

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

**Seventy-Eighth Session
March 23, 2015**

The Committee on Education was called to order by Chair Melissa Woodbury at 3:17 p.m. on Monday, March 23, 2015, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 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:

Assemblyman Randy Kirner, Assembly District No. 26
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
Sharon McCallen, Committee Secretary
Trinity Thom, Committee Assistant

OTHERS PRESENT:

Todd Bailey, Private Citizen, Washoe County, Nevada
Nicole Rourke, Executive Director, Government Affairs, Community and
Government Relations, Clark County School District
Greg Halopoff, Director, Central Information Student and Human
Resource Services, Clark County School District
Steve Canavero, Ph.D., Deputy Superintendent for Student Achievement,
Department of Education
Ben Hayes, Chief Accountability Officer, Washoe County School District
Laura Granier, representing Nevada Connections Academy
Andrew Diss, State Director, StudentsFirst NV
Tom Greene, Regional Advocacy Director, Western Region, Foundation
for Excellence in Education
Mary Pierczynski, representing Nevada Association of School
Superintendents
Seth Rau, Policy Director, Nevada Succeeds
Patrick Gavin, Director, State Public Charter School Authority
Janine Hansen, President, Nevada Families for Freedom
John Wagner, representing Independent American Party
David W. Carter, representing Nevada Legislative Affairs Committee
Kelvin Beck, Senior Client Executive, Infinite Campus
Angie Sullivan, Private Citizen, Las Vegas, Nevada
Juanita Clark, Co-Executive Director, Charleston Neighborhood
Preservation
Kelley Millard Radow, representing Nevada Homeschool Network and
ParentalRights.org
Jim Sallee, Private Citizen, Las Vegas, Nevada
Sheila Ward, Private Citizen, Carson City, Nevada
Virginia Starrett, Private Citizen, Carson City, Nevada

Jim Falk, Chairman, Nevadans for Local Control of Education
John Eppolito, Private Citizen, Incline Village, Nevada
Thelma Slaughter, Private Citizen, Las Vegas, Nevada
Russell Hunter, Private Citizen, Washoe County, Nevada
Jason Trevino, Interim Chief of Police, Washoe County School District
Police Department
Tracy Moore, Interim Emergency Manager, Washoe County
School District
Craig M. Stevens, Director, Intergovernmental Relations, Community and
Government Relations, Clark County School District
Susan Sernoe, Director, Wraparound Services, Student Services Division,
Clark County School District
Christopher B. Smith, Administrator, Office of Homeland Security,
Division of Emergency Management, Department of Public Safety
Manuel Mederos, Private Citizen, Reno, Nevada
Amber Reid, Private Citizen, Reno, Nevada
Katherine Loudon, Administrator, Counseling Services, Washoe County
School District
Lisa Bartoli, Counseling Specialist, Washoe County School District
Carol Broersma, L.S.W., M.S.W., Vice Chair, Rural Children's Mental
Health Consortium
Angie Sullivan, Private Citizen, Las Vegas, Nevada
Heather DeAngeli, Private Citizen, Reno, Nevada
Rebekah Couper, Private Citizen, Reno, Nevada
Jolene Dilly, Private Citizen, Reno, Nevada
Stacey Shinn, representing National Association of Social Workers,
Nevada Chapter; The Human Services Network; and the
Progressive Leadership Alliance of Nevada
Kelly Wooldridge, Deputy Administrator, Children's Mental Health,
Division of Child and Family Services, Department of Health and
Human Services
Jill Manit, M.S.W., Field Education Program Coordinator, School of Social
Work, Division of Health Sciences, University of Nevada, Reno
Lauren Hulse, Executive Director, Charter School Association of Nevada
Elissa Wahl, Member, State Public Charter School Authority
Marc Abelman, Member, State Public Charter School Authority
Kathleen Conaboy, representing K12 Inc.
Jim R. Wells, C.P.A., Interim Director, Department of Administration

Chair Woodbury:

[Roll was taken. Committee protocol and rules were explained.] Today we
have one bill on work session.

