

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Seventy-ninth Session
April 13, 2017**

The Senate Committee on Education was called to order by Chair Moises Denis at 3:45 p.m. on Thursday, April 13, 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 David R. Parks, Senatorial District No. 7
Senator Pete Goicoechea, Senatorial District No. 19
Senator Nicole J. Cannizzaro, Senatorial District No. 6

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Nicole Rourke, Associate Superintendent, Community and Government Relations, Clark County School District
Bart Thompson, Executive Director, Nevada Interscholastic Activities Association

Senate Committee on Education
April 13, 2017
Page 2

Craig M. Stevens, Clark County School District
Steve Canavero, Ph.D., Superintendent of Public Instruction, Department of Education
Lindsay Anderson, Director, Government Affairs, Washoe County School District
Patrick C. File, Ph.D., Assistant Professor, Media Law, University of Nevada, Reno
Chris Daly, Nevada State Education Association
Christy Briggs
Lauren Draper
Casandra Workman
Taylor Pittman
Atley Weems
Steve Ranson, General Manager/Editor, Lahontan Valley News
Brad Keating, Clark County School District

CHAIR DENIS:

I will open the meeting of the Senate Committee on Education with a work session, starting with Senate Bill (S.B.) 107.

SENATE BILL 107: Requires ethnic and diversity studies in public high schools.
(BDR 34-116)

TODD BUTTERWORTH (Policy Analyst):

This bill was heard in this Committee on March 28 and requires ethnic and diversity studies in public high schools. There is a conceptual amendment to make this course optional for school districts and students. The conceptual amendment is specified in the work session document ([Exhibit C](#)).

SENATOR HAMMOND:

If this was optional and it was an elective course in high school, what kind of credit would a student receive? Would it be an elective credit, or are you contemplating something else?

SENATOR SEGERBLOM:

I am not sure, but whatever kind of credit they could get would be great. It is optional.

CHAIR DENIS:

Do you have a preference, Senator Hammond?

Senate Committee on Education
April 13, 2017
Page 3

SENATOR HAMMOND:

I would rather it not be a social studies credit, because I think there are certain classes students need to have. It is good for them to have options to take a class they are interested in, though, because students do much better when they can choose a class they are interested in.

SENATOR SEGERBLOM:

That is my thought. Get the class out there, let people see it, and then we can evaluate it. If it turns out it would be a substitute for a requirement, that is different, but that is not my thought.

CHAIR DENIS:

My understanding is that as they develop or update standards, this course of study could be included.

SENATOR SEGERBLOM:

Correct. It would be my hope that the State would do that so it would fit into the social studies standards.

SENATOR SPEARMAN:

I think a lot of what we have done with education is to make it more monolithic rather than looking at things from a global perspective. We shelter our students so everything is homogenized, and then when they grow up and go to college, they are in for the shock of their lives. Many of today's corporations are multinational, so our students may stop and think about how this type of a course can benefit them later, much like learning a foreign language.

I am good with the amendment making the course optional, but I would hope that school district administrators would try to emphasize the importance of knowing about other cultures and becoming more comfortable with diversity.

SENATOR HARRIS MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 107.

SENATOR SEGERBLOM SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Senate Committee on Education
April 13, 2017
Page 4

CHAIR DENIS:

I will open the work session on S.B 200.

SENATE BILL 200: Revises provisions relating to instruction in computer education and technology. (BDR 34-266)

MR. BUTTERWORTH:

This bill was heard in Committee on February 28 and revises provisions relating to instruction in computer education and technology. There is one amendment attached to the work session document ([Exhibit D](#)).

SENATOR SPEARMAN MOVED TO AMEND AND DO PASS AS AMENDED AND RE-REFER TO THE SENATE COMMITTEE ON FINANCE S.B. 200.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION PASSED. (SENATORS GUSTAVSON, HAMMOND AND HARRIS VOTED NO.)

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CHAIR DENIS:

I will open the work session hearing on S.B. 212.

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

MR. BUTTERWORTH:

This bill was heard in Committee on March 2 and expands the scope of reporting bullying issues to the Safe-to-Tell Program. There is one amendment included with the work session document ([Exhibit E](#)).

SENATOR WOODHOUSE MOVED TO AMEND AND DO PASS AS AMENDED S.B. 212.

SENATOR HARRIS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR DENIS:

I will now open the work session on S.B. 225.

SENATE BILL 225: Revises provisions relating to bullying and cyber-bullying.
(BDR 34-753)

MR. BUTTERWORTH:

This bill was heard in Committee on March 21 and extends to private schools the existing requirements and prohibitions concerning bullying and cyberbullying that currently apply to public schools. There is one conceptual amendment, Proposed Amendment 3820, included in the work session document ([Exhibit F](#)).

SENATOR WOODHOUSE:

I want to ask Senator Parks to come to the table. I have a question about elementary schools. On page 10 of Proposed Amendment 3820, [Exhibit F](#), starting on line 26, where it says, " ...not later than 2 school days after the administrator or designee receives a report," I would like to make that 3 days.

Also on page 10 in line 30, where it says, "... within 2 school days after making a good faith effort," I would like to change that to 3 days. In line 31, where it says, "...1 additional school day may be used to complete the investigation," I would like to make that 2 additional school days.

The reason I am suggesting these changes is that when I visited some schools in my district, many of the elementary school principals who do not have assistant principals or counselors are having a difficult time meeting the timelines that are in statute. It is not that they do not want to make those notifications; they just need more time. Especially if an incident happens on a Friday, they need to get notice to the parents or guardians of the children who are involved. This would be a friendly amendment, and I know it was in Senator Farley's bill, S.B. 294, that got incorporated into this bill.

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

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

In response to that request, we all realize time is of the essence in any of these situations. I know that it was in S.B. 294, Senator Farley's bill, to change the numbers of days. It was my understanding that was not listed as a high priority, so it did not get transferred over to S.B. 225. I know people on this Committee are the experts, and I am not. I was wondering if we could put wording into the bill to make it a three-step process instead of a two-step process. I would certainly support one additional day if there were extenuating circumstances. Perhaps having it as a three-step process might be helpful. The bill is talking about school days, not calendar days.

SENATOR WOODHOUSE:

I think you make a good point, so if our legal counsel can add that into the amendment, it might help and then we can see how it works.

CHAIR DENIS:

Mr. Killian, did you get enough information?

ASHER KILLIAN (Counsel):

Yes, I could proceed with what is on the record.

SENATOR GUSTAVSON:

I have some serious concerns about putting the private schools into this because of the religious faith they have that is possibly inconsistent with their beliefs. I would feel better taking them out. Maybe there are some constitutional issues there, too.

SENATOR PARKS:

Senate Bill 212 is the Safe-to-Tell Program, and for it to have the impact it needs, it needs to also include private schools. There would be a big void if we were to leave that out. We are on the verge of having an outstanding program, and I would hate to see a carve-out for one major element. That is the whole reason why this was put in there. From the discussions I have had with private schools, the students say they do not feel protected. This would give them that protection.

CHAIR DENIS:

I, too, have received correspondence from students in private schools. We did vote on S.B. 212 today, which also has a piece in there for private schools.

SENATOR GUSTAVSON:

Senator Parks and Chair Denis, you said you had discussion and emails from students in private schools. What about the parents of those students?

CHAIR DENIS:

I heard from parents, too, wanting their kids protected from bullying.

SENATOR SPEARMAN:

I am okay with the bill. On page 3, starting on line 12 of Proposed Amendment 3820, [Exhibit F](#), it says, "The schools in this State provide a safe and respectful learning environment in which persons of differing beliefs, races, colors, national origins, ancestries, religions, gender identities or expressions." I think this explicitly states that you have to respect different religious beliefs.

