

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

**Seventy-Eighth Session
February 25, 2015**

The Committee on Education was called to order by Chair Melissa Woodbury at 3:16 p.m. on Wednesday, February 25, 2015, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/78th2015. In addition, copies of the audio or video of the meeting may be purchased, for personal use only, through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblywoman Melissa Woodbury, Chair
Assemblyman Lynn D. Stewart, Vice Chair
Assemblyman Elliot T. Anderson
Assemblyman Derek Armstrong
Assemblywoman Olivia Diaz
Assemblywoman Victoria A. Dooling
Assemblyman Chris Edwards
Assemblyman Edgar Flores
Assemblyman David M. Gardner
Assemblyman Pat Hickey
Assemblywoman Amber Joiner
Assemblyman Harvey J. Munford
Assemblywoman Shelly M. Shelton
Assemblywoman Heidi Swank

COMMITTEE MEMBERS ABSENT:

None



GUEST LEGISLATORS PRESENT:

Assemblywoman Teresa Benitez-Thompson, Assembly District No. 27

STAFF MEMBERS PRESENT:

H. Pepper Sturm, Committee Policy Analyst
Kristin Rossiter, Committee Policy Analyst
Karly O'Krent, Committee Counsel
Joan Waldock, Committee Secretary
Trinity Thom, Committee Assistant

OTHERS PRESENT:

Krissy Brown, Private Citizen, Reno, Nevada
Keelan Ayrault, Private Citizen, Reno, Nevada
Chris Case, Private Citizen, Reno, Nevada
Leo Murietta, Private Citizen, Las Vegas, Nevada
Connor Peterson, Private Citizen, Reno, Nevada
Kim Gerlach, Private Citizen, Reno, Nevada
Isabella Peterson, Private Citizen, Reno Nevada
Craig M. Stevens, Director, Intergovernmental Relations, Community and
Government Relations, Clark County School District
James Yoder, Board Representative, Professional Language Association
of Nevada
Dale A. R. Erquiaga, Superintendent of Public Instruction, Department
of Education
Lonnie Shields, representing Nevada Association of School
Administrators, Clark County Association of School Administrators
and Professional Technical Employees, and Teachers of English to
Students of Other Languages
Mary Pierczynski, representing Nevada Association of School
Superintendents
Kelly Nicolls, Private Citizen, Reno, Nevada
Gil Lopez, Private Citizen, Las Vegas, Nevada
Nick Vassiliadis, representing R and R Partners Foundation
Lindsay Anderson, Director, Government Affairs, Washoe County
School District
Peggy Lear Bowen, Private Citizen, Reno, Nevada
Victor Joecks, Executive Vice President, Nevada Policy Research Institute

Chair Woodbury:

[Roll was called. Protocols and procedures were explained.] I will open the hearing on Assembly Bill 166.

Assembly Bill 166: Provides for the establishment of the State Seal of Biliteracy Program. (BDR 34-526)

Assemblywoman Teresa Benitez-Thompson, Assembly District No. 27:

My apologies, I was having a couple of bills in a work session upstairs. My co-presenter, Assemblywoman Diaz, is still sitting in that committee hearing. She will be here shortly, as she has a piece of the presentation as well.

I am very excited to introduce to you Assembly Bill 166. My hope is that this hearing will be a celebration of our students and the hard work that they do in order to become biliterate and to gain language acquisition throughout their academic careers. These programs are taking place right now in our school districts. These are students that simply need to be celebrated for the hard work that they have done. What A.B. 166 proposes to do is to have the Department of Education create a state seal of biliteracy. Within the Nevada Electronic Legislative Information System (NELIS) updates that we provided for you, I have given two examples of seals that have been adopted ([Exhibit C](#)). The first is the seal the state of California uses; the other is from the National Association of Bilingual Education, which some other states use. We would like the Department to adopt an official seal for the state of Nevada so that students who meet all the requirements for being considered biliterate are able to have the seal affixed to their diplomas.

I will walk you through the different sections of the chapter so that you understand how the bill works. Section 1 is the requirement that the Superintendent of Public Instruction create the State Seal of Biliteracy Program and adopt a seal. It is specific for pupils who graduate from public or charter high schools or a university school for profoundly gifted students (which is the Davidson Academy at the University of Nevada, Reno), who have attained a high level of proficiency in one or more languages in addition to English.

Section 2 states that the Superintendent of Public Instruction shall design the seal that will be affixed to the diploma and then make these seals available to the school districts so that they can acknowledge their students.

Section 3 is where we talk about what being biliterate means in order to earn this seal. It requires that all course work in English language arts be completed; that the student demonstrate proficiency in a language other than English; and

that the course work to support that is either an Advanced Placement exam with a score of 3 or higher, or an International Baccalaureate exam in world language with a score of 4 or higher, or they can have completed four years of world language with an 3.0 or higher grade point average. Remember, the students have to have proficiency in English. You see that at the bottom of section 3, line 42. I do not want anyone to be left with the impression that we are encouraging a mastery of other languages without incurring a mastery of our own.

It is helpful to keep in mind that seven other states have adopted these seals. There are a few reasons that states are moving to adopt these. One is that we live in a 21st century world now, where our children are expected more and more to have skills sets that make them competitive in a global market. Being bilingual or even multilingual is one of those skill sets. Competitive college admissions require foreign language. This seal will draw a bright line to those who are such. A seal of biliteracy tells the rest of the world that Nevada is committed to preparing our children for the 21st century. I had a constituent email me. I have shared some of those emails with you. She has a student in one of the programs that you are going to hear from today at Mount Rose Elementary School. She has children in fifth, fourth, and first grade there. She loves the two-way immersion program they have. She says it more eloquently than I can. I will quote from her email. "As a two-way immersion parent, I have also learned so much about connections in the brain that bilingualism creates, and the far-reaching learning advantages of being bilingual that have nothing to do with speaking two languages." Many benefits come from this. You are going to hear Assemblywoman Diaz talk about why she and other members of the Hispanic caucus support this bill ([Exhibit D](#)). You see within uploaded testimony a letter of support ([Exhibit E](#)) from the National Association for Bilingual Education. They are going to be having their national conference in Las Vegas on March 5 through 7 of this year. More importantly, I am excited for you to hear from some of our local principals, parents, and teachers who are involved in world language programs. That way, you can hear from them directly about what they are doing day to day to help encourage bilingualism with the students in our schools. I think it might be helpful for Committee members to hear from some of those who participate in the program, or we can answer questions on the bill first.

Chair Woodbury:

I think we have a few questions, and then we will hear from everybody.

Assemblyman Armstrong:

Ms. Benitez-Thompson, thank you for the bill. I have a question about section 3 regarding the requirements. Will you please explain to me why you

would have a 2.0 grade point average (GPA) for English, but then require a 3.0 GPA for world languages. Would it not be more consistent simply to require a 2.0 or 3.0 for both of those?

Assemblywoman Benitez-Thompson:

This is in keeping with the standards of National Association for Bilingual Education for a state seal of biliteracy. Ideally, we would like all of our students to graduate with a 4.0 GPA, but 2.0 is "proficient." They know the language, they have the language. Would a 3.0 be better? It could be, but at least the 2.0 lets us know they have acquired English. They may not be at mastery level, but they have it down.

Assemblyman Armstrong:

I am wondering why there is one standard for English and a different one for world languages. Why should they not be the same?

Chair Woodbury:

The English language arts is more of an English class, not to learn the English language. It is taking your English classes, passing all the standards for English language arts.

Assemblywoman Benitez-Thompson:

I am a little out of my field of expertise as I am not a teacher. My teacher is still in the Assembly Committee on Commerce and Labor.

Chair Woodbury:

English would include American literature, English literature, whatever the course might be.

Assemblywoman Benitez-Thompson:

I will have Assemblywoman Diaz speak to that as well.

Chair Woodbury:

Along those lines, there was a difference with the score of 4 on the International Baccalaureate (IB) and a score of 3 on the Advanced Placement (AP) exams. I assume they have different weights for the different tests.

Assemblywoman Benitez-Thompson:

I believe that is true.

Assemblyman Stewart:

I think this is a great bill. I wish I were bilingual. I have a large Filipino constituency in the district I represent. I do not know if there is language test for Tagalog. How could they qualify? Most of them speak both English and their language from the Philippines fluently. Would there be any way they could get the seal if there is not a test for their language?

Assemblywoman Benitez-Thompson:

I think it would be helpful for the Committee to have a comprehensive list of AP and IB tests that are in place for different languages, as opposed to finding something specific on Tagalog.

Chair Woodbury:

I have that list. The languages that are on both tests are Chinese, French, German, Latin, and Spanish. Those that are only on the AP are Italian and Japanese; the language only on the IB is Greek. Tagalog is not on there. What about those students? They do not have that option.