Assembly Bill 206: Revises provisions relating to certain notices provided to the parent or guardian of a pupil who attends a public school. (BDR 34-740)

Kristin Rossiter, Committee Policy Analyst:

Assembly Bill 206 was heard on March 9, 2015. It has one amendment and has no fiscal note. [Read from Work Session Document ([Exhibit C](#)).]

Chair Woodbury:

Do I have a motion?

ASSEMBLYMAN GARDNER MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 206.

ASSEMBLYMAN STEWART SECONDED THE MOTION.

Chair Woodbury:

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMEN ARMSTRONG AND DIAZ
WERE ABSENT FOR THE VOTE.)

Chair Woodbury:

Assemblywoman Spiegel will take the floor statement. I will open the hearing on Assembly Bill 221.

Assembly Bill 221: Revises provisions relating to data concerning pupils.
(BDR 34-147)

Assemblyman Randy Kirner, Assembly District No. 26:

I have been given the opportunity to carry this bill because one of my master's degrees is in systems management, my doctorate is in education, and I have served two years on this Committee. It is good to be back in front of you again.

Assembly Bill 221 was designed to address student privacy and to provide protection of that data. The effective use of student data is essential in improving student outcomes and equipping educators with information they need to help every student remain on a path to educational success. Student data can help teachers personalize and customize instruction, equip parents and students with information to make informed educational choices, and assist policymakers with program evaluations and resource allocations.

In a world where knowledge is power, student data provides parents, students, and educators with the tools they need to ensure every student attains his or her personal potential. At the same time, parents and students must be able to trust that the student educational data is secure, kept private, and used solely for the betterment of students' educational experience.

The purpose of this bill is to address how student data is collected, stored, used, and then shared. I will briefly discuss who uses student data. Most personal student information stays local. Our school districts, state, and federal government all collect data about students for important purposes. The type of data collected and who can access that data is different at each point. Here is a quick snapshot.

At the school level, data is used in classrooms and in the school itself to make changes in instruction and to decide what students need to increase learning. Some samples include course grades, tests, demographics, attendance, interventions, observations, teacher information, and programs.

Districts use the data collected from schools to make decisions about resources that each school needs to support its students. They send a small amount of that data that they collect to the Department of Education.

The Department of Education uses the data to measure how districts are meeting goals of students, provide tools back to the districts to inform instruction, direct state grants and the Distributive School Account, assess how state funds are improving education, and provide aggregate information to the public. One frequently seen measure is the Nevada School Performance Framework or "star" ratings which measure the success of individual schools.

Finally, at the federal government level (U.S. Department of Education), the federal government receives the least data of all. Nevada sends a small amount of aggregate data, and the government uses the data to provide information to the public about how all states and districts are performing. It also uses the data to measure how federal funds are distributed and are helping to improve education.

Let us look at data from a different perspective. We begin with parents. Parents have access to information about their own children, using it to help them learn. Teachers and principals have access to information about individual students in their classrooms. They use it to understand how their students are learning and help each student to be successful. Schools and districts rely on service providers—and this is where we start to get concerned—to manage instructional tools and some critical functions. These third-parties sometimes

need personal identifiable information, but only get access to the data directly relevant to their work. Another group, researchers, can get access to de-identified and aggregate data to study what is helping students learn. Finally, members of the public, including neighbors, future employers and elected officials, only get to see aggregate reports—never information about individual students. They use the information to understand how districts and schools in our community are performing. That is public information.

With this backdrop, let us look at A.B. 221. Existing law already establishes an automated system of accountability information (SAIN). Section 2, requires the NDE to "establish, publish, and make publicly available on its Internet website:"

- An index of data elements that the department maintains or proposes to include in SAIN.
- An explanation of the index of data and reasons for collecting or proposing to collect.
- Who has access to the data.

This section also requires schools to comply with federal laws governing access to the education records of students, requesting changes to the student's records, and confidentiality of the education records.

Section 3 requires NDE to adopt any policies and procedures necessary to ensure privacy of student data.

Section 4 requires any contract entered into by NDE, school districts, and charter schools to include:

- Express provisions to protect the privacy and security of student data.
- A prohibition on the use of information for any purpose other than those required or specifically authorized by the contract.
- A prohibition on any commercial use.
- A penalty for intentional or grossly negligent noncompliance.