Going back to testimony in the 2013 Legislative Session, we heard about being Jewish and getting taunted during Christmas time. Many times when we talk about religious beliefs, we carve out Christianity, but there are students who belong to other religions. If anyone is concerned about what that means in terms of religious freedom or bigotry, then this statement expressly says that one of the objectives of this measure is to provide a safe and respectful learning environment. Even if you do not agree with the way my church baptizes, for example, you still have to respect that, and I have to respect your beliefs. To the objection of what this bill might mean for religious freedoms, I think that paragraph renders it moot.

CHAIR DENIS:

Mr. Killian, do you see anything in here that would force a private school to have to somehow change, especially a religious school?

MR. KILLIAN:

I did not initially see anything like that, but we could certainly do more research to see whether there would be an effect with the revised language.

SENATOR PARKS:

I will add that during the hearings on this bill and prior to this, I did not hear any complaints from anybody in either a religious or nonreligious private school. The lack of any concern seems to indicate that there is support for this.

CHAIR DENIS:

As the sponsor of the bill, it is not your intent that somehow a private school with religious beliefs would have to change its beliefs to comply with this bill. Is that correct?

SENATOR PARKS:

That is correct.

SENATOR SPEARMAN:

By definition, private schools can determine who they want in their school. If it is someone of a different religious background, they can determine whether or not to accept that student.

SENATOR HAMMOND:

I agree, but when students are not comfortable in their situations and they have the choice to remove themselves, that also needs to be taken into consideration. When families are saying they need protection, the reality is that they already have those protections because they can remove that child from that situation and go to another school where they feel better suited. If they are getting bullied because of the religious component of the school, that would be a trigger for me to consider moving as a parent wanting to protect my child.

CHAIR DENIS:

If the student is being bullied, but it has nothing to do with religion, that is where they would want to be protected, and that is where this bill could help.

SENATOR SEGERBLOM MOVED TO AMEND AND DO PASS AS AMENDED S.B. 225 WITH PROPOSED AMENDMENT 3820 AND INCORPORATING THE ADDITIONAL DAY MODIFICATIONS TO THE INVESTIGATION TIME REQUIREMENTS OUTLINED IN SECTION 16.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION PASSED. (SENATORS GUSTAVSON, HAMMOND AND HARRIS VOTED NO.)

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Senate Committee on Education
April 13, 2017
Page 9

CHAIR DENIS:

I will now open the work session on S.B. 249.

SENATE BILL 249: Requires instruction in financial literacy and economics in public schools. (BDR 34-62)

MR. BUTTERWORTH:

This bill was heard in Committee on March 14 and requires instruction in financial literacy and economics in public schools. There is one conceptual amendment included with the work session document ([Exhibit G](#)).

SENATOR HARRIS:

Regarding that first bullet point in the amendment, can you walk me through what that combined course looks like, Senator Woodhouse?

SENATOR WOODHOUSE:

I would like Ms. Rourke from the Clark County School District (CCSD) to help explain that.

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

Can you repeat the question?

SENATOR HARRIS:

When we had our testimony about financial literacy, I had expressed a concern that there would be pressure placed on advanced placement (AP) teachers to include this portion of the social studies curriculum prior to the AP test. When I read the first bullet point in the work session document, [Exhibit G](#), where it says, "Allow a combined course in Advanced Placement American government and economics;" it gave me pause. The AP test is a high-stakes test that families pay for out-of-pocket, and the timeline is not set by the teacher or the school, but by a national board.

My concern is that we may be substituting non-testable materials early in the curriculum in place of the materials that are going to be tested when there is enough time at the end of the course to include this content. What is your intention with the combined AP American government and economics class?

Ms. ROURKE:

Other states do this, so we looked at modeling it after other states in an effort to provide an exception whereby you would not have to do AP government in one semester and AP economics in the other semester, but instead create an overall curriculum. I can get more information for you from our curriculum staff.

SENATOR HARRIS:

When my kids took AP American government, it was a one-year class. Would the AP American government and economics class you are proposing be taught over one semester, two semesters, or more than that? Would students take both exams or would there only be one exam?

Ms. ROURKE:

States do it differently. Some offer a half credit each for AP American government and AP economics. Others offer one year of AP American government with some of the economic standards infused into the class. That is why we provided the exception. With that scenario, the two subjects are not split evenly.

SENATOR HARRIS:

Would the one semester AP American government class taken in high school equal one semester of college credit when the student takes the test?

Ms. ROURKE:

I believe so. When they take it in other states, they are able to do it all in one semester. A college board allows for that, so it is a matter of state choice.

SENATOR HARRIS:

My question is, are they qualifying for a semester of college credit or for a year's worth? If you take the full year AP American government class, you get three credits of college credit. Does that mean that if you take it as a one semester class, you only get 1.5 college credits?

Ms. ROURKE:

I would have to get back to you on that.

SENATOR HAMMOND:

I understand the genesis of this bill. As kids are graduating from our high schools, they have a lack of knowledge of economics. I want to support

that, but we have also talked about going to just a semester of government class. With all the other things we have been talking about in this Session, I am uncomfortable saying yes to something like this right now, without knowing what the standards changes are going to be. If we were going delay the implementation of this until after we know what the changes will be in the standards and what will be expected of government teachers and what will be expected of economics teachers, I would feel more comfortable.

MS. ROURKE:

It is my understanding that all current standards will be taught and that there is room in the curriculum to condense the time frame or accelerate the pace to implement this schedule. This format already exists in more than half of the states in the Country.

SENATOR HAMMOND:

I have no doubt that you believe that. I just want to make sure I get there before I say yes to it right now. It is just too squishy for me.

SENATOR SEGERBLOM MOVED TO AMEND AND DO PASS AS
AMENDED AND RE-REFER TO THE SENATE COMMITTEE ON FINANCE
S.B. 249.

SENATOR WOODHOUSE SECONDED THE MOTION.

SENATOR HARRIS:

I had planned to support this bill, but I am less comfortable today than I was during the hearing, so I will vote in favor of the bill right now to get it to Finance and reserve my right to change my vote on the Senate Floor.

SENATOR HAMMOND:

I am the opposite. I want to get there, and I think we might by the time it gets to the Floor, but I am going to vote against it right now. I hope that those who want to see it get through will come and talk me through it and show me how it works in other states. I want to know it will not severely impact those teachers who will be expected to get certain things done in a classroom but are not being given the time to do it.

Senate Committee on Education
April 13, 2017
Page 12

SENATOR WOODHOUSE:

For the record, I understand the Department of Education's (NDE) Commission on Professional Standards in Education is presently in the process of updating the economic standards. As I indicated in my testimony when we heard the bill, when we looked at the financial literacy competencies, they landed some in math, some in social studies and the majority were in economics. That was one of the reasons we wanted to see that these are across curriculum as students go through the program. We want the standards finished by October 2017, and the bill is effective in 2022.

SENATOR SPEARMAN:

I presented a bill yesterday in the Senate Committee on Government Affairs and we had people from the Supplemental Nutrition Assistance Program come and talk about the fact that when there is no financial literacy for children and families, it increases the likelihood that they will need public assistance in the long term. I can appreciate the concerns about doing this now, but I would encourage my colleagues look at what this means long term. The irony is that sometimes if we would take the time before people fall into financial bedlam, we could save money down the road because those with financial literacy are less likely to have to seek public assistance.

THE MOTION PASSED. (SENATORS GUSTAVSON AND HAMMOND
VOTED NO.)