Assemblywoman Benitez-Thompson:

On the other hand, our thriving Greek community will be happy. I think that might beg the question of available course curriculum and might be a bigger conversation. At least for the language options available in which we already have developed test curriculum, it would make the most sense to proceed.

Chair Woodbury:

Section 3, subsection 2(b) says, "successful completion of four years of courses in a world language with at least at 3.0," but section 2 says, "attained a high level of proficiency." I know that I could take four years and get a 3.0 without attaining a high level of proficiency.

Assemblywoman Benitez-Thompson:

I believe part of the amendment takes into consideration passing the end-of-course examination exactly for that point.

Chair Woodbury:

Would that need to be in the bill?

Assemblywoman Benitez-Thompson:

Yes, there is a friendly amendment for that.

Assemblyman Gardner:

I think you might have just hit it. A possible way to save the students who speak Tagalog is the district's friendly amendment says that they can approve another course. Do you think we could possibly fix it that way?

Assemblywoman Benitez-Thompson:

Yes.

Assemblyman Edwards:

The bill talks about "profoundly gifted pupils." I am not sure what that means. My other question is: Do the schools currently offer these programs, or will this be a new curriculum we will have to hire more teachers to staff?

Assemblywoman Benitez-Thompson:

The language you are referencing in section 2, "the university school for profoundly gifted pupils," is the statutory reference to the Davidson Academy at the University of Nevada, Reno. They are part of the education system. It is to make sure that we acknowledged not only public schools but charter schools and that school as well.

To your second question, no additional work needs to be done. These are programs that are in the schools right now. They are acknowledged in different ways. We just want to put a bright line on the acknowledgement with a big gold seal on the diploma.

Assemblywoman Olivia Diaz, Assembly District No.11:

In Clark County, we have dual-language programs where the children are learning both Spanish and English from the time they hit kindergarten. It is wonderful to see that we are making such great use of being young, learning early, developing the ear, and learning how to speak a second language from the time they are kindergartners. I hope the trend will continue as we see these dual-language students make progress through their elementary school years. There will be a need for a dual-language middle school. Eventually these students will have mastery, most likely in high school. I also know of charter schools that offer a different language as part of their structure in their programming. I am hopeful that we continue the work. Right now, very few schools offer this opportunity. It is a missed opportunity on our behalf.

Assemblyman Edwards:

That was my concern with what the program is. Many people would seem to miss the opportunity, and that would require more teachers to be hired. Is there some way to work that in so that is broader than it seems to be now?

Assemblywoman Benitez-Thompson:

To clarify your question, you would want to make it broader, or you would want to hire more teachers? I would agree with you. I just was not sure if that was what you said.

Assemblyman Edwards:

I am trying to figure out if this would require the hiring of additional teachers to make it a broad program across the entire school district. It would seem to, especially if—I think I heard Latin and Greek—I remember a little of my Latin, but not that much, certainly not enough to help out here. Are we talking about incorporating a completely new program of languages that would include the necessity for many new teachers?

Assemblywoman Benitez-Thompson:

No. There are currently programs in place. I would hope that they grow. This bill does not mandate that growth. I would hope that more schools would embrace the biliteracy programs, but this bill does not mandate it. This is simply to acknowledge our students who are doing the work currently.

Assemblyman Elliot T. Anderson:

I think this is a great idea. It is not only a skills bill; it is a workforce development bill. It will make us more competitive in an ever-increasing international economy. The perfect time to do it is when children are young, because they pick up language more easily. Anything we can do to give people that extra boost on their résumé with the authority of the state is a phenomenal concept.

Assemblywoman Diaz:

I am bilingual. I am so thankful that my parents always stressed the importance of becoming bilingual and biliterate. Not only was it sufficient for them for me to know how to speak and understand the language, but they also made sure that I knew how to read and write it. Now that I am an adult, I see how valuable that skill set is to possess. As a new parent to the world's most adorable four-year old, I am happy to support Assembly Bill 166. I know that today's children need to be prepared to compete in a more global society, at a more global scale. The world as we come to know it will be smaller and more interconnected than the time in which I grew up. For many of us, our world was our neighborhood. A few of us ventured beyond our city and maybe our state borders. I was not one of them; I stayed in Las Vegas. Thanks to the Internet, my son will see and experience the world at a younger age. Countries that were once on the other side of the world are now just on the other side of the computer through a Google search. Many of our children will likely make

international friends and compete against them for jobs and leadership positions. My hope is we will be able to be competing with them academically as well.

Language diversity is paramount if we want our children to remain competitive in the 21st century. Our schools are responding. Many school districts are currently promoting world language instruction and dual-language programs, which you will hear more about as the school districts come and testify. Assembly Bill 166 seeks to recognize students who have attained a high level of proficiency in one or more languages in addition to English. Assembly Bill 166 will create a formal seal of biliteracy to be affixed to those students' diplomas, one that I wish I could have had on mine. Those are my comments. If you have any further questions, we would be happy to take them.

Assemblyman Stewart:

Could we have an amendment to make this retroactive so you could get it?

Assemblywoman Diaz:

I think that would make it self-serving. I think proactive would be fine with me. I echo Assemblyman Anderson's comments about being a workforce development bill. I have been looking at language access in the courts for those who speak English as a second language. I have been educated in the interim that we have many court interpreters for Spanish but do not have many to represent other languages we might have a need for. I see this as a way to get more court interpreters in diverse languages to help those who might need them.

Chair Woodbury:

Assemblywoman Benitez-Thompson explained how this recognition would benefit those students in their careers and in getting into colleges. Do you see this as giving students an incentive to become bilingual?

Assemblywoman Diaz:

Of course. When we as a community say that this is something that is great, the children then see it as an asset. They want to work harder and strive more towards becoming bilingual and biliterate. When I was teaching students as young as second graders, I had parents during teacher conferences telling me, "Ms. Diaz, I do not know what to do. My child does not want to speak Spanish or practice it at home anymore. They say, 'What for? What does it matter?'" I think this would be a strong, positive message saying, "This is very important. It is part of not only your culture and background, but it is an added tool to your toolkit that will benefit you greatly when you get out into the workforce."

Chair Woodbury:

Do you see the reverse, then, being beneficial for native English speakers to learn a world language?

Assemblywoman Diaz:

It is great for everybody. What is good for some is great for everyone, right?.

Assemblywoman Swank:

With the seal on the diploma, will there be something on the student's transcript? The transcript is sent out with university applications. I am not sure if it is marked on a transcript that you were on honor student, but it seems it should be. That usually shows in the GPA.

Assemblywoman Benitez-Thompson:

This bill does not contemplate that, but it is something that we are happy to look into as a friendly amendment.

Assemblyman Edwards:

If we are going to try to get students to be learning earlier and earlier, do we want to wait until high school to put anything on their diploma? Would a certificate that would be available to second- or third-graders be more helpful to get them motivated younger and keep them motivated throughout? That would actually help them sooner. Then do the additional things of putting them on the transcript, perhaps even giving them a bigger certificate if they continue to advance through high school so that it is more recognized when they are applying to colleges or for jobs.

Assemblywoman Benitez-Thompson:

You are going to hear from different testifiers about programs about the types of recognitions and certificates they do now. I do not think that is a bad idea: a progressive seal that gets bigger the more they accomplish. The diploma can only hold so much. I agree; we should be acknowledging these students at every step in their language acquisition. We want to make sure that when they graduate, their diplomas have that seal on them as a mark of their accomplishment.

Assemblyman Gardner:

Is the Clark County School District amendment a friendly amendment?

Assemblywoman Benitez-Thompson:

Yes.

Assemblyman Gardner:

How would colleges accept this? Would it be taken as certification to allow you to test out of courses? In business, you have to certify that you are fluent in a language—do you think this would affect that at all?

Assemblywoman Diaz:

To the second question about getting any kind of certification at the collegiate or university level, when you achieve a certain score on an Advanced Placement (AP) exam, that makes it possible to transfer for college credit and for placement in more advanced Spanish, Greek, Latin, German—whatever you are getting this biliteracy seal for. Your AP scores are used for placement and access into higher courses and sometimes they will give you credit for introductory classes.

Assemblywoman Benitez-Thompson:

Please remind me what your other question was.

Assemblyman Gardner:

Have there been any conversations regarding some of the certifications that businesses require? I know that if you are an interpreter, you have to certify that you can speak a certain language. If a diploma says that you are competent in that language, has any of that kind of connection been made?

Assemblywoman Benitez-Thompson:

No, but I think that is a good conversation to have. Perhaps we can tie in the Governor's Workforce Investment Board and others who connect education and business together to have that conversation, maybe get them to pay for more AP courses.

Chair Woodbury:

Do you know what the cost would be to the state to create this seal?

Assemblywoman Benitez-Thompson:

A fiscal note was submitted that shows no cost. We have examples of the seal, so I do not imagine that there is going to be a cost from designing it. Right now, the number of participants compared to the overall student population and those graduating is nominal. I imagine that is why this is a zero fiscal note. Our intent is not to incur any undue fiscal burdens on the state. At least presently, it is zero.

