

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Eightieth Session
March 1, 2019**

The Senate Committee on Education was called to order by Chair Moises Denis at 12:16 p.m. on Friday, March 1, 2019, in Room 2134 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4401 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 Marilyn Dondero Loop
Senator Dallas Harris
Senator Scott Hammond
Senator Ira Hansen
Senator Keith F. Pickard

STAFF MEMBERS PRESENT:

Jen Sturm, Policy Analyst
Risa Lang, Committee Counsel
Shelley Kyle, Committee Secretary
Steven Jamieson, Committee Secretary

OTHERS PRESENT:

Karen Gray
Marianne Lanuti
Olivia Espinoza
Shantal Meyers
Catalina Escobedo
Diana Battista
Yesenia Gonzales
Luz Elena Garcia
Blanca Hernandez

Senate Committee on Education
March 1, 2019
Page 2

Maria Ayala
Yolanda Cruz
Yarelis Hernandez
Laura Joselillo
Julia Aguirre
Olga Romero
Esperanza Esparza

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

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

Linda Jones, Political Field Coordinator, Clark County Education Association

Theodore Small, Vice President, Clark County Education Association

Danielle Noblet

CHAIR DENIS:

We will open the hearing on Senate Bill (S.B.) 109.

SENATE BILL 109: Requires cameras to be installed in certain classrooms within a public school which are used for special education. (BDR 34-10)

SENATOR SCOTT HAMMOND (Senatorial District No. 18):

This bill came before the 2017 Legislature, presented by Senator Becky Harris. When you walk down the street, you are likely to be recorded on some type of recording device. You might be recorded on a surveillance camera in a business, a camera at a roadway intersection or by another person using the camera function on their phone. However, we do not have such surveillance or opportunities to see what is going on in a classroom. This is especially important in a non-verbal, segregated special education classroom, where events may happen that lead to concern. Unfortunately, suspicions arise and questions remain unanswered.

I was a teacher for 16 years. I have talked with hundreds of students, parents and teachers. I am intimately familiar with the expectations, concerns and fears of each of these groups.

In many families, it is important for the children to debrief their parents about what happened during the school day. There are some parents who would love to debrief with their kids, but they do not have that ability. Something might

have happened to the child at school, but the child cannot explain how they received a bruise or how some other traumatic incident occurred. Sometimes a bruise might be innocent, but sometimes it is not.

The first rationale for this bill is safety. Students, parents and teachers are all concerned about making sure that our schools are safe and secure learning environments. Students and teachers are fearful about being bullied, endangered or victimized by students or even staff.

The second rationale is privacy. Schools must collect personal information about students, parents and staff. This sensitive information must be carefully guarded.

The third rationale is the professional reputation of the teacher. Teachers are worried about the possibility that false or unfounded rumors about what goes on in their classrooms could affect their employment or expose them to criminal prosecution.

The bill attempts to balance all three of these concerns. This bill is narrowly drafted to apply to classrooms in public schools, including charter schools, where there are students who have conditions or disabilities that affect their learning. These students are vulnerable and, in some cases, may not be able to fully articulate what has happened to them.

This bill strictly limits who may see and hear recordings taken in the classroom. The recordings can only be viewed if all the persons involved give their consent or are part of an investigation or legal proceeding. If that is not the case, the videos must be deleted within 60 days.

I have tried to craft this bill in response to the concerns of students, parents and teachers. This bill is a moderate and sensitive approach to a topic that has been widely discussed in the education community.

KAREN GRAY:

I would like to discuss the fiscal note for S.B. 109.

There is a large cost jump between the fiscal note for the bill presented in 2017 and the fiscal note for S.B. 109. I do not understand that increase.

In 2017, the Clark County School District (CCSD) submitted a fiscal note of \$165,000 to put cameras in special education classrooms. In 2017, the Washoe County School District (WCSD) submitted a fiscal note of approximately \$4 million.