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CHAIR DENIS:

I will now open the work session on S.B. 252.

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

MR. BUTTERWORTH:

This bill was heard in this Committee on March 23, and it revises provisions governing the Nevada Interscholastic Activities Association (NIAA). Proposed Amendment 3367 is attached to the work session document ([Exhibit H](#)).

SENATOR PETE GOICOECHEA (Senatorial District No. 19):

We have come to a compromise in Proposed Amendment 3367. Working with Bart Thompson from NIAA and Wade Poulsen from the Nevada Association of School Boards (NASB), we limit it to schools with 30 students, and it also allows for public schools to cross the line if they do not have 30 students enrolled. We have a couple of small schools in rural Nevada, including Lund and Austin, that do not have an enrollment of 30 students. By putting this amendment in, NIAA agrees that it would allow those students from schools that do not have large enough enrollment to go into the nearest public school. The compromise allows the school board to say whether they can absorb the students or not, and it also allows them to negotiate if there is a cost involved. I think everybody is very well protected in this, and we have the support of the NIAA and the NASB.

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

The proposed amendment addresses the concerns and issues we had with the bill, so we support S.B. 252.

SENATOR SPEARMAN:

I still have issues with this. Senator Goicoechea said something about parents who are paying taxes, but if you look at the ages of people across the board in all counties, there are probably some who do not have children in school who pay the same taxes. The issue I have is that public schools are doing a lot, and they are doing it with less. If a private school does not have a sports team and students there could participate in public school sports, then if a public school student wanted to attend a certain class or activity in a private school that was not offered in the student's public school, could there be some type of reciprocity?

SENATOR GOICOECHEA:

In section 1, subsection 2 of Proposed Amendment 3367, it says that the "...board of trustees may negotiate, contract for or otherwise require the payment of any costs associated with the participation of the pupil in a sanctioned sport." We are allowing them to charge, so I do not know where else we can go.

CHAIR DENIS:

The way I understand it, if the school has space and they choose to allow a student to pay, they can also charge for that opportunity.

SENATOR GOICOECHEA:

This clearly lays it back to the local school board as to what they want to charge, if they do charge.

CHAIR DENIS:

As far as the reciprocity, I think that would be a lot more difficult to do with this type of a bill. We would have to ask private schools to weigh in, and we are talking about schools with 30 students or fewer.

SENATOR HAMMOND:

I have been to some of these rural towns, and this gives both public and private schools some flexibility. There are times when a small town has a private school that takes away some of the athletes normally in the public school there, so that is the reciprocity you are talking about. Sometimes they get some of the athletes back that have left the public school. You do not get enough participation in some cases in the public schools. I heard from the Lund coach that this year and last year, they did not did field a team. It is nice for those athletes at the small schools, even with only a handful of students available, to be able to play somewhere during their high school careers.

SENATOR WOODHOUSE MOVED TO AMEND AND DO PASS S.B. 252
AS AMENDED WITH PROPOSED AMENDMENT 3367.

SENATOR GUSTAVSON SECONDED THE MOTION.

THE MOTION PASSED. (SENATOR SPEARMAN VOTED NO.)

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SENATOR SPEARMAN:

I want to reserve my right to vote in the affirmative on the Floor.

CHAIR DENIS:

I will now open S.B. 273 in the work session.

Senate Committee on Education
April 13, 2017
Page 15

SENATE BILL 273: Revises provisions relating to the dismissal of a probationary employee of a school district. (BDR 34-582)

MR. BUTTERWORTH:

This bill was heard in this Committee on March 30, and it revises provisions to the dismissal of a probationary employee of a school district. Proposed Amendment 3361 is attached to the work session document ([Exhibit I](#)).

SENATOR GOICOECHEA:

There was some concern from the Nevada State Education Association (NSEA). We do have a support with consent amendment from them as they have signed off on it now ([Exhibit J](#)).

SENATOR HARRIS MOVED TO AMEND AND DO PASS S.B. 273 AS AMENDED AND THE SUPPORT WITH CONSENT AMENDMENT FROM NSEA.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR DENIS:

I will now open the work session on S.B. 322.

SENATE BILL 322: Requires passage of an examination in civics as a condition of receiving credit for a course in American government. (BDR 34-993)

MR. BUTTERWORTH:

This bill was heard in this Committee on April 6. It requires the passage of an examination in civics as a condition of receiving credit for a course in American government. There is one proposed amendment from the CCSD, and I have submitted it in the work session document ([Exhibit K](#)).

CHAIR DENIS:

When this bill was first heard, it was a requirement for graduation. Now it is just a requirement in a government class. There is also a proposal to do a portion of

it in the 2018-2019 school year and then in the 2019-2020 school year at the beginning of the school year.

SENATOR HARRIS:

Is passing the test a condition for passing the class where they take the test, or will they have multiple opportunities to pass that test throughout their high school careers?

CHAIR DENIS:

My understanding is that they would have to pass the test, but it is not a requirement for passing the class.

SENATOR HARRIS:

Could we have a scenario where a student could pass the class having failed to pass that civics test in the class, and still he or she would have opportunities down the road to take and pass the civics test?

CRAIG M. STEVENS (Clark County School District):

Every student would take the test, and the percentage needed to pass would be determined by the school district. It would be part of their grade. However, if the student did not pass the test, there is an exemption in section 2, subsection 2, paragraph (c) of the proposed amendment from the CCSD, where it says, "At the principal's discretion should a student have completed all other necessary academic requirements to receive a diploma." If the student has all that and the only thing holding them back is that they did not pass the test, they can get the waiver. It will be part of the overall grade they get for the class, so the school district would determine what percentage of that test would be in that class.

SENATOR HAMMOND:

The way it was explained to me was also that the test could start being administered as early as seventh grade. Is it just going to be given in the senior year now?

MR. STEVENS:

It is going to be given in high school. The school district will determine where and when the test will be given, aligning it with the criteria of the class.

SENATOR HAMMOND:

If the school district says the test should be taken in ninth grade and they do not pass it that year, could students keep trying to take it before they graduate or could they also get it waived for whatever reason?

MR. STEVENS:

It would be up to the school district to determine how many times and when they can retake the test, and how it will fit into the total grade of the class.

SENATOR SEGERBLOM MOVED TO AMEND AND DO PASS AS AMENDED S.B. 322.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR DENIS:

I will now open the work session on S.B. 369.

SENATE BILL 369: Revises provisions relating to public schools. (BDR 34-971)

MR. BUTTERWORTH:

This bill was heard in this Committee on April 11, and it revises provisions to public schools in school districts with more than 75,000 pupils. There are two conceptual amendments, one from the CCSD and another from Senator Harris. Both amendments are included in the work session document ([Exhibit L](#)).

SENATOR HAMMOND MOVED TO AMEND AND DO PASS S.B. 369 AS AMENDED.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Senate Committee on Education
April 13, 2017
Page 18

CHAIR DENIS:

I will open the work session on S.B. 386.

SENATE BILL 386: Revises provisions relating to progressive discipline and on-site review of disciplinary decisions. (BDR 34-1137)

MR. BUTTERWORTH:

This bill was heard in our Committee on March 28 and revises provisions relating to progressive discipline and on-site review of disciplinary decisions. There is one conceptual amendment. I have submitted the work session document ([Exhibit M](#)).

SENATOR HARRIS:

I want to thank the sponsor of this bill for being so sensitive to some of the concerns I had during the Committee hearing. This is a good piece of legislation, and I am grateful we are going to make things good for teachers and good for our schools.

SENATOR SEGERBLOM MOVED TO AMEND AND DO PASS AS AMENDED S.B. 386.