Chair Woodbury:

Superintendent Erquiaga, you are nodding, so you agree with that.

Does the Committee have any further questions? If not, I will open testimony in support of A.B. 166.

Krissy Brown, Private Citizen, Reno, Nevada:

I am the principal of Mount Rose K-8 Academy of Languages in Washoe County School District. I am in complete support of this bill. We started the two-way immersion program in Washoe County seven years ago. This is something that I am passionate about, as I see how hard these students work. Keelan Ayrault is one of the first students I had at Jesse Beck Elementary School and now at Mount Rose. I am sure he will answer questions for you also. We need to celebrate what they have accomplished through their hard work and give them the opportunities for additional jobs and college scholarships.

Keelan Ayrault, Private Citizen, Reno, Nevada:

I am a student at Jesse Beck Elementary School. I love the two-way immersion (TWI) program. I think it has helped me so much. I feel like when I grow up it will help me to get a better job, do a lot of things for me. I feel like I have worked pretty hard for the bilingual program.

Chair Woodbury:

Is your bilingual program in Spanish?

Keelan Ayrault:

Yes.

Chair Woodbury:

I have a request from a Committee member. Could you say one of those lines in Spanish?

Keelan Ayrault:

[He spoke a line in Spanish.]

Chair Woodbury:

That was amazing. Thank you for indulging us.

Assemblyman Stewart:

I might warn you that the Chair is fluent in both English and Spanish.

Chair Woodbury:

So I know you did great.

Chris Case, Private Citizen, Reno, Nevada:

I am the director of the global studies program at Robert McQueen High School. That is our signature program in Washoe County School District. The students in our program, hopefully Keelan someday, take two world languages for the entire time they are there within the program. They can take German, Chinese, French, or Spanish. They also participate in academically rigorous social studies and environmental science. All of these are on the Advanced Placement (AP) level. The coursework in which they participate is patterned after university-level international relations programs. For us, a seal of biliteracy would recognize our students' achievements. A big mission of Washoe County School District and, I would imagine, all districts across the state of Nevada, is to create students who are career and college ready upon graduation. I think that plays a big role in what our students are doing. As the state of Nevada is experiencing this boom in business, part of that will be the necessity for us to participate on a more global scale. We need students who are biliterate because the learning of a second, or in our case a third, language allows students to not only understand the language, but also the culture of the countries that we will be or are currently doing business with around the world.

Assemblyman Gardner:

When you determine the languages you teach, is that based on who you think we will be doing business with, or how do you determine which languages to teach at your school?

Chris Case:

Most of the determination for the languages we teach in our school is based on the number of teachers who are qualified to teach the various languages that we can teach. The other factor that weighs in is what does AP test. We are an AP, not an International Baccalaureate (IB) school. AP currently tests German, Spanish, Chinese, French, Italian, Latin, and ancient Greek. We have a desire to branch into other languages. We have a close relationship with the Northern Nevada International Center. They are part of the U.S. Department of State, which identifies languages of need. We would love eventually to branch into languages such as Arabic, Korean, and Farsi, but at the current time, they are not languages that are evaluated by AP. Being a school that has students and families that demand AP participation, really steers the ship sometimes. Currently a student who earns a 3 or better on an AP world language exam would receive eight credits at the University of Nevada. That is equivalent to the first year of a world language. If they receive a 4 or a 5, they receive six credits of 200-level, second-year coursework. The assumption is that they would enroll in third-year courses. That is how the university takes care of it through AP and IB.

Leo Murietta, Private Citizen, Las Vegas, Nevada:

I am speaking to you on behalf of the Latino Leadership Council. We are here supporting A.B. 166 [referred to letter, ([Exhibit F](#))] because it offers Nevada students the opportunity to receive the training and competency in multiple languages so that they can compete in a global environment. Research has shown that for English language learners (ELL), bilingual education offers the best education methodology. This bill helps Nevada's over 70,000 ELL students take advantage of the languages they have developed. It also allows every student to gain interest in and benefit from this legislation. We are in full support of the public policy behind this bill.

Connor Peterson, Private Citizen, Reno, Nevada:

I think it is important to get the seal of biliteracy on my diploma because I have been working hard in Spanish.

Kim Gerlach, Private Citizen, Reno, Nevada:

I teach AP Honors and AP Spanish at Procter Hug High School in Washoe County. The majority of my students are heritage speakers, so most of them have been speaking Spanish their whole lives. They have different levels of their ability in Spanish. Almost 10 percent of our student body enrolls in AP classes, close to 100 students in a year. This would be a great boost for them. It would empower and motivate our heritage Spanish-speaking students to continue studying two languages. They have gotten that far, so when they come into high school they often take Spanish to improve their Spanish. We have a high pass rate on our AP tests. When our students leave, they are really strong in both languages. That is great for the armed forces as they look for bilingual speakers, as do colleges and businesses.

Assemblyman Edwards:

Do you know how your course work or the AP exam would help with some of the U.S. Department of State tests for people that they hire because of their language skills? Would this be a match, or not fit in at all?

Kim Gerlach:

I do not know. I study the AP test really well, but beyond that, I cannot answer that.

Isabella Peterson, Private Citizen, Reno Nevada:

I think the TWI program is amazing because you can get a scholarship and have a better job.

Craig M. Stevens, Director, Intergovernmental Relations, Community and Government Relations, Clark County School District:

First, I want to say Clark County School District (CCSD) fully supports A.B. 166. In fact, we have our own bilingual award that we give students, depending on the criteria, which matches up really well with what this bill does; however, we do have a friendly amendment. It should be in front of you ([Exhibit G](#)). The first part of the amendment is simply allowing the specifications to align with the graduation requirements. Firstly, you see the changes in the end-of-course examinations. This allows for the rigor; you know that these students passed these, and therefore are set to graduate. This also helps the school districts track this information so that we can make sure that they are serviced with this award or seal. It also helps us if a student is close to getting it but not quite there. It allows us to intervene and to provide extra help. It is important for us to make sure the systems are aligned so that we can have all the best information available.

The second part is to allow the school districts to have approved proficiency exams also to be included in this. Some of the languages are limited with some of the AP and IB. Some of the students simply do not take the courses even though they are fluent in those other languages. Let us see if they are proficient, and let us be able to do this to celebrate those students. The test that we use currently, STAndards-based Measurement of Proficiency (STAMP), allows for many different languages. There are many other tests out there that, with the approval of the Nevada Department of Education, we could be allowed to use for those other languages that are not currently offered. We believe that the second amendment opens this requirement up to many more students, allowing the students who may not realize they are on their way to get this. We can do this locally.

James Yoder, Board Representative, Professional Language Association of Nevada:

I am representing an organization representing all the language teachers of this state. I would like to read into the record a letter ([Exhibit H](#)) written by the president of our association fully supporting this bill.

Dale A.R. Erquiaga, Superintendent of Public Instruction, Department of Education:

I am the child of bilingual parents. It is my pleasure to support this for all the reasons that you have heard. I would offer to the sponsors of the measure and the maker of the friendly amendment that the discussion about transcripts reflecting this seal and the approval of district exams could be handled by the superintendent's authority to adopt regulations as proposed in this measure.

I would be happy to promulgate those regulations should the measure and any amendment pass.

Lonnie Shields, representing Nevada Association of School Administrators, Clark County Association of School Administrators and Professional Technical Employees, and Teachers of English to Students of Other Languages:

We are in full support of this bill with the amendment. We would like to be on the record as so. I would also like to put out a shout for Ms. Krissy Brown, who is the principal at Mount Rose Elementary School and the wonderful job she is doing. I hear wonderful things about it. The fact that I was principal there for 17 years has nothing to do with it.

Mary Pierczynski, representing Nevada Association of School Superintendents:

We are in full support of the bill and the amendment that was presented by our colleagues in Clark County.

Chair Woodbury:

Is there anyone else in Las Vegas or Carson City wishing to testify in support of A.B 166?

Kelly Nicolls, Private Citizen, Reno, Nevada:

My children go to Mount Rose Elementary School. They started at another school that had to close the two-way immersion (TWI) program because they changed principals and the new principal did not have the same vision. Ms. Brown was kind enough to let my children transfer. They have been there two years. I have been thrilled to see what they have been going through. I was a Spanish major. I lived in Japan six years and learned enough Japanese to get by. I would love for our children to have the opportunity if they want to learn languages. I see all the effort that has been put into this program. If we do not support it, it would be a shame to have put all that effort in and not have the program here anymore.

Gil Lopez, Private Citizen, Las Vegas, Nevada:

I am a student at the Boyd School of Law and also the 2015 Nevada Hispanic Legislative Caucus extern. I want to document that the caucus fully supports A.B. 166.