Many groups came together to reform the bill from 2017 into the bill you have today as S.B. 109. Fiscally, S.B. 109 should be the same as what was presented last Session. However, the CCSD has gone from a fiscal note of \$160,000 in 2017 to a fiscal note of \$26 million. The fiscal note from the WCSD has gone down from over \$4 million to \$925,000.

I do not understand the massive fiscal jump for a bill that is the same, especially when the cost of technology has gone down.

There are already cameras in every classroom in the CCSD. From the central data center and from individual patrol cars, school police can view the footage in every CCSD classroom. I do not understand why the fiscal note includes costs for equipment rooms, connections and servers. The Public Broadcast System, commonly known as PBS, is owned by the CCSD, so they play a role in this operation. Footage from classroom cameras is held on the servers for 45 days. I would not have a problem with amending the bill to allow for holding the footage for 45 days instead of 60.

We have to look at what already exists in order to make the bill more cost-effective.

The 2017 fiscal note for the WCSD was \$4 million because they needed a place to store the footage. They have already done that, so they do not have the cost listed by the CCSD. Everyone can work together to address these issues with the fiscal notes.

This bill does not allow schools to receive grants or donations to pay for the cameras. This should be allowed in an amendment.

Putting these cameras in will not just protect children. These cameras will protect teachers and staff as well.

CHAIR DENIS:

We do not have the fiscal notes yet. We will deal with them as they are released.

MARIANNE LANUTI:

I represent disabled children in legal cases against the CCSD. Almost 90 percent of my clients are non-verbal; most have autism and other disabilities. In this context, non-verbal refers to a student's inability to articulate in a meaningful way about any corporal punishment or abuse they may have encountered.

Autism used to be a low-incidence disability. There were perhaps five students with that eligibility in the CCSD when I began my practice. Now, 1 in every 50 or 60 children has autism. The public education system has been unable to address the demands placed on it. We have to start addressing what is going on in certain classrooms.

I first became aware of corporal punishment in the CCSD in 2003. I never thought that a teacher could engage in this kind of behavior. Unfortunately, it does happen. The times and circumstances have drastically changed since 2001. Services have decreased. We now are warehousing our children in self-contained, isolated venues away from typical peers, potential witnesses and parents. In the last 4 years of my practice, 90 percent of my clients have expressed that they have encountered at least 1 incident of an unexplained injury. That unexplained injury might be a bruise, a knocked-out tooth, fingerprint bruising, a black eye or a broken limb. Some of these might even require medical intervention. None of these cases ever receive an explanation from the CCSD.

The parents I work with understand that their children are challenging. They know that more than anyone. Most parents would love to be involved and volunteer in the classrooms. But parental participation is not possible when dealing with this population of students.

Some might argue that cameras would provide evidentiary value that would increase the likelihood of litigation. I disagree. Most cases have no camera footage, but some parents can still win in litigation. It is important that we look at the camera as a deterrent, as well as a protection, for the teachers. If abusive behavior or conduct does occur, perhaps this could prevent it from recurring.

A non-verbal student in Clark County is currently being sued by the teacher and the classroom aide. If they lose the case, the parents will be liable. The non-verbal student cannot assist in his defense. The two plaintiffs are the only witnesses. Because we do not have camera footage, we do not know if the incident was provoked or if there were any contributing circumstances.

OLIVIA ESPINOZA:

I testified on this issue in 2017. I am the mother of a non-verbal 13 year-old son. In 2015, my son was abused, but I did not know it.

If you are able to have a conversation with your child, consider yourself blessed. My daughter and I talk about many things. But when I ask my son about his day or his feelings, he responds with silence.

I believe in my son. I believe that some day we will have a great conversation. Where will we have that conversation? I do not know. Perhaps it will happen in this world or the next. When will we have that conversation? I do not know that either. But one day, we will.