SENATOR SPEARMAN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR DENIS:

I will open S.B. 390 in the work session.

SENATE BILL 390: Extending and revising the Zoom schools program for the 2017-2019 biennium. (BDR S-788)

MR. BUTTERWORTH:

This bill was heard in our Committee on April 11. It extends and revises the Zoom schools program for the 2017-2019 biennium. There is one friendly conceptual amendment from the CCSD and a friendly, comprehensive conceptual amendment from the Department of Education to revise and expand the Zoom program incorporating elements of S.B. 504 from this Session. I have

submitted the work session document ([Exhibit N](#)), which includes both proposed amendments.

SENATE BILL 504: Extends and revises the Zoom schools program for the 2017-2019 biennium. (BDR S-1098)

CHAIR DENIS:

I am still working with some people on where we want to go with Zoom. There are some obvious amendments that have been made that we have not completely fleshed out. I saw some questions on the application and what it means. I want to make sure we are not going to dilute the number of schools on the Zoom program. There is still some discussion on what we do with long-term English Language Learners. The discussion is still ongoing. We will need to re-refer this without recommendation to the Senate Committee on Finance, so I do not want to accept amendments at this time because we have not had enough time to flesh it out. I want to ensure that we continue on the successes we have had with Zoom, and if there are areas where we can do more for Zoom, especially in the middle schools and high schools, we want to pursue that.

SENATOR WOODHOUSE:

I agree that this bill has a lot of work yet to be done. Because of the deadlines, we need to re-refer it to Senate Finance, and as the Chair of that Committee, I will put on the record today that I am going to re-refer it right back to this Committee because it is incumbent on this Committee to make the policy decisions. It will then go back to Senate Finance regarding funding.

SENATOR SEGERBLOM MOVED RE-REFER TO THE SENATE COMMITTEE ON FINANCE S.B. 390.

SENATOR HARRIS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR DENIS:

I will open the work session on S.B. 430.

Senate Committee on Education
April 13, 2017
Page 20

SENATE BILL 430: Eliminates the Achievement School District. (BDR 34-793)

MR. BUTTERWORTH:

This bill was heard in this Committee on April 11. It eliminates the Achievement School District. There are amendments, and I have submitted the work session document ([Exhibit O](#)).

CHAIR DENIS:

We have talked about one of the amendments, and I appreciate the Governor's Office trying to come up with something that could work. We had some recommendations from the CCSD, too, that encompass what we would be able to do if a school was failing. Just having a charter school take over a school does not guarantee that it will fix everything. Like the last bill, I recommend that we re-refer it to Senate Finance.

SENATOR WOODHOUSE MOVED TO RE-REFER TO THE SENATE COMMITTEE ON FINANCE S.B. 430.

SENATOR SEGERBLOM SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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SENATOR WOODHOUSE:

I will put the same commitment on the record that we will send S.B. 430 right back here after it gets to Senate Finance, so this Committee can do the policy work on the bill.

CHAIR DENIS:

I will open the work session on S.B. 467.

SENATE BILL 467: Revises provisions relating to technology in public schools. (BDR 34-1120)

MR. BUTTERWORTH:

This bill was heard in this Committee on April 6 and it creates the Nevada Ready 21 Technology Program. There are two amendments—one from

the NDE and one from the Washoe County School District. I have submitted the work session document ([Exhibit P](#)).

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

The genesis of the recommendations relating to the Nevada Ready 21 Technology Program (NR21) and the statutory provisions emanate from our external evaluation of the Program. We had six programs evaluated during the Interim and NR21 was one of them and was recommended for continued funding. One area of the evaluation centered on the variation within the NR21 programs being implemented. They suggested a more comprehensive implementation that is consistent with the legislative intent and continued efforts to support professional development and integration efforts.

In our Proposed Amendment to S.B. 467, [Exhibit P](#), we wanted to clarify the intent so there is a specific program we can continue to evaluate and provide to more schools in the State. In section 4, subsection 1, paragraph (a), we would be challenged as a State to continue with the NR21 because we have a contract to provide single device in the initial launch and two devices now, and then the device options are opening up here as long as we meet the minimum requirements.

In section 4, subsection 2, we recognize that school districts may want to provide multiple options or use their own devices. The way it was written, it said districts that wanted to contract with their own devices would have to use their existing vendors, or if they did not have that, they could use another district's vendor and they may also be able to use the State's contract. We wanted to clarify that here. One of the benefits of the State's contract, is the economy of scale purchasing power. When we presented the NR21 budget item, we had three options with districts choosing their paths. This provided some flexibility. We would then issue a coupon for what the State's contracted cost would be if the district wanted to use their own devices.

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

Our amendments got crossed in the deadline. Ours from the Washoe County School District (WCSD) is much more technical ([Exhibit Q](#)). We wanted to make sure the metrics for measuring the success of the program met the right measures that we believe should be considered. In a couple of places, we want

to require consultation with school districts to ensure we have a voice at that table. We will need some time to make sure these can work together, but I am hopeful we can come to an agreement that districts can go in a direction that works for them individually within the framework of the NR21 intent.

CHAIR DENIS:

I want to ask our Committee legal counsel to clarify.

MR. KILLIAN:

One thing I was trying to understand between these two amendments and the original bill is exactly what the role of NDE and the school districts would be for the program. The existing bill, S.B. 467, imposes a requirement on a school district that receives a grant to enter into an agreement with a person to carry out the grant that may include certain things, and to report on how the grant is being carried out. It also allows the school district to contract with vendors in a certain order of priority.

The NDE amendment requires that Department to enter into a statewide vendor grant and then allows the school district to either choose to use that vendor or choose to use somebody else. It did not include the language of section 4, subsection 1, paragraph (b) about reporting, so I was unclear about whether the reporting requirements would still apply to the districts as in the original language of the bill.

The way it is written, the WCSD proposed amendment seems to say the school that receives the grant may enter into an agreement with a vendor and may do the reporting, but it does not have to do the reporting. I was not sure if that was intentional.

There were a few conflicts between the amendments and the original text of the bill. I wanted to make sure the record was clear about what the intent of this Committee would be moving forward.

CHAIR DENIS:

I had some of those questions myself.

MS. ANDERSON:

I am not sure I can answer all of those things, but I can say with certainty that there is no hesitation on behalf of the WCSD to do any reporting. We are happy

to report whatever things you would like us to report. In terms of requiring the school districts to enter into a complete package contract, that is where we may want to work out some of the details. We might want to use a vendor to purchase the device, but then use the State's contract to do the professional development or some mix thereof. I would defer to the NDE on whether or not they would be willing to consider those options. Certainly, we still want to operate under the framework of Nevada Ready 21 in case there was an inconsistency with the device as in the case of the WCSD. That way, we would have the ability to continue moving forward with the program.

MR. CANAVERO:

It was likely an oversight to not include section 4, subsection 1, paragraph (b) about reporting in our amendment. Our intention is to provide flexibility, which is how we presented it in the budget. I had three tracks to maintain integrity, and we also provide the flexibility to districts. I think the WCSD gave us feedback early on that they wanted to use their own device, which is how we came up with meeting the minimum requirements. The idea behind the coupon is that we are not escalating costs and that we can maintain some control of cost based on our economy of scale at the State. That would be preserved by the coupon rather than the purchase of a more expensive device.

CHAIR DENIS:

Do you think NDE can go after more than one contract for devices?

MR. CANAVERO:

My understanding is that we now have two devices—one is a Chromebook device and one is a Windows device. They are within \$15 or \$20 of each other in price—around \$280 for the Chromebook and around \$300 for the Windows device. Again, if a district wanted to use their own device, they could use a coupon for the cost of the State's contract, subject to the minimum requirements.