Chair Woodbury:

Is there anyone else here in Carson City wishing to testify in support? [There was no one.] Is there anyone in Las Vegas wishing to testify in support? [There was no one.] Is there anyone wishing to testify in opposition to A.B. 166? [There was no one.] Is there anyone wishing to testify as neutral

to A.B. 166? [There was no one.] Assemblywoman Benitez-Thompson and Assemblywoman Diaz, do you have any closing remarks?

Assemblywoman Benitez-Thompson:

I want to commend all the students for being here. Thank you for the contemplation of this public policy and what we are hoping to support by creating the state seal of biliteracy. Should you have additional questions or comments, please do not hesitate to seek me out for further conversation.

Chair Woodbury:

I am going to close the hearing on Assembly Bill 166 and open the hearing on Assembly Bill 112.

Assembly Bill 112: Revises provisions governing the policy concerning a safe and respectful learning environment for children enrolled in public schools throughout the State. (BDR 34-220)

Assemblyman Elliot T. Anderson, Assembly District No.15:

I am happy to be here to present Assembly Bill 112, which is an attempt to clarify the existing provisions of the safe and respectful learning environment law. I am bringing forth this measure to stop adults from bullying each other, to promote a positive and successful learning environment for all of Nevada's children, and to set a positive example for children. [Read from written testimony ([Exhibit I](#)).]

I am here today because I came to the conclusion that we needed to do more to ensure that teachers, administrators, and school personnel do not have to face bullying in their careers with our school districts. Many of us have seen at least one example of an administrator at the highest levels going through issues and being forced out of a high-visibility position. That is only one such example. In particular, I spend a lot of time with a school psychologist who I care for dearly. She often tells me that she has observed many instances of teachers getting bullied and adults fighting in general in different schools throughout the state. She is not the only one who has informed me of this type of behavior. To clarify, bullying under Nevada law can include retaliation and intimidation as well, in addition to simple name-calling. If top-level administrators can go through these experiences, imagine what can happen to regular teachers who are just trying to help children learn.

This type of fighting amongst adults badly affects our students. Thorough social emotional learning emphasizes the need for adults to set good examples; in other words, adults should not just tell students not to bully other students, they should show them how to act through positive examples. "Do as I say,

not as I do" is not an effective social emotional learning strategy. As a bonus, some studies have shown that achievement goes up in a positive learning environment. Our law contemplates that already. Many qualitative and quantitative examples bear out these assertions.

I need to give credit to and am grateful for Dr. Renee's Kadlubek's assistance in helping me review the literature on this issue and for the idea for the bill. She has been an important partner on this measure. She is a Ph.D. in educational psychology and a lawyer. Most importantly, she is a social emotional learning expert with 11 years of experience. It is her expert opinion, both in law and psychology, that the existing law should be clarified and strengthened. She believes it is important for Nevada to stop instances of adults fighting and to encourage school districts to create policies to facilitate a positive learning environment. I agree with her completely.

The Safe and Respectful Learning Environment law currently applies to school personnel as it exists. We often hear of this law in the context of students being bullied. However *Nevada Revised Statutes* (NRS) 388.135, which I have attached as ([Exhibit J](#)) prohibits any trustee, employee, administrator, principal, teacher, other staff member, or pupil from engaging in bullying as defined by NRS. Any person inside of a school or school bus can be bullied under NRS 388.122 by any other type of person inside of a school setting. Section 1 of the bill updates the legislative declaration of intent behind the law to explicitly note that we believe the law applies to adults as well as children. That is our intent. The law already says that, this just makes the declaration consistent with what the rest of the law says and to ensure that it cannot be mistaken that everyone needs to treat each other with respect under this law. Section 2 of the bill requires school districts to alter or create policies to ensure that violations of the Safe and Respectful Learning Environment amongst adults can be reported and to update their training policy under existing law to include methods to facilitate a positive learning environment. In section 2 you will see there is an amendment removing more vague language ([Exhibit K](#)) which clarifies my intent and makes the requirements a bit clearer for the school districts. I believe a positive learning environment speaks for itself.

In conclusion, I wanted to say that when I hear about instances of fighting—we heard of several during the interim—I never care about who was right and who was wrong. As adults, especially in politics, we want to figure out who was wrong so that we can blame them. I thought about what moral authority we have to tell children that you cannot bully each other when we cannot even keep our own house in order. We need to do that before we tell others what to do. There are too many examples of adults inside of school districts failing

to live up to the standard we demand from our children. We need to get a handle on adults fighting. I would be happy to answer any questions.

Assemblyman Hickey:

I especially appreciate you, as you have chaired this Committee. Therefore, I know you are familiar with the environments in classrooms. You stole something I was thinking of, along with everyone in this room. "Do what I say, not what I do," is incongruent especially if teachers are saying one thing and doing another. In discussing a bill just the other day, we were questioning whether or not one can legislate tolerance, for example. Can you really legislate courtesy? Specifically, in your new language with regard to "the quality of instruction impacted by poor attitudes," found in section 1, subsection 4, paragraph (c), is that a subjective definition? That is not a standard for adult behavior but just a goal or an aspiration. Is there a definition that is different? I heard you mention "bullying" and "safe schools." What is bullying to children? Is that the same definition for adults? Or is it just disagreements, different value systems, and poor behavior, which I am sure exists within adults as it can with children?

Assemblyman Elliot T. Anderson:

Of course, you cannot legislate courtesy. You can only attempt to encourage people. We have already tried to do that. This bill does not seek to do anything but update the existing efforts we have taken to make our schools more respectful and safer for children. And not just for children, to answer your other question. I attached the definitions as an exhibit and highlighted what the existing law says about bullying inside of schools. [Read from ([Exhibit J](#)).] That is the existing law. What I felt was that it was not clear enough. We needed to put everyone on notice that administrators cannot be bullying teachers; teachers cannot be bullying other teachers. The way this is written, a pupil could not bully a teacher, either. That is the way the law is written—with a wide scope to ensure that everyone is treating each other with respect. I have also attached two exhibits ([Exhibit L](#)) and ([Exhibit M](#)) to show that when people are not respectful, it can affect achievement. There are quantitative studies that show that when you have more positive strategies and environments, you have achievement increase. You have children treating each other better when they have good behavior modeled around them. They soak that up like sponges. They think that if an adult is doing it, it must be okay. In the same way, if they see something on television, it must be okay. It is sort of a "monkey see, monkey do" sort of bill, I guess, to bring it down to a really small level. That is the idea here. It is not meaning to reinvent the wheel. This is just putting people on notice that the policies have to account for everyone, not just children. When we talk about bullying, we often are

pigeonholed into thinking that it only happens children-on-children, and that is not the case.

Assemblyman Armstrong:

Dr. Kadlubek is a great resource for this. She is my friend and works really hard on this.

Should this actually be codified in *Nevada Revised Statutes* (NRS) that we are trying to regulate against poor attitudes for teachers? It seems this should be done on the district level in teacher handbooks, rather than our trying to say that teachers cannot have poor attitudes. I am not sure if we are going to fix a problem just by putting that in the NRS, or whether or not this is more of a policy on a district level.

Assemblyman Elliot T. Anderson:

Section 1 has no substance of import. It is simply a legislative declaration explaining our intent behind the rest of the safe and respectful learning environment law. It expresses our goals and aspirations for when the school districts are applying these laws. It also makes crystal clear that this is what we believe to be important—for teachers not to be bullied by administrators and vice versa. It is important that we have positive interactions inside of our schools so, as it says, achievement and instruction are not affected by it. It is expressing intent that we think is important. It has no more import than a resolution does, except it makes it clear for when anyone is interpreting the rest of the law that this is a part of it.

Assemblyman Edwards:

My question will be similar in this way: Federal law already covers hostile work environments and how those are not acceptable. I think state law seems already to cover the standards by which people are supposed to operate. I would think district rules and regulations would already state what the professional standards of conduct would be. We also have professional training for teachers, administrators, and so on, for what would be the correct way to conduct yourself. This seems redundant, that we do not need to state it all over again.

Assemblyman Elliot T. Anderson:

Assemblyman Edwards, I would disagree with the premise that we do not need to restate it. We are seeing too many examples of it happening. I have already referred to a high-profile incident. In response to your specific question, I believe you are speaking about Title VII of the Civil Rights Act of 1964 and the associated regulations that create laws against a hostile work environment. The problem with those regulations is that they only apply to actions based upon

protected classes: race, sex, et cetera. This is broader than that. Just because you are having a bad day does not mean you can treat someone else poorly. You cannot treat someone poorly, just because you do not like his or her personality. This is more than focusing on protected classes. That is a bit under-inclusive for what I am looking at. I do not believe that this bullying that goes on amongst adults in school is based upon protected classes. You are right: If it were, that would be covered under the hostile work environment statute.

Assemblyman Edwards:

But all the rest of it is already covered by professional standards of conduct that you have to follow whether you are at the state, county, or local level. I think we are just saying the same thing over and over again. It does not get us anywhere we are not going to be anyhow.