I believe in all of you. I believe that, this time, you will support putting cameras in classrooms for special kids. Where will you do that? Here in Nevada. When will you act? You have the answer. It is in your hands.

The cameras are to prevent and to protect, not just to protect our children, but also our teachers. The next time you have a conversation with your children, please remember us. Many parents in Nevada are in the same situation. We need to do something.

SHANTAL MEYERS:

I am the mother of an 11 year-old child on the autism spectrum. He is pre-verbal.

In third grade, he was making great progress. He had an amazing teacher and was in a wonderful situation. We were excited about his progress. He had friends. In fourth grade, he had the same teacher at the same school, but the classroom makeup was different. His teacher went on maternity leave, and he had multiple substitute teachers. We saw a large decline in behavior. He became aggressive and lost his skills. We did not know what was going on in his

classroom, so we decided to take him out of school. I wish I would have been able to go back and see what happened in that classroom.

In fifth grade, my son was placed at the Variety Special School, a CCSD school for students with disabilities. He started in the extended school year program in the summer of 2017. I came to pick him up from school one day, and the principal pulled me aside. He explained that my son had become frustrated during a classroom activity, which escalated as the teacher continued to give him instructions he did not understand. The teacher sent him outside to calm down. She sent him outside in July in Las Vegas; the temperature was over 100 degrees. Variety Elementary School has outdoor courtyards with brick walls, concrete and artificial turf. When my son is upset, he likes to run into things. That courtyard was not a safe place for him, especially when he was unsupervised. The teacher said that he was outside for approximately ten minutes, and he had an accident in his pants while he was outside. I do not know how long my son was actually outside. I only have the teacher's word to go by. If we had cameras in the classroom, we would know exactly what happened.

We had an Individualized Education Plan (IEP) meeting, and I told the school that they were no longer allowed to place my son outside as a cool-down option for de-escalation. The school agreed and wrote it into his IEP. I am happy that this form of de-escalation is no longer an option for my son, but it continues to be an option for the other students.

In the winter of 2017, my son came home multiple times with bruises. I sent pictures to the principal and teacher, expressing my concern about the bruises. My son is not perfect; that is why he was at that school. But, when his note home from school states that he had a good day, I have to wonder how he got the bruises. He cannot tell me whether he had a good or a bad day. We have opened two investigations with the CCSD School Police, but nothing was ever found.

In July 2018, I went to visit my son for his birthday. When I got to the classroom, I saw a small boy in the outside courtyard my son had been placed in a year before. The child tried to get back into the classroom, but they pushed him back outside. When I left, my car thermometer registered 103 degrees outside. I reported the incident and told the mom what happened. There were

six adult women in the classroom, but all of them said that I was lying about what I saw. If we had cameras in the classroom, this case would be solved.

The way our children are being treated is unacceptable. Cameras are important in every situation where our kids do not have a voice and they come home with unexplained trauma.

SENATOR HAMMOND:

Section 1, subsection 1 of S.B. 109 compels the schools to bring into the classroom devices that record both sound and video. Section 1, subsection 1, paragraphs (a), (b) and (c) describe the types of classrooms affected by this legislation. These are classrooms in which over 50 percent of the students are not able to effectively communicate.

Section 1, subsection 2 talks about the limitations on the recording, such as not recording in a bathroom and only recording during the school day.

Section 1, subsection 3 provides protections for the staff and other students being recorded. They will be notified in advance that a recording is occurring.

Section 1, subsection 4 addresses the training that will occur to advise teachers or others who will handle the video equipment about the appropriate use of the devices.

Section 1, subsection 5 explains that the recorded material will be stored for 60 days.

Section 1, subsection 6 allows the acceptance of donations to pay for the recording equipment.

Section 1, subsection 7 restricts the people authorized to view a video, and under what circumstances they may do so.

Section 1, subsection 8 gives the circumstances or conditions under which a video may be released.

Section 1, subsection 9 states, "This section does not: (a) Create a cause of action; or (b) Waive any immunity from liability or limitation on liability".

