasses all members of the family, including parents.

The second request relates to reports that the Advisory Council is required to make to the Legislature. Right now it is required to make an annual report to the Legislative Committee on Education and a biennial report to the Legislature. Senate Bill 301 combines the two reports into a single annual report.

The fourth recommendation from the Sunset Subcommittee is to repeal the Commission on Educational Technology. This Commission was created by the Legislature in 1997 as part of the Nevada Education Reform Act when there was very little educational technology in our public schools.

It has four statutory responsibilities: establish a statewide plan for the use of educational technology in the public schools; develop technical standards including specifications for computer hardware and wiring; conduct an assessment of the educational technology needs of each school district, and allocate money to the school districts from the Trust Fund for Educational Technology.

The questionnaire and review form submitted to the Sunset Subcommittee included the following information: the Commission does not develop technical standards for school districts; since districts are better equipped to determine their own technical specifications; and the needs assessment is prepared by an outside research group that presents its reports to the Commission and then to the Department.

As to a statewide plan, the Legislature adopted Nevada Ready 21 in 2015, which has set the goal of providing an electronic device for every public school student.

The Nevada Ready 21 initiative includes a role for the Commission on Educational Technology. That role is to approve the recommendations of the review committee for the funds to be distributed.

The recommendation from the Sunset Subcommittee to repeal the Commission aligns with recommendations from the Legislature's own Committee to Study the Governance and Oversight of the System of K-12 Public Education.

In the same Interim, the Governor's Education Reform Blue Ribbon Task Force made the same recommendations to abolish many of the committees and commissions established in the Department of Education (NDE).

In both instances, the reports noted that the responsibilities of the NDE have become fragmented, and an effort should be made to return responsibilities to the Superintendent of Public Instruction and the SBE.

In sections 21 through 24, we propose to repeal the Commission and transfer its duties to the NDE.

The final entity in S.B. 301 is the Interagency Panel. It was reviewed by the Sunset Subcommittee at its meeting on February 23, 2016. The Interagency Panel was created in 1995 to review the placement of certain children in residential facilities, most of which were located outside of Nevada.

Some of these placements were managed jointly by the NDE and the Department of Health and Human Services.

As provided in the NRS, the panel members are the Director of the DHHS; the Administrator of the Division of Child and Family Services; the Administrator of the Division of Public and Behavioral Health; and the Superintendent of Public Instruction. This panel has not met in recent years.

The Sunset Subcommittee was told that new processes have been developed that are more appropriate for making these determinations for residential placement of eligible children. Section 31 of S.B. 301 provides for the repeal of NRS 388.5237.

Senate Bill 301 makes a number of changes to education boards and commissions. The Sunset Subcommittee has the responsibility to review and recommend revisions to ensure boards and commissions can operate efficiently and are serving the people of Nevada.

We have found some of the State's boards, commissions and committees have been inactive for a long time. Others have outlived their usefulness. The Sunset Subcommittee has made our recommendations; the Legislature will make the final decisions.

SENATOR WOODHOUSE:

Going back to section 2, subsection 6, paragraph (a) regarding abolishing the CTE and having a CTE teacher on the SBE, I appreciate the shining light being put on the CTE teachers and I am not inferring the CTE teacher would not support all education. What if we had two teachers on the SBE?

SENATOR SETTELMAYER:

These are recommendations from individual members of the Sunset Committee who unanimously voted for this discussion. We felt we needed to put more emphasis on career and technical education. There tends to be a fair amount of desire to ensure individuals go on to college. We also wanted to state the importance of career and technical education when looking at the industries that are moving to our State. These industries are utilizing community colleges or smaller colleges for training that is needed.

CHAIR DENIS:

When the CTE was created and before I was in the Legislature, I was appointed to the Board as a parent. Initially, there were a lot of things we did. The biggest

benefit to that particular group is you have a group of people who actually use the technology.

Even though we have technology in the schools today, one of the biggest challenges is we do not use them to the best of the ability that we can. I see the value of having a group that understands technology. I also hear and understand the points made that some things are not done much by the CTE now. There still is a need to have someone overseeing and who understands what technology is going on.

SENATOR SETTELMAYER:

I appreciate your comment. The Committee had a lot of discussion on the point with respect to the Nevada Ready 21 initiative that then makes recommendations to the Commission for Career and Technical Education. Has your Committee ever not followed the recommendations? The date the Sunset Committee was given always has been a pass-through. The Sunset Committee makes a recommendation and your Committee would approve the recommendation.