In section 5, NDE is required to adopt a detailed plan to provide for the security of data it collects, maintains, and transfers. It also requires boards of trustees of each school district and the governing body of charter schools to carry out this plan.

Section 6 requires an annual report to describe any changes made to the collection, maintenance, or transfer of data concerning students and any new data elements proposed for inclusion in SAIN.

Section 8 carries to the local level the requirement for the school district and charter school authority to maintain and publish categories of information collected, transferred, and maintained, as well as publish a list of entities that have access to this information.

Section 9 requires policies be adopted that govern:

- The use by teachers and others of software offered to users free of charge for basic services, but that requires users to pay for any additional or premium proprietary features, functionality, or virtual goods.
- Contracts entered into by teachers that require acceptance of specific terms to use a product.
- The manner in which data concerning students may be provided to a person when the provisions of such data is not expressly authorized by the board of trustees or governing body.

What we are after there is that we do not want the teachers to have spent the weekend on their laptops and come to school on Monday saying they saw this great application and would like to try it. Those kinds of things need to be governed and controlled.

There are some amendments on the Nevada Electronic Legislative Information System (NELIS) as well which help clarify some of the language that I just went through ([Exhibit D](#)).

Assemblyman Hickey:

I personally know that you have invested a lot of time and research into this very important matter, and I think it stems, as you noted, primarily from concerns by parents and the public. Could you tell us about how you assembled the information that comprised the concepts and the practical working aspects?

Assemblyman Kirner:

There were a number of initiatives that came up during the Interim Committee on Education, chaired by Senator Woodhouse, and the Senator only had a limited number of bills. Given my background and my interest and concern in this area, she thought it would be appropriate if I put together a bill in this regard. I first started with the policy analyst, then developed a laundry list of issues and concerns. I do have some constituents in my district who also expressed concern about information and how it is shared and what is secure.

We put together what I would call a brain trust. The brain trust included data people from Washoe and Clark Counties, the Superintendent of Education,

Infinite Campus, the Charter Public School Authority, and several attorneys, as well as the Legislative Counsel Bureau policy people.

We sat around a table one afternoon and literally went through this catalogue of data. Part of our discussion was the idea that this bill was not intended to be an end-all to all data privacy. It is the first step in our state to create a building block of data security. For example, we do not collect biometric data in Nevada. It may come in the future, and we would have to create new rules and regulations and laws around that. We knew that money would be an issue this session, so we wanted to produce a bill that met everybody's needs without there being a fiscal note added to it.

Assemblyman Elliot T. Anderson:

I want to echo what Mr. Hickey has said. I think this is a good step in trying to make people feel comfortable with what we are doing. I definitely see the power of data to help us isolate the variables that cause us to not be where we want with our education system.

I was hoping you could comment about data generally. As I understand data, no matter what we are teaching, we are going to be collecting data of some kind. Data collection is not particularly tied to any one type of subject or standard. Is that correct? This is something we have had for a while that we have been using for our accountability system.

Assemblyman Kirner:

Data is not new. We have been collecting data since I was a kid. We have collected everything from grades, to classroom seating charts, to disciplinary issues. There are literally thousands of data points. For the purposes of this bill, as we try to do at the school and district levels, we want to group them into categories. Only when it gets to the state level do we begin to index them more specifically. We have the longitudinal database and much more.

Assemblyman Flores:

I am a big supporter of protecting data. Specifically, under section 4, subsection 2, line 9, "personally identifiable information" has the meaning ascribed to it in the Code of Federal Regulations, Title 34, Section 99.3. Is there a reason for ascribing that specific meaning as opposed to our definition in *Nevada Revised Statutes* (NRS) 205.4617? Currently, in the NRS we have a definition for personally identifiable information which I think is very broad and contains a lot of important information that we should protect. It is my understanding that 34 CFR § 99.3 is more narrow. Is that something you negotiated with someone else to come to that conclusion?