Senate Committee on Education
March 1, 2019
Page 9

CHAIR DENIS:

Section 1, subsection 7 also states that the recording is confidential and not subject to a public records request.

How does this bill differ from the bill as presented in 2017?

SENATOR HAMMOND:

This bill is the product of the work done to revise the measure proposed in 2017. Many stakeholders offered their input and amendments. Senate Bill 109 is the result of their dialogue.

I cannot speak on the original concept from 2017, because I have been working with S.B. 109, the end product of much collaboration.

SENATOR PICKARD:

We are talking about kids who are non-verbal or who have problems that prevent them from expressing what is happening in the classroom.

In section 1, subsection 1, when we talk about classrooms "in which a majority of the pupils who regularly are present in the classroom" are non-verbal, we are talking about the individual classroom, correct? I assume we are not referring to the school as a whole.

SENATOR HAMMOND:

Yes, we are talking about the particular classroom, not the entire school. In many cases, these classes are self-contained and the students are there the majority of their day.

SENATOR PICKARD:

Section 1, subsection 4 addresses the employees who use the video equipment. Is the intent to talk about any employee responsible for installing and maintaining the equipment? I assume the teachers cannot turn the cameras on and off at will.

SENATOR HAMMOND:

In some schools in some counties, teachers can turn certain cameras on and off. We do not want that. We want cameras that turn on at the beginning of the school day and are turned off at the end of the school day, or possibly turned

off during the lunch hour. Whoever is charged with operating the cameras needs to know the expectations and responsibilities of the task.

SENATOR PICKARD:

We are not mandating that the school districts purchase any particular type of equipment. They are free to find reasonably priced equipment. Is that correct?

SENATOR HAMMOND:

That is correct. We are not mandating or directing that they purchase any one type of equipment or pieces of equipment; it is up to them.

CHAIR DENIS:

Is this surveillance equipment intended to go into all classrooms with children who are non-verbal?

SENATOR HAMMOND:

Yes, that is the intent. I have had conversations with the CCSD and the WCSD. We may have to address what happens during summer instruction because they start to move students into different classrooms.

I have also been asked to work on the 60-day storage time for the footage.

CHAIR DENIS:

These cameras are not just a protection for the students. They are a protection for the teachers as well.

SENATOR HAMMOND:

I visited several schools, including two private schools that decided to put cameras in every classroom. The teachers in these schools were concerned at first, but they soon realized that the video could exonerate them from false accusations.

CHAIR DENIS:

This bill only applies to school districts and charter schools, not private schools. Is that correct?

SENATOR HAMMOND:

That is correct.

CATALINA ESCOBEDO (Translated from Spanish to English):

I have a five year-old son with autism. We are here for the security of our children. Two years ago, my son went through a traumatic, violent incident at the beginning of the school year; however, my son could not talk and tell what happened.

We are asking you to support cameras in special needs classrooms. I keep up with my son Marco's education and progress. I do not want other mothers to experience the same things I experienced. These cameras will provide security for our children and for their teachers. We thank you in advance for your support. I have submitted additional written testimony ([Exhibit C](#)).

DIANA BATTISTA:

I support S.B. 109. I have three children with autism. All are verbal, but unable to communicate when injuries are happening on school grounds. We have had incidents where my son has made allegations against a teacher and school police become involved in the investigation. The school police officer mentioned that during the investigation they would be interviewing every student in the classroom. However, all of those children were non-verbal and unable to be questioned. As a result, the incident could no longer be investigated.

I provided photos ([Exhibit D](#)) to the Committee regarding multiple injuries that have occurred to my younger son, who has also been repeatedly injured at school. The school acknowledged that there were issues going on at the school, enough to where it was written into the IEP that they would be providing support for his communication deficits. However, when I finally took it to the CCSD Superintendent's office and pushed for an investigation, it was turned on me. Las Vegas Metropolitan Police officers came to my door for pulling my son out of school, which I did for his protection due to the injuries he had suffered.