CHAIR DENIS:

I think most any of today's devices would meet that minimum requirement.

MR. CANAVERO:

I would imagine so. We talked about the turnaround time and down time, and the number of devices in the cycle that are not used that could be replaced if

one goes down. We want to make sure there is limited disruption for our students.

CHAIR DENIS:

Mr. Killian, can we do both of these amendments?

MR. KILLIAN:

I am going to reflect what I think the synthesis of the two amendments would be, and you can tell me if I am right and the Committee can tell me if that is what you want to do. My understanding of the way these would work together is that there would be a requirement, as per the existing language of S.B. 467, on any school district or charter school that receives the grant to do the same reporting it has to do in the existing language of the bill.

The Nevada Commission on Educational Technology would set the minimum requirements for the program. The NDE would then do at least one statewide agreement that schools could choose to take advantage of for particular devices, and the school districts could then choose to have one or more agreements with one or more vendors to do any portion of the requirements that would apply to them under the grant. There would be no set of priorities for who the school districts must contract with to get a vendor to fulfill the requirements of the grant. Does that sound generally like what the two of you had in mind together?

CHAIR DENIS:

We have a bill we need to hear. Perhaps we can hear the bill, and then we can bring this discussion back and you can tell me what you think afterwards. I want to make sure everybody is clear, and I want you to understand that the reason we brought this bill is that the NR21 program was passed, but the policy discussion was incomplete. It was mostly just the allocation of money. We now want to put some things in place to guide the program.

I will put this work session discussion concerning S.B. 467 on hold and open a regular Committee hearing on S.B. 420.

SENATE BILL 420: Revises provisions governing pupil publications in public schools and student publications in the Nevada System of Higher Education. (BDR 34-776)

SENATOR NICOLE J. CANNIZZARO (Senatorial District No. 6):

Senate Bill 420 provides for a policy to protect the right of expression for students working on certain publications as journalists. This relates to a students' ability to engage civically in their schools and with their publications. There is a proposed conceptual amendment to this bill that includes some further details about the policies we are hoping to enact for student journalists ([Exhibit R](#)).

The First Amendment to the United States Constitution protects free speech and press freedom for all Americans, including students in school. Although the U.S. Supreme Court has made clear these rights are not unlimited, it has also affirmed through the *Tinker v. Des Moines Independent Community School District* case, that neither "... students [nor] teachers shed their Constitutional rights to freedom of expression at the schoolhouse gate."

Under current law, high school students who participate in student journalism, speech and debate or other student publications are subject to the standard articulated by the Supreme Court in *Hazelwood School District v. Kuhlmeier*, which allows for school administrators to exercise prior restraint for school-sponsored publications when reasonably related to legitimate pedagogical concerns. The *Hazelwood* decision was a deviation from long-standing precedent that allowed students to exercise broader freedom of expression. Instead, it effectively placed upon students and advisors a limitation on the freedom of the press and the freedom of speech and expression.

This bill would protect a student's free speech rights at the high school and secondary education levels by restoring the standard under *Tinker*, which protects student speech unless it is libelous, invades a person's privacy or creates a "clear and present danger" of a "material and substantial disruption" of school activities.

This bill also seeks to protect college students from application of the *Hazelwood* standard, and instead makes clear the *Tinker* standard would apply, thereby confirming and recognizing the importance of the freedom of the press.

In 2015, North Dakota unanimously passed legislation reaffirming student free speech rights. Since then, several other states have enacted and introduced such legislation. Currently, North Dakota, Arkansas, Iowa, Colorado, Massachusetts, California, Oregon, Illinois, Arkansas and Kansas have all passed

laws protecting student free speech rights. Washington and Pennsylvania have education codes that provide some protection for student free speech rights. Several states including Arizona, Missouri and Vermont are close to passing similar legislation with bipartisan support, and more bills await consideration in New Jersey, Michigan and Texas.

Pursuant to *Nevada Revised Statutes* 388.077, each student of a public school is entitled to express himself or herself in a manner consistent with the rights guaranteed by the First and Fourteenth Amendments to the United States Constitution.

Sections 1 and 2 of S.B. 420 would be amended to require the school board of trustees of a school district or the Board of Regents to adopt written policy that prohibits a school from restraining publication of student content unless it meets the *Tinker* standard and would cause a material and substantial disruption to the school's activities.

Section 1 further requires the written policy applying to any high school may include requirements for review before publication. These policies would include reasonable provisions governing the time, place and manner for the distribution of those publications, and the protection of the right of expression for pupils working on those publications as journalists.

Sections 1 and 2 of S.B. 420 would also prohibit the governing bodies from dismissing or disciplining advisors or teachers for acting within the scope of their positions, including, without limitation, taking reasonable and appropriate action to protect a pupil or student for engaging in conduct protected by the written policy or for refusing to violate the policy. These sections will also similarly prohibit the governing body from disciplining a student who complies with the written policy, even if, in the end, the content results in a disruption at the school.

Finally, sections 1 and 2 provide that content published in a student publication is not endorsed by the school, college or university. This bill is simply seeking to broaden and enforce to our students that the First Amendment right to freedom of speech, freedom of expression and freedom of the press is something we value and something we want them to value.

At its heart, S.B. 420 is about civic participation by our students and ensuring they are engaged in their communities. It is about their rights to express and criticize, and to write what they feel is important for their colleagues to know and understand.

What this bill is not trying to do is to say that students would have an unfettered right to publish whatever they wish. This is just ensuring that student journalists are not suffering from the effects of feeling chilled when they want to publish something that might be critical of a school's administration or talk about topics that could be uncomfortable for some students or readers. This is not saying there would never be any restrictions whatsoever, and we are not saying that if you violate this policy, you would never suffer from some discipline or suspension.

We want students, teachers and advisors to follow the policy that would be enacted by a district's board of trustees or the Board of Regents as applicable. However, what this bill is saying is that if they do follow that policy and if what is published that everyone thought would not be disruptive turns out to be disruptive, then those students, teachers and advisors would not suffer any discipline. There have been a number of recent stories on the issue of freedom of speech in our schools. I am proud to be here to talk about this Legislation.

PATRICK C. FILE, PH.D. (Assistant Professor, Media Law, University of Nevada, Reno):

I am testifying in favor of S.B. 420, a bill that would clarify the First Amendment rights of student journalists in Nevada public schools. I am testifying as a former high school and college student journalist, a supporter of student journalism and as an expert on First Amendment issues. I am not here representing the Nevada System of Higher Education or the University of Nevada, Reno (UNR), where I conduct research and teach classes on media law, media ethics and media history at the Reynolds School of Journalism. I have submitted my written testimony ([Exhibit S](#)).

SENATOR SPEARMAN:

Would this bill protect student journalism majors from Twitter storms?

MR. FILE:

This is not to stand in the way of any pedagogy in the way of any teaching of journalism in schools. That is not the point of this.

SENATOR SPEARMAN:

Sometimes people write things that are true and they may not be expressly prohibited from pursuing a story, but because of social media, they may face some type of backlash. I agree with what the sponsor of the bill is trying to do, but I am wondering how a situation like that might be handled.

SENATOR CANNIZZARO:

Certainly, if a student were to publish something that was to invite social media criticism, that is something this bill would not necessarily address. Looking at our current situation, there is nothing preventing students from publishing things on T-shirts and hats and on social media or in blogs that are not controlled by the school. One of the interesting things about this bill is that the *Tinker* standard is what applies to things like T-shirts and hats and other forms of expression that exist in our schools, yet it is not the standard we apply for our student publications. This is, in many regards, an equalizer in a practice that schools are already engaging in, but not in our student publications. There is nothing in this bill that would prohibit any social media that might be invited by someone publishing an article that causes a disturbance.