Assemblyman Kirner:

It is not something I negotiated. There is no issue for me. If that NRS is more restrictive, then I am referring to that language.

Assemblyman Flores:

I would love the opportunity to sit down with you. I believe using the NRS language is stronger.

Assemblyman Edwards:

I do not know if this will be the next building block or not, but I am wondering if this covers testing to make sure the filters and securities are working. Does that cover quality assurance? I have received concerns from my district about how they want the data protected, but they also want quality assurance on those who are protecting and securing it.

Assemblyman Kirner:

I will leave the data assurance issue to the experts when they come forward to testify.

Chair Woodbury:

Did you bring those experts here to present with you? Is there anyone specific you would like to come forward?

Assemblyman Kirner:

Clark and Washoe Counties, and a few others will be testifying in support of this bill, and can answer then.

Todd Bailey, Private Citizen, Washoe County, Nevada:

I do agree that it is a great first step. Eventually we will have to get parent consent into the discussion. I think we should support Assembly Bill 221. Move to pass it.

Nicole Rourke, Executive Director, Government Affairs, Community and Government Relations, Clark County School District:

We have experts in Las Vegas with our Chief Technology Officer and I will defer questions to them.

Clark County School District (CCSD) supports the bill with this amendment in order to protect student data which is very important to us ([Exhibit D](#)). We recognize the need for privacy while meeting accountability requirements as required by federal and state law.

The first part of the amendment is in section 2, subsection 1(b)(3). We added a definition to entities to be very clear about which entities that affects. We are talking about third-party people and people we or the Department of Education contract with. We understand that all of this information filters up. We know this section pertains to the Department of Education; however, we feel it is important to define entities in both sections.

In paragraph (c) we added the reference to the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto in order to be consistent with the requirements of the federal law as well.

In section 3, there are no changes by the amendment.

There is a change in section 4, subsection 1(d). We added a definition of what that penalty might look like if there is a breach, which may include termination of the contract or a monetary fee.

In section 5, we added "in consultation with the school districts and the State Public Charter School Authority" to ensure that whatever plan the Department of Education develops we can comply with. We know that all of the data that comes into the Department comes from the school districts and the State Public Charter School Authority.

In section 5, subsection 3, we did some tweaking to that language to add "significant changes made to the maintenance, collection or transfer of data," rather than to the "manner in which." Changes to the data itself rather than the process.

In section 6(e), we just added the word "significant" changes made to the collection, maintenance or transfer of data."

We eliminated paragraph (f). We felt it was redundant to section 2, subsection 2, as that information is already required to be updated each biennium.

In section 8, there are a number of changes. Again, we added "the governing body of a charter school sponsored by the board of trustees of a school district, the State Public Charter School Authority..." in addition to those other entities for clarity.

In section 8, subsection 1, we changed "elements" to "categories." As Mr. Kirner alluded to, we collect thousands of data points. If we could add

an index of actual categories, it would be a far more simple list and more transparent, as well as easier for the public to understand.

We crossed out section 8, subsection 1(b) because it is onerous for us to look at every single data element possible—from yearbook signups, to the data that goes to the Department of Education for the accountability system.

We added a new paragraph (c) which will now become (b). The index of categories would be compliant with FERPA.

In section 8, subsection 2, we said "external entities"—not necessarily persons, as we want this to apply to anybody outside the district—understanding that teachers and administrators would necessarily have access to the data to perform their jobs. We crossed out paragraph (b) because we felt that section would be unmanageable for us to comply with in the sense that there are thousands of data points. Paragraph (c), again, is a repeat of the earlier subsection in order to define entities as third-party organizations.

In subsection 3, we added FERPA laws into the compliance section.

Finally, in section 9, we looked at crossing out "Contracts entered into by teachers and other educational personnel that require the acceptance of specific terms to use a product." This refers to when you log in to a new application online, you have to accept each and every time they have one. We are happy to put something into the policy regarding contracts, but trying to collect information or manage every time a teacher or someone else logs in to do an agreement would be extremely unmanageable for our district.