If we had cameras in the classrooms, we probably could have viewed the footage to know exactly what was going on and where the injuries were happening. Unfortunately, as of right now, there has been no accountability and he is unable to express how the injuries are occurring.

YESENIA GONZALES:

My son, Matthew, is in a self-contained classroom. I would like to play the audio recording of a conversation I had with my son after an incident that occurred to him.

Ms. Gonzales: What happened in Ms. McClure's?

Matthew: She didn't even let me go to the bathroom.

Ms. Gonzales: Why?

Matthew: I was just asking for ... like saying please. And I didn't even get to go there, go to the bathroom.

Ms. Gonzalez: What would happen when you couldn't go to the bathroom?

Matthew: She just made ... she just told myself to stay there.

Ms. Gonzalez: And then what would happen?

Matthew: I wet myself.

Ms. Gonzalez: How many times did that happen?

Matthew: Like, twice ... like three or four times

Ms. Gonzalez: And then what would happen?

Matthew: I got really mad.

Ms. Gonzalez: And what would happen when you got mad? What did she tell you?

Matthew: Nothing. To come back to the seat.

Ms. Gonzalez: What about when you said she would tell you to go ... where?

Matthew: To the corner. This is the reason why I don't like that teacher.

Ms. Gonzalez: Because she would tell you to go where?

Matthew: She didn't even let me go to the bathroom

Ms. Gonzalez: And why?

Matthew: Over ... going to the corner? For that dumb reason?

Ms. Gonzalez: Why would she tell you to go to the corner?

Matthew: I just don't know!

Ms. Gonzalez: Was she mean to anybody else?

Matthew: Yeah.

That occurred in the 2016-2017 school year. My son is verbal to an extent. He has a sensory disorder; he has autism. This is something that alarmed us. He also alerted me and another parent of when this same teacher bent his friend's fingers back. I contacted Associate Superintendent Ronnie Guerzon's office. I made reports, and it has come to the point where I cannot even go to see my son without me being escorted by the school administration. They told me I was violating the Family Educational Rights and Privacy Act (FERPA). I just peeked into the classroom.

I believe that if this bill is passed, it can protect our children with many disabilities, verbal and non-verbal. Some teachers go above and beyond to help our students, our children, who are disabled. But we need to protect our children. We are their voice. Many of these children are not able to do so. These cameras will protect them and speak for them. We trust the teachers with our children when we cannot have eyes on them. I have submitted additional written testimony ([Exhibit E](#)).

LUZ ELENA GARCIA (Translated from Spanish to English):

I am the mother of two autistic children. My three year-old son was beaten all over his body by a teacher's assistant, but I could never prove anything. I ask you to please put cameras in the classrooms of these special children. I feel so powerless. This is a very painful experience for us. Please help us. I have submitted additional written testimony ([Exhibit F](#)).

BLANCA HERNANDEZ:

Having a boy on the autism spectrum has taught me the importance of speaking your mind, even if your voice shakes or even if it is not your primary language. It is extremely important to have access to see how my boy does every day in the classroom. It means having peace of mind; knowing for sure that my kid is being treated with respect and getting the attention and tolerance that he has the right to have. Kids in special education can be very challenging. For that reason, cameras also protect teachers and staff from being blamed for incidents that did not happen.

It is a win-win for all the people involved. Everyone thinking of the wellness of a kid with no voice and special needs should be in favor of this bill. I have submitted additional written testimony ([Exhibit G](#)).

MARIA AYALA (Translated from Spanish to English):

I have an autistic eight year-old son. It has been very difficult to know what goes on in his life because he is non-verbal. When I want to ask how his day was, how can I know? He cannot tell me. But I have to know. So, I ask for your help putting cameras in the classrooms of kids with special needs, especially for the kids who cannot speak or communicate. I have submitted additional written testimony ([Exhibit H](#)).