Assemblyman Elliot T. Anderson:

Assemblyman Edwards, this is an attempt to clarify the law. It is not an attempt to create a whole brand-new scheme for the school districts to apply. The existing law already applies to what I am getting at. This makes it clear that the policy—if you look at my amendment that I submitted—must allow for a method for reporting violations of adults bullying adults. I want to make sure that is crystal clear for the school districts. That has to be a part of their policy. You are correct. This is not some brand-new huge law. I would think that would make people a little bit more comfortable. It seems to go the other way and then people say, "Well, this does not do anything, so we should not do it." I think it does. It does have requirements and it does shine a spotlight on the fact that it is not acceptable for this to be happening, and that the existing law does apply to adults. Anything we can do to make their workplace a better environment is good for administrators; for teachers, because they are happier at work and we do not have to fill teacher shortages every year; and for the children—when they have positive examples and role models, they are going to do better in school and they are going to be treating each other better as well.

Assemblywoman Shelton:

Is this becoming such an overwhelmingly big problem that you felt it necessary to clear this up as far as bringing this piece of legislation forward? Has there been an increase in occurrences, say, in the Clark County School District, that made you think that you need to make sure this addressed more clearly than it had already been?

Assemblyman Elliot T. Anderson:

Assemblywoman Shelton, that is a firm yes. I think there are plenty of incidents that do not get reported because people do not feel that there is an outlet. I do not know if that is correct or not; the school districts can testify to that. I know that is how they feel. I have heard of plenty of examples. It is hearsay, but this is not a court, so I can go with it. I trust the word of Dr. Kadlubek implicitly. She has been involved in the school district for a long time and does this for a living. I know that she feels strongly about this, and she does not usually sweat the small stuff. I feel confident that there is some clarity that can be brought to the existing law, which will help a great number of people.

Assemblyman Flores:

I did not know too much on the topic. In anticipation of the bill, knowing that we were going to have this hearing I felt the need to call some of the teachers I have formed some type of relationship with in my district. When I told them about this, they thought this was necessary. Ultimately it is for them. I reminded them that there are already laws in place, but they gave me countless examples: "All the teachers make fun of me. They call me weird. The students are hearing that. When the children come into my classroom, they start calling me weird." Or, "They make fun of the way I dress, and the fact that I dress a specific way is creating an environment where the students are jumping on board with the other teachers and making fun of me." I asked this individual, "Can you report that?" The response was, "Well, it is not really breaking the law." The teacher herself said, "I do not really think there is a recourse for that."

I started asking other teachers, "Do you think making fun of a teacher for the way she dresses or acts is against the law?" They replied, "No. It is just normal. That is how we get by every day." I make this point because I hear my colleagues making arguments that things are already against the law. We are not talking about an individual getting beaten up or receiving hate letters; we are talking about an individual who is in the classroom, who feels uncomfortable going to work every day. Echoing the sentiment of my constituents, having this guarantees them the opportunity and recourse to say something about it. Please, correct me if I am wrong in anything I just said.

Assemblyman Elliot T. Anderson:

I could not have said it better. I appreciate your sharing your experience because this is something that is inherently going to be qualitative. We do not have, and never could have, data to show how many people are being affected by this. These are individual interactions that cannot be quantified.

You hit on something I did not even think of. For all of you who are military veterans, you know how important it is that when you are in charge of a unit or you are in charge of a classroom, you cannot have your authority undermined. With Assemblyman Flores's anecdote, if other teachers are calling another teacher "weird," their students hear it and now they are calling their teacher "weird." That teacher is now losing control of their classroom, which is a huge problem. I have parents who are educators. One of their biggest complaints to me—I hear it because they know I can do something about it in Nevada—is, "We feel like we are losing control of our classrooms, as if no one is taking our side. We feel as if we are under attack, the profession is under attack." I do not know. Maybe a few others on this Committee can speak to that more than I can with the extent of their complaint. I know that is a huge problem because of that sort of interaction between teachers. If they are losing control of their classroom, that is a whole different problem. You are right that this is an existing law. You also hit on another problem. They do not know that there is this recourse for issues such as the ones you just stated. That validates the point that although this is not this huge new law, we do have an issue of getting the word out that this law does apply to adults, and adults cannot treat each other this way inside of a school. It has real ramifications on our students.

Chair Woodbury:

In section 2(a) of your amendment, you added methods for reporting these new violations, so are you saying that there is already policy in place in the school districts for deciding if that complaint is legitimate and deciding measures that would be taken?

Assemblyman Elliot T. Anderson:

Right now, that is existing language as far as the requirements and methods for reporting violations of *Nevada Revised Statutes* (NRS) 388.135, which is the substantive law prohibiting bullying inside of the school. That is clarification language. It may need to be written differently, depending what Legal wants. I do not know all the statutory constructions they use when writing these provisions. The intent is to ensure that the school districts are on notice that they need to have a policy that addresses how a teacher or administrator or anyone who is being bullied could report it. That also includes students. That is just clarification language, ensuring that the policy counts for adults fighting, as well as children.

Chair Woodbury:

Are there any further questions from the Committee?

Assemblyman Armstrong:

I have heard your testimony and Assemblyman Flores' examples. Maybe this is not going far enough. Maybe, based on that testimony, this is a widespread issue. Maybe we can get some comments from Mr. Erquiaga regarding this, but maybe the environment is so poor for our teachers that we need to step in, create some professional standards of conduct for teachers, and have the recourse if the districts are not doing it. I would like to hear some comments as to whether or not he feels as if this is a widespread issue that we need to address more effectively so that our teachers are in an environment in which they can teach our children. Maybe that will actually improve the performance of the education as well.

Assemblyman Elliot T. Anderson:

I would just say, Assemblyman Armstrong, we have a constant problem recruiting teachers in Clark County. This certainly could be part of the puzzle that we have to fix to ensure that teachers not only have a great place to work, but children have a great place to learn. I am certainly open to exploring all of those things, because I do think that it is an issue, and this is my first stab at it. We will see what the superintendents have to say in the districts. I would be happy to work with everyone to try to get ahold of this.

Assemblywoman Diaz:

Assemblyman Anderson, I think this is valid. Being a teacher for 12 years now, happy teachers equal happy students. When your teachers come to work feeling they are thriving, being validated and valued, they are going to give above and beyond what our students need. They will be focused, professional, and data-driven. If we strip this layer of "She does not like me"; "He does not like me"; "They say nasty things about me." You would think that kind of environment does not exist for educators, but unfortunately, there is a little bit of it everywhere. I commend you. I think that the ultimate result we want is a direct impact on our students. Having a happy teacher will teach them what they need to know and to learn to be successful.

Assemblyman Elliot T. Anderson:

Thank you, Assemblywoman Diaz. I could not put it better. Teachers should be teaching high school, not reliving it.

Chair Woodbury:

Is there anyone wishing to testify in support of A.B. 112?

Craig M Stevens, Director, Intergovernmental Relations, Community and Government Relations, Clark County School District:

We fully support A.B. 112 as amended. We appreciate Assemblyman Anderson for working with us so hard on getting this bill right. We fully believe that the learning environment should be safe for everyone. Our students, administration, and teachers should feel safe. We believe that this bill does that. In fact, in having conversations with Mr. Anderson, we have looked at some of our current school district policies and how this will affect us. One of the policies we have regards harassment. What we have looked at is that there are reports we make when an educator feels harassed. What we could do, what we want to do, is actually change that policy to not only harassment, but to bullying, to make sure there is a process within that so that our educators and administrators feel safe. We are already looking at ways that we can improve our process so that our schools and our learning environments are better.

Assemblyman Edwards:

Should this be a state law or a district policy? It seems as if a policy should be able to handle this at that level. It would probably be more adaptive than a state legislature that comes to work here every other year.

Craig Stevens:

We would agree, which is why in the bill it says that the Department of Education shall help provide some of these trainings. It is in conjunction with the school districts. We do this with everyone. While I agree that each district is going to be handling it differently, the Department will give us that leeway, we hope. Working with each other, we can up with a policy, a training, and all of that so that we are able to do exactly what you are asking.

Nick Vassiliadis, representing R and R Partners Foundation:

I have been before this Committee several sessions now, talking about this very issue as part of a program that we support, called "Flip the Script." I would like to thank Assemblyman Anderson for bringing this issue to the attention of this Committee because it is important to remember that schools are not the standard workplace environment. We are educating the next generation. We are teaching them not only academics but how to be young adults, how to be people living in society, interacting with each other, and being productive members. Simply, this clarifies that teachers will be held to the same standards as their students in how they interact with each other. I do not think that is something that should be left up to the district or local entities; it is something that the state should support the school districts in.