Assemblyman Elliot T. Anderson:

One of the things that I liked during the interim was that Mr. Erquiaga passed out a list of all of the data elements which was put into testimony. I thought that had a great transparency effect. I do not understand why it is so hard for the district to just say these are the data elements we have. You have crossed off "that are collected and maintained" from the school district language. Why take that out? Why can we not just publish a list of what the elements are?

Nicole Rourke:

We left the elements in section 2, which refers to the list the Department of Education has. However, we looked at the district data elements, and I am going to defer to our people in Las Vegas to explain what that encompasses.

Greg Halopoff, Director, Central Information Student and Human Resource Services, Clark County School District:

The primary concern with the language that was struck out is the elements that are not reported to the Department of Education at this point in time. There are a lot of data elements that are reported, and understandably, we do want to report that information. As Ms. Rourke has already described, the types of data elements that are collected on a regular basis changes daily as well. It gets as detailed as in the classroom level, at the club level, at events going on in the school, and it is very specific to the schools. It is a changing environment.

Assemblyman Elliot T. Anderson:

If we put in a requirement that it is done annually—you already have to do annual reports. Why is it people cannot see the data? You would have some elements changing, but what is the harm?

Greg Halopoff:

I do not think there is any harm in providing information to the state or to any entity that is interested in looking at what type of data it is. It is just the difficulty in managing the thousands of data points that would be required to be reported on a regular basis. That is the difficulty.

Assemblyman Elliot T. Anderson:

Do you have a core set of data points that do not change out of the thousands? I could understand that if you have some that will continually change at the school level, but there has to be some consistency across the district.

Greg Halopoff:

I would agree. There are data points that are consistent. High schools, for example, assign parking spaces to students and you can assume that every high school has parking spaces and a list of which student gets which parking space. That would be an example. Another example that would be consistent to most schools would be orchestra. They check out instruments to students and have a list of which student has which instrument. Then, you might have a situation come up where a new club is formed in a school that does not exist in any other school. This club may be involved with fundraising, and there are data points associated with those types of activities. There are countless numbers of those that occur at the schools. Yes, I would agree that there are consistencies across the schools, but then there are very individual data points depending on the school.

Assemblyman Elliot T. Anderson:

The whole point of this is transparency. If the bill is about transparency, then let it be about transparency, without making exceptions. There are a lot of well-meaning people who are concerned about the government's role, so if it is not going to harm the students to show what we collect, I do not see the problem. I hope we can get some different language that you can comply with that would not be overly burdensome to you but would also let a bit more sunlight in.

Assemblyman Flores:

To be clear, the school districts presently follow the FERPA requirements, is that correct?

Nicole Rourke:

Yes.

Assemblyman Flores:

It seems to me that with the proposed amendment we are taking out all of the additional requirements we were trying to add through this bill. Now we are just trying to make everything FERPA compliant. Is there anything in this bill with this amendment that would add anything in addition to what is currently being done? From the way I am reading it, I do not think we are. We are leaving it exactly as it is, but putting it on paper now. Is that correct?

Nicole Rourke:

The data dictionary is still present with the different elements at the Department level and different categories at the district level. It was our understanding to create a data dictionary list on the website to make transparent to the public what different elements we are collecting. We do not currently do that.

**Steve Canavero, Ph.D., Deputy Superintendent for Student Achievement,
Department of Education:**

Something that is different in this bill is in section 3 of the amended language as well as in the original language. This provides the Department of Education with a direction and a directive to adopt policy. We have long said that FERPA is the floor upon which everybody is to be held, in terms of the obligations we have as stewards for student data—whether it is the state, or the district, or the school. Here is where we have the ability to build upon FERPA in section 3 and in the establishment of the state's plan. The Department does not have an issue with doing that in consultation with the schools. I believe that is what you are asking. This is where I read we can then get to the table and adopt thoughtful policies that would help the state and demonstrate that we are doing

the right work for our students and for our families with regard to their personally identifiable information.

Chair Woodbury:

Dr. Canavero, you may begin your testimony now.

Steve Canavero:

The Department of Education is in support of A.B. 221, and we are appreciative of Assemblyman Kirner and his thoughtful approach to this bill. I echo a lot of what the Assemblyman said in his introductory comments. To underscore one point that was made earlier by Assemblyman Elliot T. Anderson, the answer to your question is, yes. By your direction, we have been collecting data for years—since the Nevada Education Reform Act of 1997 (NERA).