YOLANDA CRUZ (Translated from Spanish to English):

I am the mother of a deaf-mute child. We have been having many problems recently, because while our son is loving at home, he is aggressive at school. Might he be defending himself from something at school? My concerns lead me to support having cameras at school. My son talks in sign language, but he often does not want to tell what happened. I appreciate the help of this Committee in putting cameras in special education classrooms. I have submitted additional written testimony ([Exhibit I](#)).

YARELIS HERNANDEZ (Translated from Spanish to English):

I have two autistic children. In 2012, a teacher at the Variety Special School beat my son. The teacher is now in prison. Even after that incident, my children have gone through many situations, including many abusive ones. My daughter, who was not involved in the incident with her brother, is acting out. Neither of my children are verbal. They come home complaining that they do not want to go to school.

My son is loving at home, but aggressive at school. Any normal child who has such a dramatic shift in attitude must have experienced something to cause a change. So, I ask for cameras. I have spoken with CCSD School Police, and they told me that they cannot put in cameras because of the privacy of the other children.

What will happen to these non-verbal children who cannot defend themselves? The school authorities know that they cannot defend themselves. Please give us this help. We urgently need it. I have submitted additional written testimony ([Exhibit J](#)).

LAURA JOSELILLO (Translated from Spanish to English):

I am the mother of a nine year-old autistic son. A previous testifier mentioned a boy who had his fingers bent back by the teacher. I am the mother of that boy. My son was abused physically and mentally.

I ask you to please support S.B. 109. Not knowing what is happening can cause immense desperation. I am here because my son was abused. I tell my son that while he does not have a voice, I am his voice. I am here on his behalf to ask for these cameras. I hope to be able to take back a favorable report. I have submitted additional written testimony ([Exhibit K](#)).

JULIA AGUIRRE:

My 11 year-old son has autism, but he is verbal. He was bullied last year. They called him crazy and pushed him. When he came home, he did not want to say anything for a week.

We saw that he was sad, that he did not want to go back to school. We asked him every day what happened and he never wanted to say anything. When he finally decided to talk, he told me everything.

I told him that I was going to go to the school and talk with the teacher. I asked him to tell me the names of the boys who bullied him. He told me that I should not seek disciplinary action. He told me that he did not want to get those boys in trouble because they do not have love at home. He did not want to say the names. I talked to the teachers. We had an IEP meeting, and we talked about this incident. The teacher and the principal said that they were going to have an investigation and let me know the results in writing or through a phone call.

This happened last year. Every time I drop my son off, if the principal is there, he tells me that they are still investigating and that they cannot contact me yet. It has been a year, and nothing has happened. They have not come to me or said anything. Please support us with the cameras. I have submitted additional written testimony ([Exhibit L](#)).

OLGA ROMERO (Translated from Spanish to English):

I have two special children. Two years ago this July, my son had an incident and he has had more incidents since then. On that first occasion, a teacher hit him, so he stopped wanting to go to school. The school says that something else is going on in the classroom. I asked to see video evidence, but I was not able to. It was easier for them to just change his classroom. But incidents have continued. He is now afraid to go to school.

Sometimes things happen in the classroom, but the school says something else in the official report. We were reported to the police. The school said that my son was suicidal and that they wanted to commit him to a mental institution.

I ask for cameras in the classrooms both for the students and for the parents who go through so much. We need cameras to know what really goes on. Occasionally, we cannot even get a report from the school after an incident occurs. I have submitted additional written testimony ([Exhibit M](#)).

ESPERANZA ESPARZA (Translated from Spanish to English):

I have a son with autism. In 2008, my son came home from school with a large bite mark on his shoulder. The next day, I went to the school to ask what had happened. No one at the school could give me a reason. I even asked the bus driver, but he did not know about the bite. After that, I started checking him more frequently. I found a large bruise all the way up his leg. I asked him how these incidents happened, but he is non-verbal and cannot tell me.