SENATOR SPEARMAN:

A good example is in regard to hot button issues like the recent Black Lives Matter movement. If a student paper wanted to do some investigative journalism on that subject, the paper may receive some backlash for that coverage. If that backlash became accelerated, how do you protect the student journalist?

MR. FILE:

Nothing in S.B. 420 would interfere with the school's ability to prevent these kinds of things from happening. I am referring to bullying and blowback speech that I think you are describing, which would substantially disrupt the educational mission of the school. If you are the principal and you see this playing out, this bill does not have anything to say about you protecting the students from threats and bullying that come as a result of the kind of investigative reporting that may be on a controversial issue and raise some hot rhetoric. This is a basic First Amendment principle; that speech is something we will not prohibit, but action in response to speech is something that can have consequences. A principal can say you cannot threaten or bully people as a result of something they said in a student newspaper.

SENATOR HARRIS:

In the conceptual amendment, [Exhibit R](#), it references “conduct results in the publication of content that substantially disrupts the ability of the school, community college, state college or university, as applicable, to perform its educational mission.” Can you give me some examples of what this would be?

MR. FILE:

We can look at some of the case law that applies. From *Tinker*, we have a pretty clear idea what does not rise to that level. For example, a couple of students expressing their political opinions through wearing armbands to school, resulting in chatter in the lunchroom and hallways and maybe some verbal disagreements about politics is not substantially disruptive. A counter example to that would be a recent decision in the United States Court of Appeals for the Ninth Circuit where there was a dispute and controversy surrounding students planning to wear American flag T-shirts on Cinco de Mayo.

On its face, that does not seem like anything that would be particularly disruptive. However, this school had a history of these kinds of incidents spinning into physical fights, going beyond the chatter and verbal disagreements I just mentioned. Hopefully, by saying substantial disruption of the educational mission of the school, it does lead the administrators and the school board to make a determination of what is likely to constitute that kind of a disruption. It goes beyond just people having a hot debate.

SENATOR HARRIS:

It sounds like the amendment would protect a student who wants to engage in that kind of communication at the school. Through the exercise of free speech in a student newspaper or self-expression in clothing, have we seen what goes beyond that? If a student engages in speech that is so egregious that he or she should be disciplined because they have gone beyond the ability for the school to perform its educational mission, how bad does it have to be before we start to limit that type of speech?

MR. FILE:

One hallmark of this type of situation is when a student expresses the fact that he or she is frightened to come to school for fear of being bullied or threatened. It is not just what you think of as a disruption in a classroom, but it is also when one or more students express fear of coming to school.

SENATOR HARRIS:

We certainly want to avoid that behavior. We spend a lot of time dealing with bullying issues. As an administrator, how do you put together policies contemplated by this bill, and how do you parse it out? How do you accurately measure how your student body population is responding or reacting to certain types of expression?

SENATOR CANNIZZARO:

It will be a fact-intensive inquiry by the advisors in consideration of the policy and certainly with the administrators. This might not be the same for every school. For example, what might get published at the Las Vegas Academy, which is a very liberal arts-oriented program of study, they might think is not going to be substantially disruptive. Yet the same article might be substantially disruptive in another high school in the school district.

I understand what you are getting at, which is where exactly is the line and how do we measure that. There will always be things we can predict to be substantially disruptive—hateful speech, obscenity or attacks on particular individuals—that would be prohibited under these policies. Something closer to the line like politics or criticism of a school would have to be reviewed for its journalistic merit or for any intentional objective to incite violence or hatred. To some extent, this policy as it will be adopted by the school boards will have to be based on their own experience combined with an intensive inquiry in each specific case. I am not sure there is a specific measurement possible, but the same can be said of the *Hazelwood* standard.

SENATOR HARRIS:

We want to be sensitive of free speech rights while being sensitive to students and their ability to feel safe in school and have it be a place they want to learn and do not feel threatened. Have you thought about how this would work with our Safe-to-Tell Program and our bullying policies we already have in high schools?

SENATOR CANNIZZARO:

Yes, and frankly, a lot of those policies are going to be beneficial and help to support this type of legislation in saying we know there are policies in place that will prevent bullying. This bill is in no way designed to permit students to publish articles that are going to be hurtful, result in bullying or in any way will

make students feel threatened or terrorized at school. That would absolutely be restricted under this standard.

Talking about the difference between a *Hazelwood* standard and a *Tinker* standard, we are talking about things like writing about the fact that there is a lack of a safety plan in a school but not being able to write about that because the prior restraint under *Hazelwood* would allow an advisor or school administrator to say that cannot be published. Under this bill's standard, it could be published because it is not hateful, libelous, obscene or inciting violence. When advisors are thinking about what would be materially substantially disruptive, those bullying policies are going to help guide some of that as well.

SENATOR HAMMOND:

In the bill, you are talking about covering First Amendment rights for a K-12 campus and a college campus. Is there a difference between those two types of campuses when it comes to rights?

SENATOR CANNIZZARO:

Yes, and the proposed conceptual amendment, [Exhibit R](#), takes that into account. The difference is that there would be a process for review prior to publication for K-12 schools. That same requirement would not exist for higher education institutions. At the middle school and high school levels, children are in a learning environment that needs protection. At the university level, we are talking more about adults trying to engage in professional journalism, exploring more than what other students are exploring. This bill does not lay out a specific policy in the postsecondary schools; it allows the Board of Regents to do that. What this bill does address in the difference between those two types of institutions is that at the secondary education level, it would allow for a review by an advisor prior to publication, while at the university level, there would be more leeway.

SENATOR HAMMOND:

In the review by the advisor, what can that advisor do?

SENATOR CANNIZZARO:

Part of that will be laid out by whatever policy is developed by the districts or boards as that applies. That could include an administrative review and the advisor's review of the student's writing and whether it meets the standard of being materially substantially disruptive.

SENATOR HAMMOND:

Does that get us back to where we are at now on a high school campus? There is a policy in place and someone has to interpret it, and that interpretation may end up being someone making a subjective evaluation?

SENATOR CANNIZZARO:

In some respects, it may operate in somewhat the same fashion. There are differences, though. For example, if a student wrote a criticism of a school safety plan, that could be subject to prior restraint under the *Hazelwood* standard, but it would not be materially, substantially disruptive to the school. Under this standard, it would be something a student could publish. That is the difference. When you are talking about whether is it related to a legitimate, pedagogical interest, then they have the authority to issue a prior restraining order to prevent that publication. Under this standard, they have to engage in a different analysis. Yes, it is subjective, but this allows for broader leeway. This will encourage students to engage in their communities and to write about issues they think are important.

SENATOR HAMMOND:

A lot of administrators feel they need a certain amount of control in what goes on in a campus. The most important thing is that a child feels safe on his or her school campus. In the end, if an administrator feels like this new law is taking away his or her control, is there anything in this bill to require a school to have a newspaper?

SENATOR CANNIZZARO:

No, there is nothing that requires a school to have a newspaper. If a school felt this would make an untenable learning environment and students were feeling bullied or threatened, they could get rid of the school newspaper. That is definitely not the intent of this bill. The intent of this bill is to broaden that so we encourage students to engage.

SENATOR HAMMOND:

My point is that administrators might get to a point where they feel the control is slipping away, and it is possible there might be a reverse chilling effect. I am not saying this will happen, but I am saying it is possible because there is nothing in statute saying there must be a school newspaper at every school.