We have had an obligation, as a state, to produce information to stakeholders, parents, families, whether online now in the nevadareportcard.com, with our star ratings, attendance information, or to special communities that represent specific vulnerable populations of children. This has been ongoing. It is not tied to a specific set of standards. That time period has spanned a number of iterations of our Nevada Academic Content Standards from NERA to today, and it will continue going forward without regard to a particular standard or assessment. We have an obligation. Commensurate with that obligation is our duty to protect that information. We view this bill as a thoughtful approach to enabling the state and ensuring that we have those protections in place.

Ben Hayes, Chief Accountability Officer, Washoe County School District:

I would echo much of what Dr. Canavero just said. We did appreciate working in the interim with Assemblyman Kirner and having the conversations over this bill. We think it is time for a better articulated set of expectations on how we provide access and shine the light on student data instead of just saying we will comply with FERPA. We do need to be transparent with our children's data.

Much of this is already in place, at least partly, so forming a common set of student data expectations across the state will lead to better conversations among educators and among parents. We have always encouraged parents to discuss their children's data with the educators in our system, especially the teachers, but all the way to the principals and district offices as well. I think this will provide for the public a kind of definition of what we are collecting in categories and elements that will lead to conversations for improvement.

We agree and appreciate the obligation to protect the privacy of our students. As Assemblyman Kirner said, we also have the obligation to improve our

support to our students and our schools. The way we do that is internal research. We appreciate the manner and the scope of this bill that it shines a light and publicly says what we are collecting, but also does not add too much paperwork or personal burden so we can still carry out that research and keep to the work of supporting students. Overall, we are in strong support, and we think it is time for a good standardized conversation on this.

Laura Granier, representing Nevada Connections Academy:

We too appreciate all of the work that has gone into this bill and support the bill with the amendments proposed by the stakeholders. We have also provided one additional friendly amendment to section 4, subsection 1(c) ([Exhibit E](#)). This friendly amendment goes to the issue of researching and contracts that are entered into between schools and for-profit private entities to therefore be careful not to broadly prohibit use of commercial information. We would propose being more specific to prohibit selling the information or using the information to market products or services to pupils, except if the information is aggregated. It may be used to demonstrate the success of the product or the service. That, again, goes to using the information for research to determine and improve upon services and products that are provided to students.

Assemblyman Edwards:

Could you give a couple of examples of what kinds of products you are talking about marketing?

Laura Granier:

Nevada Connections Academy contracts with a national provider, Connections Education. There might be products that can be useful for intervention for a particular student who is struggling, or summer school products that could be offered to students.

Assemblyman Edwards:

Could you be just a bit more specific? Are you talking courses or software?

Laura Granier:

Courses for summer school, certainly.

Andrew Diss, State Director, StudentsFirst NV:

I attend a lot of meetings throughout the interim, whether it be the Interim Committee on Education or State Board of Education, or even local school boards, one of the issues we hear come up time and time again is protecting student data privacy. We believe that Assemblyman Kirner's bill will take a big step in addressing those concerns. We are in full support of the bill.

Tom Greene, Regional Advocacy Director, Western Region, Foundation for Excellence in Education:

We want to thank Assemblyman Kirner for his leadership. We see a vast amount of data privacy bills across the country and Assembly Bill 221 is a good bill. It reaches this balance between the need for school evaluations, student assessment, and the privacy of students.

In a former life, I taught high school civics and economics. I used student data in two ways. One was to access the background of my students, whether they had an Individualized Education Program, whether they came in with a free and reduced-price lunch eligibility, or health issues. That helped me prepare them for success and to meet those challenges. Second, I used data with their performance. Every student is unique and has different learning abilities, and I had to work with each student where they were and use that data to build to the higher standard.

Data is critical, but the parents trusted that I would not share this information with other families or students. This bill provides the guidance and the necessary means to build trust for the entire system. I hope you will support this bill. [Submitted Student Data Privacy Information ([Exhibit F](#)).]