The members of this Committee have the power to help the parents have eyes where we cannot go. We do not want our children to suffer anymore. They do not have a voice, and we cannot be in the classrooms. We do not know the origin of a bruise, bite or torn piece of clothing.

This bill will help protect our children and the teachers. Please help us.

CHAIR DENIS:

We have received written statements ([Exhibit N](#)) from individuals who support S.B. 109. These comments will be entered into the record.

WILL JENSEN (Director, Office of Special Education, Nevada Department of Education):

We are testifying in the neutral position for S.B. 109 as presented. Generally, surveillance videos, like those in a hallway, are just videos and not educational records. When they involve a student at school, and there is something going on with that student, I believe the videos are considered educational records. As educational records, they have some maintenance and other FERPA obligations that extend beyond what is in the bill as currently written. I would like legal counsel to review this matter. I am committed to work with Senator Hammond to work out those issues.

The Nevada Department of Education took action this morning to remove the fiscal note we had submitted. We figured out the pieces which had previously been an issue, so we no longer see a cost to the Department with respect to S.B. 109.

Egregious things do occur in a small minority of classrooms in our State. Most of the time, resolution for those things becomes very difficult when it is "he said, she said". I see the cameras as a double-edged sword for everyone. Students sometimes do not tell their parents what actually happened. However,

sometimes we do not get the truth from our professional staff. The safety of these kids is paramount.

One school district put cameras in every classroom and common area in their entire school district for about \$1.5 million to \$1.8 million, including all of the server space. I do think the fiscal impact is a smaller number than what was brought up by a previous testifier.

The way that the bill is written we are talking about a very small number of classrooms.

In Nevada, we spend \$600 million per year on students with disabilities. If student safety is not part of that fiscal structure, we should make it so.

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

If this was a money Committee, we would not be able to be here in the neutral position; we would have to oppose the bill as an unfunded mandate. However, since this is a policy Committee, we feel that there are a few areas that we would like to work on with Senator Hammond. For instance, the period of time for the storage of the videos and the summer school situation where classrooms are moved around. We would also like to have some further clarification on speech and language delays, which are identified in the first part of this bill.

LINDA JONES (Political Field Coordinator, Clark County Education Association):

I am here today to read a neutral statement ([Exhibit O](#)) from Jana Pleggenkuhle. Ms. Pleggenkuhle is a special education teacher and Chair of the Clark County Education Association (CCEA) Special Education Committee.

THEODORE SMALL (Vice President, Clark County Education Association):

In 2017, we worked with Senator Becky Harris on this bill. Many of the issues we had were addressed. When I speak to CCEA members and visit their classrooms, I hear mixed reactions from educators. They see both sides and recognize that this is an important bill to recognize the needs and the safety of our students. We are committed to continue to work on good policy and continue that discussion with Senator Hammond and the other members of the Committee. We know and understand that the intent of this bill is to make sure that students who cannot advocate for themselves or speak for themselves are being heard. We understand that this bill is a piece of making that possible.

One of the reasons that I come in neutrality is the amount of money that CCSD says this will cost. It is an unfunded mandate. The number one issue around special education in Clark County is the number of vacancies that we have in special education. The number two issue is that those educators who are in those special education classrooms are the newest to the profession. We could spend that money on teacher training and having great teachers work side-by-side, similar to our Peer Assistance and Review Program. Fiscally, this is a lot of money that can be used in attracting and retaining teachers, and on training to make sure that our professionals are the best.

SENATOR HAMMOND:

I took notes on those who testified in the neutral position. We will tighten the fiscal aspect of the bill. I want to sit down with the Department of Education and the county groups that have concerns with some of the policy issues.

In Clark County, there were 127 investigations of school employee-on-student abuse during the 2017-2018 school year. In 9 months, 14 were confirmed for abuse. Most of the 127 were from special education classrooms. There is a need for this legislation.