SENATOR CANNIZZARO:

My argument to that would be that, currently, if I want to wear an offensive T-shirt to school, the standard that will apply is the *Tinker* standard, which is this standard. Likewise, students now have access to various forms of social media, and that has not yet resulted in schools getting rid of newspapers or saying students must only wear certain types of clothing to school. This is not what this bill is designed for. We do not get rid of all student publications. Frankly though, in the world we live in with so many things that students are engaging in, I do not know if that is the direction things would go if this bill were to be enacted.

CHAIR DENIS:

Some schools have Websites where parents can make comments. I have seen at least one email where parents are writing comments and the school administrator starts deleting their comments. Would this do anything for that?

SENATOR CANNIZZARO:

I do not think this bill would address that because it deals specifically with student publications.

CHAIR DENIS:

Would it cover it if students were to put articles on the school Website?

SENATOR CANNIZZARO:

Yes, it would include any form of student publication, like a blog run by students or other student publications on a school Website.

CHAIR DENIS:

What about media, like if they did a videotaped student news show that is broadcast throughout the school?

SENATOR CANNIZZARO:

Yes, my understanding is that this would apply.

SENATOR HARRIS:

Would it also apply to pamphlets that student organizations would want to put out?

MR. FILE:

It would depend on from whence the pamphlet came. If it is a student organization, that would be under the policy relating to student organizations. Generally speaking, at the high school level when we are dealing with a student newspaper, we are dealing with part of the curriculum. That is where this bill would apply.

SENATOR HARRIS:

What I am trying to get at in a roundabout way is that to the extent you have a student journalism department that cannot get published what they want in a school newspaper, but under the auspices of their advisor, they have an insert in the newspaper that is not officially part of the newspaper, does it apply to that?

SENATOR CANNIZZARO:

I think if it were under the student newspaper, it would be subject to this policy. If it were not subject to a student policy, then there are already policies in place for student organizations and what they can say and do on campus that would apply. I do not see this as opening the door for an end run around what they could not publish.

SENATOR HARRIS:

Crazier things have been tried before. What we are going to have is two different standards for speech, right? Policies that deal with student organizations and their publications and the lesser ability to censor what happens with an official school newspaper. We will not have the same ability to express ourselves at school if we are not part of the student newspaper if the same standard does not apply to student organizations.

SENATOR CANNIZZARO:

I do not know that it is necessarily two different standards. When I was in college, I was part of a sorority and we had regulations about where we could wear our letters. By joining the organization, I signed up for those regulations, even though otherwise I could probably express myself in a certain way. I would liken it to that, although I would not say it is 100 percent the case. I do not know that it would be two different standards, except if you are participating in a school organization, you are probably subject to its rules and regulations.

SENATOR HARRIS:

That becomes my concern. We have a set of rules and regulations for a student organization and now we are going to adopt the standard for the school newspaper, so they could be inconsistent and incompatible. It would be frustrating to have different standards of speech for a student newspaper and student organizations.

MR. FILE:

At the base level, what we are trying to do is get an equal policy across the board. As it is, there are two policies: the *Hazelwood* standard applies if you are in student media because that is the standard as it is now, and if you are engaging in speech in other ways, it is the substantial disruption *Tinker* standard. We are acknowledging the reverse problem that you are acknowledging, which is to say that if you are engaged in a class, you are subject to a higher level of potential censorship. Whereas, with this bill, we kind of equalized that standard, from T-shirts to other in-school expressions, whether in the class or outside the class in a student organization. I acknowledge that what I am now saying is the opposite of what I said a moment ago. I want to clarify that. The *Hazelwood* standard has my brain scrambled.

That is essentially what we are driving at, which is why I think the strength of this bill is for students, advisors and administrators to have a clarity across the board that they know that when censoring or disciplining student speech, it will need to meet the substantial disruption standard rather than different standards. It seems to give the idea that censorship is constantly happening and principals are going through every page of the newspaper with a red marker. In the schools and programs where student media is the strongest, that is not happening.

SENATOR HAMMOND:

Senator Harris has opened a can of worms, perhaps, because you are creating two different classes of protection. You have student journalists and what goes into the publication, and then you have students in a classroom saying they are not going to debate a certain subject or saying they can say whatever they want to and that I as a teacher cannot tell them not to say it. If a student is a disruption in a class, that counts for something. I have recourses as a classroom teacher that I can invoke and the student does not have the right to debate me on that. Are we creating another class of protection?

SENATOR CANNIZZARO:

I do not think that is what this bill is doing. This is saying that the standard for publications, freedom of expression, freedom of speech and freedom of the press is the *Tinker* standard. This is the standard for a lot of things that currently happen at school, just not for journalists. If you join an organization that says as part of its bylaws that its members will not talk about a certain subject, this does not change that. In the classroom, it would not change your ability as a teacher to tell students when they are being disruptive in the class. The *Hazelwood* standard would not necessarily be the standard that would apply if a student is debating with a teacher in class over policy. There are other policies in place that would address that.

SENATOR HAMMOND:

I guess my point was that there is a reason students have limited rights while they are in school. That is why I am not certain that this bill will help the school be the school it needs to be where the teachers teach and the administrators administrate. I am trying to figure out what more protections we need to extend, if any.

SENATOR CANNIZZARO:

This is not an unfettered right for students to come into the classrooms and schools and to publish anything at any point. It is just aimed at providing a little greater leeway in their freedom of expression.

CHRIS DALY (Nevada State Education Association):

The Nevada State Education Association (NSEA) supports S.B. 420, and I have submitted my written testimony ([Exhibit T](#)).

CHRISTY BRIGGS:

I am an advisor of student publications at Reno High School. I support this bill because students and advisors both feel hindered, or that there will be repercussions for questioning the system. This bill will give us more freedom and ability for kids to question systems without an administrator saying the students are questioning them or their policies. Most kids are not publishing writing to instigate fights or protests. Instead, they are doing critical analyses and evaluations of the governing systems. The important part of this is that if we do not teach kids in high school that they have a voice that can be used factually and responsibly, then we are teaching them that when they go out into

the world, they should be accepting systems and not questioning them factually and unbiasedly. I have submitted my letter of support ([Exhibit U](#)).

LAUREN DRAPER:

Seven years ago, I found myself as a terrified Churchill County High School journalist. My terror was not because of having to go off to college or leaving home for the first time; it was because there was a lawsuit against my school district, high school principal, student media advisor and the local newspaper as a result of an article I wrote for my high school newspaper. I had written a factual article, titled "Choirgate," about choir students' audition tapes being withheld from a statewide competition, and I found myself frightened and confused about whether I had made the right choice in writing the article. I support S.B. 420 because Nevada should embrace the opportunity to restore protection of the students' fundamental right to free speech, encouraging them to seek and report the truth instead of being terrified to do so. I have submitted my written testimony ([Exhibit V](#)).

CASANDRA WORKMAN:

I am a yearbook and school newspaper advisor in the CCSD. By having this bill, we are allowing our students to have a voice, and we are also allowing our advisors to teach them how to address an issue with facts and not opinion. Right now, students are putting opinions out on social media, and we have no control over that. We do have school newspapers, though, and as advisors, our job is to teach them how to report facts while including comments from the administration and getting expert opinions, which allows these student journalists to report an issue fairly from both sides. This is not a chance for them to rant; it is a chance for them to report equally and fairly and to not be afraid to challenge those issues they find need challenging at the school level. I support S.B. 420.