Mary Pierczynski, representing Nevada Association of School Superintendents:

I am also speaking on behalf of Nevada Association of School Boards as Jessica Ferrato could not be here this afternoon. We are in support of this bill as amended by our colleagues in the Clark County School District. We thank them for their work on that amendment, and we thank Assemblyman Kirner for bringing the bill forward.

Seth Rau, Policy Director, Nevada Succeeds:

Like many of the other stakeholders who have come to the table, we are in support of the amended bill. We also think that this policy is a really smart one that will allow for teachers in schools to still be innovative and use the best practices in education data, while protecting them to make sure students' personally identifiable information will be safe and secure in the hands of their school.

Patrick Gavin, Director, State Public Charter School Authority:

I am also here to speak in support of this amended bill. Like many here, I believe this is an excellent balance of the need to provide accountability, innovation, and privacy in equal measure and to ensure that our children and their parents know that their data will be kept safe. It will allow the teachers and adults who need to have access to the data to use it to ensure the students are learning as much as they possibly can.

Janine Hansen, President, Nevada Families for Freedom:

I am State President of Nevada Families for Freedom, the affiliate of National Eagle Forum, and I have served as the National Privacy Chairman for them since 2000. United States Secretary of Education Arne Duncan has said that hopefully someday we can track children from preschool to high school, from high school to college, college to career. We want to see more states build comprehensive systems that track students from pre-K to college, then link school data to workforce data. We want to know whether a student participated in an early learning program, then completed college on time, and whether those have any bearing on his earnings as an adult. This is a view of Big Brother if ever there was one. We are very concerned about this.

We support this bill, but in section 3, we see that it relies on the Family Educational Rights and Privacy Act of 1974 (FERPA). Eagle Forum nationally was involved with Senator Grassley in getting that passed. We were involved in the state of Nevada in applying it here through Senator O'Connell. However, it has been greatly weakened by Presidents George W. Bush and Barack Obama. We are concerned that if the only reliance on protecting privacy is through FERPA, then we are happy for state bills. We think we need protections in our own state that do not simply rely on FERPA, because it is no longer as strong in protecting students and families as it once was.

We know that many hundreds of thousands of children have had their identities stolen, and they often do not find out until they are trying to go to college or get a driver license or a loan. This is a huge issue. Many times those identities are stolen right in the schools, with immunization records or library cards. We need to be very careful with that data.

We do have some concerns about the school district's amendment as it weakens the bill further. We support the statement that Assemblyman Flores made that we should rely on the expanded information for recognizing personal identifiable information in the state law rather than in the federal law. We also had similar concerns with Assemblyman Elliot T. Anderson about the local districts. We really want transparency. It is important for parents to feel comfortable about what is happening.

We support this and feel it is a good first step, but we are concerned about its reliance totally on FERPA instead of the *Constitution of the State of Nevada* or other items which would provide for real privacy protections for families and students, which FERPA no longer does.

John Wagner, representing Independent American Party:

After Ms. Hansen's testimony, I can just say, "Ditto."

David W. Carter, representing Nevada Legislative Affairs Committee:

I would second Mr. Wagner, "Ditto."

Kelvin Beck, Senior Client Executive, Infinite Campus:

I am in complete agreement with what I have heard today. I think data privacy is the responsibility of all individuals.

My current position with Infinite Campus is as a project manager, so I see the challenges that districts struggle with in keeping teachers from writing their passwords on a sticky note and putting them on their computer. We always try to work to make sure that the policies and procedures at the district level try to implement proper data governance measures for the recording, everyday usage, and the retirement of data along with the defining of specific operational data elements that are used on a day-to-day basis for operations. There is required data that is reported annually on special education, and student number counts that usually happen in the fall in Nevada. We basically introduce practices in which we can manage how that data is captured by all individuals and best practices in ways in which we can maintain better data to protect students and families. Infinite Campus is supportive of Assembly Bill 221.