Dale A.R. Erquiaga, Superintendent of Public Instruction, Department of Education:

The Department is in support of the bill. I will try to answer the questions that have been asked. The Committee will recall that Governor Brian Sandoval discussed bullying in his State of the State Address. He is proposing a revision to the state's anti-bullying statute, the one Assemblyman Anderson referenced. It is important for us all to remember that, if this bill moves forward, we will have to keep this language in transit should the Governor's bill move forward as well. We believe this language has a place in that overall revision.

You have asked if we have seen instances reported. There is no formal mechanism today—that is one of the problems the Governor hopes to address in his legislation—to report to the Department for bullying: adult-on-adult, adult-to-child, or child-to-child. However, people reach us out of frustration. Since I have been superintendent, we have established a process whereby we attempt to gather information. We are not an investigative agency in this area. The mix has changed. The first cases reported were often parents who were dissatisfied with the district's handling of child-on-child bullying. Recently, my staff has brought concerns about adult-on-child and adult-on-adult bullying. We see that as teachers or others in the district are unwilling to participate in these bullying investigations, fearing they will be bullied as well. Yes, there is an issue here that can be addressed. Mr. Stevens from Clark County School District referenced section 2 of the measure, which is the key piece for me. The Department has the responsibility to promulgate the regulations on which the district policies are based. This is a matter for policy at the district level the way our statutory scheme works. The guidance provided in this revised legislative intent as well as the language in that section of NRS 388.133 is instructive to me, the person who will have to run those workshops or those hearings. It is instructive in how we can improve the policy once it begins to move forward. We have suspended development of that policy pending the Governor's bill. When we held the first public hearing on the bullying policy a year ago, this question came up: Does it apply to adults? I did not have a very good answer. We had to refer to the statutes and read them together. We agree that it does. I think, as the one who has to bring those regulations forward, that Assemblyman Anderson's bill will be helpful.

In response to Assemblyman's Armstrong's question, I would defer to the districts on issues related to harassment or discipline. I do not have statutory authority there. In *Nevada Revised Statutes* Chapter 391, unprofessional conduct is an undefined term for which an individual's license can be suspended or revoked. That statute also speaks of crimes of moral turpitude, which is not statutorily defined. One of the uncomfortable parts of my job is when I weigh during a quasi-judicial proceeding what matters I would bring before my board.

I would offer to Assemblymen Armstrong and Anderson that you might wish to consider having that statute point to this statute, however Legal writes that, including, but not limited to, this instance in Chapter 388. That is a means of connecting what passes for a code of professional conduct in our statutory scheme to this chapter. I do think this issue is of import to us all.

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

I think I said this during a previous hearing. Our district is committed to safe and respectful learning environments for adults as well as students. I can echo that as the anti-bullying efforts have evolved over the past few sessions, we have been updating our policies. The question has come up in our district whether or not our safe and respectful learning environment policy applies to adults. I think there is credence in clarifying that issue, making sure we are conducting that for our adults, too. We are here in support.

Lonnie Shields, representing Nevada Association of School Administrators, and Clark County Association of School Administrators and Professional Technical Employees:

You cannot have a happy school without a happy staff. The assemblywoman was exactly right. Part of the problem will always lie with the fact that the unhappy teacher will not go to the administrator to tell him what the problem is. That would be the first step that should take place. If the administrator does not take care the problem, there must be a backup. If the administrator is causing the problem, they must have the right to go over his head to report the problem. This would be a great addition to the safe and respectful environment in schools. We would support it.

Mary Pierczynski, representing Nevada Association of School Superintendents:
We are in support of the amended version of the bill.

Assemblyman Edwards:

At the federal level, you have an Equal Employment Opportunity process. What would be the equivalent at the state level?

Lonnie Shields:

I do not know if I can speak at the state level. At the school level, we have a grievance process that we go through. That would probably be the legal process in the contract in handling these problems.

Assemblyman Edwards:

There actually is a grievance process in place already for situations like this.

Lonnie Shields:

In most contracts, yes.

Chair Woodbury:

Is there anyone else in Carson City or Las Vegas wishing to testify in support of A.B. 112?

Peggy Lear Bowen, Private Citizen, Reno, Nevada:

I am not only a retired teacher with 35 years of teaching experience, I was the victim of adult bullying in own my school. I witnessed and apologized to a person. I was told I had made somebody feel intimidated, and that person had written a letter of complaint. As a result, I was to be dealt with. I excused myself from the meeting, went to my friend who had written the letter, and said, "I apologize if I did that. I am really sorry. I would never have done that." She said, "Peggy, stop. They made me write the letter." I went back to the district office, represented by my teachers association and myself. I repeated exactly what I had been told. I demanded there be no retribution against the person who told the truth and that they cease and desist this activity, because I felt harassed and bullied. This arose from the concept of the principals academy. That sounded good on the first level—getting rid of deadwood, but what they were doing was getting rid of those who spoke out for students or workers at the school or who spoke out, period. They wanted people to come to work, do their job, go home, and never say a word otherwise instead of being actively involved in the dreams and activities of children, removing whatever might hold them back. I did not feel that I could go to the district, or as if I had any recourse there. The bullying was not the writing of the letter. I was bullied in the sense that the principals academy seemed to encourage getting rid of everyone who was not on the right paragraph on the right day at the right time doing that particular job instead of being in there working with children in a loving, teaching way. It is very active.

I was elected to the National Education Association women's steering committee, representing retirees and working with the women's caucus on many issues. One of the things we worked on with the American Association of University Women is bullying in schools, even with adults. Let me sadly remind you of a young man who felt bullied to such a point that two died and two were wounded in my school district in Washoe County. He wrote letters that were published in the paper addressed to students, teachers, and staff as to how he felt bullied. He was quoted by one standing next to him when he was firing his gun as saying, "You ruined my life. Now I am going to ruin yours." This bill gives us a way to elevate the problem beyond just a hometown district problem and put it at the state level. It gives us the recourse to make it stop.

Chair Woodbury:

Is there anyone else wishing to testify in support of A.B. 112? [There was no one.] Is there anyone wishing to testify in opposition to A.B. 112? [There was no one.] Is there anyone wishing to testify neutral to A.B. 112? [There was no one.] Assemblyman Anderson, do you have any closing remarks?

Assemblyman Elliot T. Anderson:

Thank you for the Committee's attention to this matter. I appreciated the discussion.

Chair Woodbury:

I will close the hearing on A.B. 112. I open the hearing on Assembly Bill 150.

Assembly Bill 150: Revises provisions governing the Governor Guinn Millennium Scholarship Program. (BDR 34-200)

Assemblyman Lynn D. Stewart, Assembly District No.22:

Assembly Bill 150 concerns an alternate route to the Millennium Scholarship. At the present time, in order to be eligible for the scholarship, a student must have a 3.25 grade point average, two years of residency in Nevada, and must be graduating from a Nevada high school. [Submitted written testimony ([Exhibit N](#)).] There are some exceptions, but those are the general rules. Presently, of those who have accepted the Millennium Scholarship, 46 percent must take a remedial course in college. I provided you with two sheets ([Exhibit O](#)) that point out the figures. This bill will provide that, if a student does not have 3.25 grade point average but otherwise meets the requirements and takes a college entrance test, receiving a score above what is determined by the Board of Regents, he can then be eligible for the Millennium Scholarship.

In my experience as a teacher for over 34 years, I find that there are a number of students who would qualify in this area. Some are late bloomers; some are slackers, not taking education seriously as freshmen or sophomores. They get to be juniors and seniors and wake up, but by then their grade point average is already ruined. Some have extenuating circumstances—serious problems in their family, divorce, a death, they might have been kicked out of their house, they might have become couch surfers—and yet, they are brilliant students. With this bill, I desire to provide a way for these students to receive a Millennium Scholarship and to be able to go on to college. If they do not receive a scholarship, they will not go to college, and their lives will be on a different track—perhaps to prison or to other undesirable situations. It is my understanding that at the University of Nevada, Reno (UNR), they have a score on the ACT that if a student matches or exceeds it, they are exempt from taking remedial classes. It would be my recommendation to the

Board of Regents that they use the ACT as this college entrance exam. The ACT is already provided free to all high school students in the state. If they put that standard at or above the standard they already have at UNR, we would ensure that these students who take the test and pass it above that level would not have to take any remedial classes.

There is a fiscal note on this that I do not quite understand. If you look on the data sheet I gave you, you will see that the number of students accepting the scholarship declined by about 200 from 2012 to 2013. There is no way to determine, at this point, how many of these students would fall under this bill. I would assume that it would be around 200, maybe not even that many. These students are quiet; they are falling through the cracks. There is a current balance of \$25 million in the Millennium Scholarship fund that was set up by former Governor Kenny Guinn. You can see the number who have qualified over the years. You will notice that only about half of those who qualify accept this scholarship. Often we have our brightest students who qualify going out of state or not accepting the scholarship. Those who stay, 46 percent, must take remedial classes. The \$25 million will eventually be used up. I do not think it would be used up that much more quickly if the few students who would qualify under this alternate plan accepted the scholarship. I am trying to protect these students who are falling through the cracks.