Most of the concerns brought up in Ms. Pleggenkuhle's testimony are addressed in this bill. The language of the bill strictly limits the classrooms we are talking about to those which are over 50 percent non-verbal. We want to get into the classrooms where a majority of the students are non-verbal and cannot tell people what happened.

In many cases, cameras can exonerate teachers and help people know what is going on. There are limitations on who has access to the videos and when they can be released.

I look forward to working with Mr. Jensen to see where we can make the language even better. We are trying to find the balance here. We are at a point where the technology is not as expensive, and we can use this useful tool in classrooms for students who cannot speak for themselves.

CHAIR DENIS:

Please also make sure to talk with our legal staff to determine if the video would be considered an educational record under FERPA.

We will close the hearing on S.B. 109.

MS. GONZALES:

I understand that teachers need training. They also need funding in order to receive that training. Why do they not receive that training during their college programs?

Our children already receive funding through the government. It is my understanding that we could fight to get grants to get these cameras installed in the classrooms. I do not understand how, if our children already receive funding, anyone can question the issue of putting cameras in classrooms.

Before legalized marijuana was approved, was it not also stated that this money would go toward the schools and education? If that was the case, it never occurred. If that had happened, we would not be struggling in our children's schools. It would not be an issue.

How can anyone question putting cameras in special education classrooms? Some children are verbal, some children are not. Some of the verbal children have a hard time expressing things, as my son does. If we want our children to succeed, where is the support? Many organizations want to help our children, but we do not see any effort through the CCSD. We ask for help, we ask for reports, we ask for data, we ask for the budgets to be presented to us as to where all this funding is going, and we do not get answers.

An itemized bill will show you exactly where everything is going. When we ask where the funding for our children is going, we do not get any answers. My child is not the only one suffering in this school district. Many in the Hispanic community do not have a strong voice speaking up. We need to be heard. We get brushed off.

DANIELLE NOBLET:

I am here as the parent of an autistic child. She is verbally limited. I have trusted her with the public school system, and my trust has been well-placed. I am acquainted with her team and I am very happy with the help she is getting.

However, I know that the situation could change very quickly. The first speech pathologist we went to grabbed my child's face and demanded eye contact. Autistic children generally do not make eye contact, but that behavior would not

Senate Committee on Education
March 1, 2019
Page 20

be acceptable even with a neuro-typical child. If this was okay in front of me, what would someone like that pathologist feel was okay without a parent present?

I support S.B. 109. Cameras are objective evidence to what is occurring in a classroom, especially with non-verbal children. I have submitted additional written testimony ([Exhibit P](#)).

CHAIR DENIS:

The meeting is adjourned at 1:51 p.m.

RESPECTFULLY SUBMITTED:

Steven Jamieson,
Committee Secretary

APPROVED BY:

Senator Moises Denis, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	7		Attendance Roster
S.B. 109	C	1	Catalina Escobedo	Written Testimony
S.B. 109	D	7	Diana Battista	Pictures
S.B. 109	E	2	Yesenia Gonzales	Written Testimony
S.B. 109	F	1	Luz Elena Garcia	Written Testimony
S.B. 109	G	1	Blanca Hernandez	Written Testimony
S.B. 109	H	1	Maria Ayala	Written Testimony
S.B. 109	I	1	Yolanda Cruz	Written Testimony
S.B. 109	J	1	Yarelis Hernandez	Written Testimony
S.B. 109	K	1	Laura Joselillo	Written Testimony
S.B. 109	L	1	Julia Aguirre	Written Testimony
S.B. 109	M	1	Olga Romero	Written Testimony
S.B. 109	N	6	Senator Moises Denis	Written Statements
S.B. 109	O	1	Linda Jones / Clark County Education Association	Written Statement of Jana Pleggenkuhle
S.B. 109	P	2	Danielle Noblet	Written Testimony