TAYLOR PITTMAN:

I am a senior at Reno High School (RHS), but I am not representing RHS. As an active member of my high school speech and debate team, I understand the importance of being able to discuss controversial issues in front of an audience as part of the learning experience. While I am not censored by my coach, I could not imagine her telling me I could not do a piece on something I was passionate about. I have had the ability to talk about several important issues, including racism, terrorism and police brutality. Students deserve their full rights to free speech because they are the next generation and they will be the ones running

the world for decades to come. I support S.B. 420 and have submitted my written testimony ([Exhibit W](#)).

ATLEY WEEMS:

I am the current co-editor of my high school newspaper, although I am not representing my high school today. My advisor is Christy Briggs who spoke earlier. Through this class I have learned how to write about issues like terrorism, Black Lives Matter, party politics and suicide, among other striking topics you would not normally see in a high school newspaper. This has taught me how to be an active citizen and to form solid opinions and how to write news. If you limit student speech based on pedagogical concerns, you are limiting them on very subjective terms. This would not only limit their speech, but it would limit their active participation in their communities. I have submitted my written testimony ([Exhibit X](#)).

STEVE RANSON (General Manager/Editor, Lahontan Valley News):

I support S.B. 420 as a newspaperman, a former educator and journalism advisor, past president of the Nevada Press Association and incoming president of the International Society of Weekly Newspaper Editors. I was the editor when Lauren Draper's situation arose in Fallon, and we printed a series of articles supporting her. We also checked out her sources, which were solid.

Part of the success of this bill is ensuring that the advisors are well trained. I have been a strong believer of student responsibility and rights, both as a professional journalist and educator. This bill affords students the ability to tell the news as it is, not how an administrator wants it spun. I have submitted my written testimony ([Exhibit Y](#)).

MS. ANDERSON:

The WCSD Board of Trustees is set to consider our policy of free speech on May 2. We take that very seriously, and we understand all the different case law and want to ensure we are not muddying the waters by making the standards different across all districts. We do not have policies at individual schools; we have a District policy that is implemented throughout all the WCSD schools. We are neutral on S.B. 420 right now, trying to make sure we interpret it the way it is intended.

BRAD KEATING (Clark County School District):

The CCSD is also neutral and in agreement with the WCSD.

Senate Committee on Education
April 13, 2017
Page 39

CHAIR DENIS:

I will close the hearing on S.B. 420.

SENATOR WOODHOUSE MOVED TO AMEND AND DO PASS AS AMENDED S.B. 420.

SENATOR SPEARMAN SECONDED THE MOTION.

SENATOR HARRIS:

I want to put on the record that on the basis of the neutral testimony, I have real concerns about varying standards of speech being applied to different organizations. That would be my reservation. I think that First Amendment rights are so important and I am sensitive to the experience that the student journalist had with regard to her article and the challenges she had to go through, but I think muddying the waters could happen if we have varying levels of speech across different clubs and organizations. Until I am satisfied that we have a cohesive speech policy, I am going to have to be a no today.

THE MOTION PASSED. (SENATORS GUSTAVSON, HAMMOND AND HARRIS VOTED NO.)

* * * * *

CHAIR DENIS:

I will re-open S.B. 467 again in the work session.

MR. CANAVERO:

Thank you for the opportunity to work with Ms. Anderson and hash this out. I will use the original bill's language, on page 2, section 3, the language from the WCSD amendment, [Exhibit Q](#), that actually clarifies that NR21 is a one-to-one program whereby a participating school is the whole school, not a partial, if we could add that in section 3.

In section 4—correct me if I am characterizing this wrong—to recognize that the purpose of the Nevada Ready 21 Technology Program is to fully fund the implementation of the program. Absent supporting capital costs, we had a long discussion about ensuring that the program is funded and that a school district does not have to incur additional costs to stand up the program on its school site. We had conversation about the fact that the NR21 program is not intended

to cover fiber to a building, but the grants do cover some infrastructure like routers or other equipment facilitating device accessibility to the Internet that is necessary for a one-to-one program to exist. We wanted to make sure the Nevada Commission on Educational Technology had that direction from the Legislature.

On page 2 of [Exhibit Q](#), under section 3, subsection 5, where it says, "The Commission shall consult with Districts," and I suppose, charter schools, we just wanted to make sure that consultation requirement offered by the WCSD is also included.

Yes, on the reporting discussed earlier, and section 4, subsections 1 and 2, would be from the NDE's proposed amendment, [Exhibit P](#).

MS. ANDERSON:
I concur with that.

CHAIR DENIS:
Mr. Killian, are we clear on all this?

MR. KILLIAN:
I know what they want.

CHAIR DENIS:
If we all understand what they are trying to get to, and we will all see the amendment before it goes to the Senate Floor, we can take a vote.

SENATOR WOODHOUSE MOVED TO AMEND AND DO PASS AS AMENDED S.B. 467.

SENATOR HARRIS SECONDED THE MOTION.

SENATOR GUSTAVSON:
I did a little research, and I will vote yes right now and reserve my right to vote no on the Floor. The research I am reading is not all positive.

CHAIR DENIS:
That reminds me, we had an amendment to do some data protection, and in talking to our legal counsel we determined it was not germane enough to this

Senate Committee on Education
April 13, 2017
Page 41

bill to be able to do that, which is why I did not bring it forward. I met with them and offered that I would work with them because I think it is an issue we need to look at.

THE MOTION PASSED UNANIMOUSLY.

* * * * *

CHAIR DENIS:

I will open public comment.

MR. STEVENS:

Amazon and VanTrust Real Estate made a donation of \$10,000 to Mojave High School's new manufacturing and robotics program, giving students the chance to learn about the technology that will be used in Amazon facilities across the Country.

Remainder of page intentionally left blank. Signature page to follow.

Senate Committee on Education
April 13, 2017
Page 42

CHAIR DENIS:

Seeing no one else wanting to make public comment, I will close today's hearing and work session at 6:14 p.m.

RESPECTFULLY SUBMITTED:

Linda Hiller,
Committee Secretary

APPROVED BY:

Senator Moises Denis, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	2		Agenda
	B	6		Attendance Roster
S.B. 107	C	1	Todd Butterworth	Work Session Document
S.B. 200	D	2	Todd Butterworth	Work Session Document
S.B. 212	E	2	Todd Butterworth	Work Session Document
S.B. 225	F	15	Todd Butterworth	Work Session Document
S.B. 249	G	3	Todd Butterworth	Work Session Document
S.B. 252	H	3	Todd Butterworth	Work Session Document
S.B. 273	I	9`	Todd Butterworth	Work Session Document
S.B. 273	J	3	Senator Pete Goicoechea	Support with Consent Amendment from NSEA
S.B. 322	K	3	Todd Butterworth	Work Session Document
S.B. 369	L	2	Todd Butterworth	Work Session Document
S.B. 386	M	2	Todd Butterworth	Work Session Document
S.B. 390	N	4	Todd Butterworth	Work Session Document
S.B. 430	O	4	Todd Butterworth	Work Session Document
S.B. 467	P	3	Todd Butterworth	Work Session Document
S.B. 467	Q	4	Lindsay Anderson / WCSD	Amendments and Comments to S.B. 467
S.B. 420	R	1	Senator Nicole J. Cannizzaro	Proposed Conceptual Amendment for Senate Bill. No. 420
S.B. 420	S	3	Patrick C. File / UNR	Written Testimony
S.B. 420	T	1	Chris Daly / NSEA	Support – S.B. 420
S.B. 420	U	1	Christy Briggs	Written Testimony
S.B. 420	V	1	Lauren Draper	Written Testimony
S.B. 420	W	1	Taylor Pittmann	Written Testimony
S.B. 420	X	2	Atley Weems	Written Testimony

S.B. 420	Y	2	Steve Ranson / Lahontan Valley News	Written Testimony
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