Assemblyman Armstrong:

I question the policy of minimizing the grade point average (GPA) requirement this bill puts forth. We are telling students that it is okay to not have that GPA as long as you pass a test. That is not capturing just those students that are falling through the cracks. I think there still should be a GPA requirement, in addition to passing the test at a certain level. I probably would have fallen under one of these provisions because my GPA was not 3.25 in high school, but I did test well. I do not see us as creating policy that encourages students to not try to achieve that 3.25 in high school.

Assemblyman Stewart:

The students with 3.25 GPAs are still going to get the scholarships. You are still going to have those hard workers. As a teacher, I found students who were good students but who were not that smart. They had a better grade point average, but were they really "superior" or "above average"? They got the 3.25 because they worked hard. They did not have some of these extenuating circumstances that I mentioned. There will still be the students who work hard and qualify in the requirements we have now with the 3.25 GPA. This just opens it up for those who have the varied circumstances that I mentioned.

Assemblyman Armstrong:

I see this as a policy that opens it up for more children not achieving 3.25 because they have the illusion that they can just pass the test or try to pass the test without achieving the 3.25. That is my concern.

Assemblyman Stewart:

I would remind you that they have to graduate from high school, so they have to get the 22.5 credits. In order to get the credits, they have to work in these classes enough to pass them.

Assemblyman Hickey:

Your 34 years in the classroom certainly qualify you to advise us about the needs for education. Not in this bill but elsewhere we are having a discussion about the needs for both merit-based and need-based scholarships. I am sure that what you are saying is true—that there are students who are late bloomers or simply do not apply themselves but are very bright—but there is no guarantee that they are going to suddenly learn those skills if they go to college. We hope that they would. What concerns me the most is your own explanation of the statistics that already 46 percent of our students who receive the Millennium Scholarship need remedial education at college. They had good grade point averages, and they did adequately on their ACT or whatever the college entrance test is. I wonder, if we lower the bar a little bit to allow for these special cases and exceptions, might we be sending people who need even more remedial courses to college? We might not solve a problem. There is a reason for standards. Do we help ourselves in this instance by lowering them?

Assemblyman Stewart:

We are not lowering the standards. We have a different bar which, in most cases, is a higher bar. With the standard we have now, 46 percent need the remedial classes. With my new standard, if we adopt the same level of score on the ACT that UNR has, we will have none of these students taking remedial classes. UNR already has that standard. If we match or exceed it, then none will have to take remedial classes.

Assemblyman Hickey:

Would that mean that in your wish that standard would be applied to both community colleges, University of Nevada, Las Vegas and Nevada State College in Henderson? Will you clarify that?

Assemblyman Stewart:

It would apply for all schools.

Assemblywoman Swank:

One of my concerns about using the test scores is that is one data point in time, while the GPA is collected over years. Maybe you have a good day or get really lucky on a test, but it averages out with the days that are not so good. I am not sure what score UNR uses. Right now the scholarship requires a 3.25 GPA. You can convert that into an SAT and ACT score. That converts to an SAT score of 648 for each category; for the ACT, it would be 29. Those are pretty high scores, putting you near the 90th percentile. If this bill does go forward, we need to be sure we are not lowering the bar. We need to be sure we are looking at the scores on exams that are analogous to the existing GPA requirements.

Assemblyman Stewart:

We are not lowering the bar. We are turning this over to the Board of Regents. Elaine Wynn [President, Nevada State Board of Education] and others are not those who would seek to lower standards. We are raising standards because we are ensuring that these students who will receive the Millennium Scholarship under this program will have acquired the knowledge. They have the smarts—the Einsteins, the others who have not been able to get the GPA of 3.25 for some reason. They show that they know the content and the information and prove it by taking this test, which is a national test. I hope this is the test the Board of Regents selects. I am sure they will because it is a very economical way to go.

Assemblywoman Swank:

I want to clarify that I agree this is not necessarily lowering the bar. I just want it on the record that an ACT of 29 is analogous to a 3.25 GPA. I would like to see the requirement be at least an ACT score of 29.

Assemblyman Stewart:

I am sure it will be at least that. I would hope for it to be higher.

Assemblyman Elliot T. Anderson:

I want to relay an anecdote from when I was a child. We would have two quarters where we would have a grade, then we would have a final test. That would all get lumped into a semester grade. One quarter, I was just lazy. I would not come in and make up a fourth-quarter test. Because of that, I got an F. Then I came and took the semester test, and I got an A because I knew the material. I was just lazy and bored. It did not have any correlation with what I knew about the subject. The way I understand your bill, which I am looking at through that frame—I understand that some students know the subject. For whatever reason—maybe their parents are not staying on them as hard as they should, but, they do know the subjects, they are college material,

they can handle college—maybe they are bored. Maybe we are not challenging them enough. Governor Sandoval talked about making sure that we do not just focus on the students who are struggling but help the people who can achieve more grow farther than they ever could. If they are bored, if they are not getting anything from the instruction when we teach to the mean, we are failing them because they are not growing as far and as fast as they could just as much as we are failing the people that are not completing the requirements. Do I understand this correctly? Are you trying to get to that area where students do not have a lower GPA because they are not college material but because they just are not applying themselves? Do I understand your intent correctly?

Assemblyman Stewart:

That is correct, Mr. Anderson. This is not just one test. They still have to graduate from high school in Nevada. We have four proficiency tests they must pass: reading, writing, mathematics, and science. It is not just a one-time thing. They are taking at least four tests, plus the tests to get the 22.5 credits. We have fairly high graduation standards in Nevada, higher than the average state.

Assemblyman Edwards:

I am trying to find a good solution to meet the desires without disappointing others by lowering standards. Would the better solution be to have a different scholarship program?

Assemblyman Stewart:

It would probably be a big expense to have a separate scholarship program. This one is already in place. We have \$25 million waiting to be used. We want the Einsteins as well as the hard workers to receive these scholarships.

Assemblywoman Diaz:

Based on the data we received on graduation rates in Nevada's system for higher education, we are not hitting the marks in terms of graduating students out of our schools. The profoundly gifted who had a life event that took their focus off their studies for a bit, disqualifying them for the Millennium Scholarship, may not qualify for financial aid either. They are in a hard spot. They do not get anything because of their GPA, their parents do not have the money to put them through school. The population you are trying to include would actually help our state's graduation rates. To use my colleague here as an example, not only did Assemblyman Anderson graduate from a university, he is about to graduate from law school. If we capture those students we are missing right now, would that not be beneficial to our state down the road?

Assemblyman Stewart:

I think it would be a great addition. We are losing a lot of these students; I am not sure how many. I wish I had an actual number for you. They are so elusive, it is hard to measure. It strengthens the workforce.

Assemblywoman Diaz:

I have stories similar to Assemblyman Anderson's. One of my stepsons is gifted. He skipped from third grade to fifth grade, but he had some life events that derailed his path to always being the shining star. He went from being a nerd, 4.0 GPA in elementary school to turning a 180 in his teens, not doing as well as he could. It did not mean that intellectually he could not, he was just getting by. We had to scrounge up as much as we could to put him through school because he barely made it in. Now he is an attorney. There are many students, if given the opportunity using these cut scores, it would greatly benefit. I am in full support of your concept here.

Assemblyman Stewart:

There is also the "cool factor," especially with a young man in middle school and early teens. It is not cool to get good grades or to be smart, so we have students that hide this in order to be accepted by their peers who are not as bright as they are. That is a subgroup of the group I am trying to reach.

Assemblyman Flores:

Do you have any data regarding how difficult it is to perform well on the ACT? This pertains to the comments that we are lowering the standard. Statistically, those who perform well on the ACT are likely to perform well in college and to graduate. Do you have any data that reflects that?

Assemblyman Stewart:

I do not. I will get it. I wish you would stop saying that we are lowering the standards. We are not lowering the standards.

Assemblyman Flores:

I understand that. That is why I think the data would be helpful. Once we have that information in our hands, we can identify how difficult it is to be in that category of performing well on the ACT. That is indicative of very good performance at the university level. I will add a caveat, although I am in support of your bill. In speaking with my constituents and reaching out to my community, underrepresented communities statistically do not perform all that well on the ACT. I must make the point that this will not much benefit a lot of members of the community in my district.

Assemblyman Edwards:

The other day, we had a presentation about the Millennium Scholarship going broke by 2018 or 2022. I wonder if a better approach might be to tag along with the Governor's recommendation that we start paying a bit more attention to the high achievers and promoting their futures and their opportunities. Looking at the fact that some students might be too cool to get good grades in ninth and tenth grades, maybe a different program that would recognize their late blooming might be more beneficial to get at the heart of what you want to achieve. Could we take a look at that approach, which might be a bit more targeted to what you want to accomplish?