CHAIR DENIS:

I think that has changed throughout the years. During the period it has been around, I have been on or off the CTE. We did have some studies done, and we made adjustments based on Nevada's needs. We hired an organization to make recommendations after talking to the members of the CTE.

When it was first created, I think there was about \$60 million allocated to get computers. We were discussing putting electrical plugs in the classrooms for the computers. At that time, most classrooms had very few plug-ins in the room. Today, we are discussing fiber and high-speed internet installed in classrooms and asking how do we get high-speed internet to Owyhee.

SENATOR SETTELMAYER:

The Sunset Committee had the charge to determine whether to continue, modify, consolidate or terminate boards and/or commissions. My job was to bring your Committee the bill which now falls to you. Perhaps, Dr. Canavero can give testimony on the CTE.

CHAIR DENIS:

We will have some discussions. There was an interesting comment to add an additional teacher on the CTE. There are times when people with specific expertise are needed on commissions, boards and others, and that is a concern of mine.

SENATOR SETTELMAYER:

By not adding another person to the CTE, we missed a fiscal note.

JILL BERNTSON (Aging and Disability Services, Department of Health and Human Services):

Jane Gruner, acting administrator for the Division of Child and Family Services, testified in the Interim that the Interagency Panel was created to assess the educational needs of children in foster care.

I spoke to Kelly Woolridge, the current Administrator for the Division of Child and Family Services. She said that foster care agencies now have staff that are working directly with the school districts. The Interagency Panel is no longer needed. The Interagency Panel has not met for several years, and I was unable to find recorded minutes of when the Panel last met.

We do not object to abolishing the Panel.

RUBEN MURILLO (Nevada State Education Association):

I represent 40,000 teachers and education support professionals across Nevada. We oppose S.B. 301 solely for one reason. The reason is mandating that the one teacher who is on the SBE be a career and technical education teacher. We have submitted a letter of opposition ([Exhibit N](#)).

We understand the need to remove redundant committees or inactive committees, and we fully support that. However, by requiring the teacher be a career and technical educator limits the voices of other educators who can serve on the board.

My recommendation is the Committee look at expanding the voice of teachers on the SBE or creating subcommittees that can actually do the work. We just came off the Every Student Succeeds Act of 2015 task force, and we worked very well in subcommittees to create the recommendations that came forward.

CHAIR DENIS:

That is a good point. I will close the hearing on S.B. 301 and take public comment.

MR. KEATING:

One of the CCSD administrators, Tya Mathis-Coleman, Director of Recruitment in High Needs Areas for the Clark County School District, has been named a winner in the 17th annual 40 Under 40 Award Ceremony held in Las Vegas.

Eight months ago, the U.S. Department of Education released a report showing an average of 1 in 5 teachers are diverse, that is 18 percent Nationwide. With Ms. Mathis-Coleman's help, the CCSD has had a 6 percent increase in our diversity, and in the current school year 38 percent are recognized as diverse. We still are making efforts to move this forward. We are proud of Ms. Mathis-Coleman's efforts and those of our Human Resources Department.

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CHAIR DENIS:

Do we have further public comment? Having no further business on the agenda,
the meeting is adjourned at 6:29 p.m.

RESPECTFULLY SUBMITTED:

Shelley Kyle,
Committee Secretary

APPROVED BY:

Senator Moises Denis, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	6		Attendance Roster
S.B. 248	C	20	Andrew Hillyer	Nevada Assembly Education Committee Minutes, January 31, 1977
S.B. 248	D	3	Andrew Hillyer	Nevada School Districts Process for Special Education Students Who Turn 22
S.B. 294	E	1	Brian Lee / Nevada State Education Association	Letter of Support
S.B. 294	F	2	Jason Lamberth	Letter of Opposition
S.B. 294	G	1	Daniel Lincoln	Letter of Opposition
S.B. 252	H	1	Patrick Herman / Spring Creek Christian Academy	Letter of Support
S.B. 252	I	3	Dan Johnson	Written Testimony
S.B. 252	J	2	Mike Shanks	Letter of Support
S.B. 252	K	1	Jeff Snyder	Letter of Support / Stephaney and Christopher Cooper
S.B. 252	L	1	Bart Thompson / Nevada Interscholastic Activities Association	Statement of Opposition
S.B. 252	M	2	Erin Cranor / Nevada Association of School Boards	Letter of Opposition / Nevada Association of School Boards
S.B. 301	N	1	Ruben Murillo / Nevada State Education Association	Letter of Opposition