Assemblyman Stewart:

The data I have says the scholarship fund will be exhausted in 2021. We will have to come up with more funding for that scholarship. It has been a great program. I am still very strongly advocating for these students who are falling through the cracks who are potentially great assets to the state of Nevada. I see what you are saying, but I hope you will support this bill to reach out to these people.

Assemblyman Gardner:

Has the Board of Regents set the kind of standard they are looking for? For the ACT, do they know what kind of number they are going to be looking at to make it equivalent? Have you had any of those preliminary discussions?

Assemblyman Stewart:

No, I have not, but I know that State Board of Education President, Elaine Wynn, has very high standards. I expect that she will set the bar very, very high.

Assemblywoman Swank:

I want to follow up on Assemblyman Gardner's question. I wonder if we could get an idea of what those numbers are. I have seen a broad range of numbers on UNR's website—as low as an ACT score of 22. It would be helpful for me if we had an idea of where those scores would be.

Assemblyman Stewart:

I will get with Ms. Wynn to see if we can get a ballpark score of what she thinks they will come up with.

Chair Woodbury:

Is there anyone here wishing to testify in support of A.B. 150? [There was no one.] In Las Vegas?

Leo Murietta, Private Citizen, Las Vegas, Nevada:

The Latino Leadership Council is in strong support of A.B. 150. We believe it gives Nevada students access to education and the resources that it will take to pay for that. My personal testimony is that I went to school here in Las Vegas. When I was in ninth grade, my father fell ill to a brain aneurysm and had to undergo surgery, resulting in a stroke. He was in the hospital for about a year and a half. In ninth and tenth grades, my GPA fell below a 2.0, but the school allowed me to stay in school because I had not been a problem previously. I worked my tail off in my junior and senior years to raise my GPA to the highest possible, but when I graduated from high school, I did not have a high enough GPA to qualify for the Millennium Scholarship. When I did go to school, I had to pay for it. I would have benefitted from a bill like this. I was, and like to think I still am, an intelligent individual who can contribute a lot to the state. I feel that this bill does the same for students like myself coming up in the future.

Craig Stevens, Director, Intergovernmental Relations, Community and Government Relations, Clark County School District:

We support the bill. We believe easing the burden on students to get to college and to pay for it is something we would always be striving for. The other thing I would like to point out on the GPA aspect is that the majority of these students are already accepted into college. They are going to be striving for a high GPA because they know that they want to go to school. We do not believe it is a complete disincentive, that they can just forsake their studies and just get by on a test score. These folks apply to college and are accepted; they have the GPA to get in.

Chair Woodbury:

Is there anyone else in Carson City or Las Vegas wishing to testify in support?

Peggy Lear Bowen, Private Citizen, Reno, Nevada:

I was a teacher for 35 years and a former member of the Nevada State Board of Education for 12 years, 3 terms. When the Millennium Scholarship passed, we looked at it as breaking the cycle of poverty to be able to reach higher education. I have heard things floated this year about increasing the credit load per semester and this bill, whether or not it is going to be successful. One group of people that I have not heard discussed is those students in poverty. They have to hold down jobs to help their families function. Doing that, their GPA might not be as good as it could be. The knowledge is there, the ability to achieve is there. This alternative route to the Millennium Scholarship helps break the cycle of poverty. They can meet their family's obligations and have testable proof that they have the ability to do well in college. They have graduated; they have the knowledge to be successful.

If you set the ACT score requirement high enough, you are guaranteeing that the Millennium Scholarship money will be spent for good, honest classes to reach their dreams, rather than if it is applied to remedial classes. I want them to be able to meet their dreams. I, as the child of a woman who dealt 21 for 38 years at Harrah's club in Reno, Nevada, and my two brothers were the first of our family to go through college. We helped put one brother through law school. He is now one of the top five criminal attorneys in the nation. The point is, poverty robs people of their dreams, robs states of contributions that could have been made by people who have that piece of paper that opens the doors to be remarkable individuals in their chosen professions. I would hope you would not only pass this alternative route to assist people in that situation, I would also add a caveat. There is nothing in here that says you were not a little monster in school, disrupting classes so others could not learn then you took the test and went ahead. I have a gut-level feeling there about class disrupters, but that is private and can be worked on another year. I hope you will support this legislation.

Assemblyman Gardner:

This bill fits one of my friends really well. He had a 2.5 throughout high school. He did not really care. He scored a 33 on the ACT. He is now doing very well as a civil engineer in Texas. There are these kinds of students out there who are very good academically; they just do not care or do not pay attention.

Chair Woodbury:

Is there anyone else in Carson City or in Las Vegas wishing to testify in support of A.B. 150? [There was no one.] Is there anyone in Las Vegas or Carson City wishing to testify in opposition?

Victor Joecks, Executive Vice President, Nevada Policy Research Institute:

We are very concerned about opening up the Millennium Scholarship to a greater universe of students who may not be college-ready. Some of the Committee members actually asked questions about this. I think the data sheet on the Millennium Scholarship actually shows the reasons for our concerns. Forty-six percent of students receiving the scholarship already are placed into a remedial mathematics or English course, which suggests those students are not college-ready. There is a growing body of evidence that encouraging students who are not ready for college to attend college hurts their income potential and can leave them saddled with debt that they are not able to pay off. They do not have the benefit of the higher income that comes from a college degree to pay off that debt. *The Wall Street Journal* recently reported that college dropouts are four times more likely than graduates to default on their loans. The concerns expressed earlier by Assemblywoman Swank about the minimum score are really good ones. I think her suggestion of setting

the 90th percentile scores would be a mechanism to help prevent students who are not college-ready from qualifying by just having a good test score, or by having the score set by the Board of Regents so low that you are opening up the universe of students wider than students who are currently ready for college.

Assemblyman Elliot T. Anderson:

Mr. Joecks, I want to direct your attention to something you just said. You said that under the current law, statistics show that Millennium scholars are not ready for college. Maybe we should use a different measure than GPA, such as the ACT. Does that seem to make sense if we have a remediation problem under the current law?

Victor Joecks:

I think your suggestion is a very good one, in terms of tightening the restrictions. There has been talk about the limited amount of funds in the Millennium Scholarship. At Nevada Policy Research Institute, our recommendation has been to do exactly that. We have not talked about a mechanism, but restricting the scholarships so that you do not have people who are not ready for college attending university. Whether that is done through an ACT score or through increasing the GPA, I think that is a good suggestion.

Chair Woodbury:

Is there anyone else wishing to testify in opposition to A.B. 150? [There was no one.] Is there anyone wishing to testify as neutral to A.B. 150? [There was no one.] Assemblyman Stewart, would you like to make final comments?

Assemblyman Stewart:

I hope you will consider this as an alternative way, a higher-standard alternative way, to show that students who have proven by testing that they are ready for college will excel in college if they are given the opportunity.

Chair Woodbury:

We will now take public comment. Is there anyone in Carson City or Las Vegas who would like to come up? Seeing none, Committee, our next hearing is Monday, March 2. We will be hearing one bill and also holding a work session. We have already listed two bills on the agenda for work session, but others may be added as they become ready, so keep checking back. If there

is no further business to come before the Committee, we are adjourned
[at 5:21p.m.].

[Also submitted was a letter in support of A.B. 150 from the Latino Leadership
Council ([Exhibit P](#)).]

RESPECTFULLY SUBMITTED:

Joan Waldock
Committee Secretary

APPROVED BY:

Assemblywoman Melissa Woodbury, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Education

Date: February 25, 2015

Time of Meeting: 3:16 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 166	C	Assemblywoman Benitez-Thompson, sponsor of bill	Samples of state seal for biliteracy
A.B. 166	D	Assemblywoman Benitez-Thompson	Letter of support from Nevada Hispanic Legislative Caucus
A.B. 166	E	Assemblywoman Benitez-Thompson	Letter of support from National Association or Bilingual Education
A.B. 166	F	Leo Murietta/Latino Leadership Council	Letter of support
A.B. 166	G	Craig Stevens/Clark County School District	Proposed amendment
A.B. 166	H	James Yoder/Professional Language Association of Nevada	Letter of support
A.B. 112	I	Assemblyman Elliot T. Anderson/sponsor of bill	Presentation of A.B. 112
A.B. 112	J	Assemblyman Elliot T. Anderson	Current statute
A.B. 112	K	Assemblyman Elliot T. Anderson	Proposed changes to Section 2
A.B. 112	L	Assemblyman Elliot T. Anderson	"Creating Kind Schools"
A.B. 112	M	Assemblyman Elliot T. Anderson	"Teach the Teachers Well"
A.B. 150	N	Assemblyman Lynn D. Stewart	Written testimony introducing A.B. 150
A.B. 150	O	Assemblyman Lynn D. Stewart	"Governor Guinn Millennium Scholarship Data Sheet"
A.B. 150	P	Leo Murietta/Latino Leadership Council	Letter of support