Angie Sullivan, Private Citizen, Las Vegas, Nevada:

I am a second-grade teacher for the Clark County School District. As mandated by the school district, Infinite Campus rolled out and we are using it. I have some concerns that parents are not fully aware of the amount of data that is now being recorded on their children. Anytime anyone is tardy, or absent, it goes into the database. That is a given. Any grade I give is routinely entered into the database. Any sort of note I enter will be part of a person's record. Last year I taught kindergarten, and anything I entered will be in the students' database until it is cleared out. Anytime I put a student on discovery learning, or I do aimsweb testing, any data that is collected can be imported into that huge system.

Large amounts of data are going into this one location. As a person who is an advocate for social justice and justice for minorities in schools, I do have concerns. For instance, when I write up a student for behavior, I log that into the system. That goes to my principal, and he then logs whatever happened with that, and that does give me concerns about student privacy. That record is now attached to them, as well as their student identification number, and that travels with them. Students mature. It is not fair that things that happened when they were in kindergarten or first grade could come up or someone could get ahold of that knowledge later on. There are a lot of things that happened to me in first grade that are embarrassing, and I am glad there was not a computer system that collected that. It should not be part of any permanent record.

It is nice for a teacher to be able to review that, but as a typical practice at the end of the year, things like that were destroyed. If there was a hard copy, we shredded it. The student was allowed to start over fresh the next year and with a new teacher. It was not necessarily a part of the record.

I am going to support Assembly Bill 221 because I am glad it is recognizing our concerns about the data. We are concerned about the privacy; it does not go far enough. I think we need to consider what is fair for students; they are not adults yet. Part of being a child is that you make mistakes. All of that information logged into their records that a nefarious person could access makes me nervous. I do not think a teacher is going to knowingly expose the students, but once it is in the system, I do not control it.

Juanita Clark, Co-Executive Director, Charleston Neighborhood Preservation:

Yes, is the vote our posterity must have from you on Assembly Bill 221 for best thriving and progress. RIGHT TO PRIVACY—PROTECT PRIVACY WITH THE RIGHT TO PRIVACY.

Current practice seems to be that "the school" hands a parent or guardian a "form" with the direction to fill in the blanks. This form has had questions and suggestions added over the years which are unnecessary and not legal to make public. [Read letter from Charleston Neighborhood Preservation ([Exhibit G](#)).]

What I read just said data needed to be accessible. I am sure you heard some testimony today that it was accessible for money and for time. Then accessibility was not all; sometimes the wrong information is recorded to the wrong student record, or maybe it is just made up—we do not know. This person was unable to have that erroneous data changed. [Continued to read from letter ([Exhibit G](#)).]

Vote Yes for Assembly Bill 221, trusting that due protection be provided each child and person involved with individual children.

Chair Woodbury:

Is there anyone else in support of A.B. 221? [There was no one.] Is there anyone in opposition to A.B. 221?

Kelley Millard Radow, representing Nevada Homeschool Network and Legislative Liaison for ParentalRights.org:

You are probably aware that last Friday in the Senate Committee on Education another data privacy bill was introduced that we support [Senate Bill 228].

I would like to present our testimony today for the record regarding Assembly Bill 221 which addresses the differences between these two bills.

This is dated March 23, 2015, to the Nevada Assembly Committee on Education regarding Assembly Bill 221 and addressed to the members of the Committee.

By way of introduction, Parentalrights.org/NEVADA is a group dedicated to preserving the rights of parents to make decisions for their children. We are writing today with regard to A.B. 221.

Parentalrights.org/NEVADA opposes A.B. 221 as written for several reasons, all of which underscore the fact that this bill will not protect pupils and their families. [Read letter from ParentalRights.org ([Exhibit H](#)).]

Assembly Bill 221 is a nonpartisan issue—we should all take the privacy and protection of Nevada children's data seriously. We appreciate the opportunity to present our concerns and are willing to help with amending language as needed to address concerns. Please feel free to contact any of the Parentalrights.org/NEVADA legislative liaisons should you have further questions. Thank you for your consideration in this matter.

Jim Sallee, Private Citizen, Las Vegas, Nevada:

I am a 51-year resident of Clark County, and I am certainly glad my sons graduated from school a long time ago. This is an Orwellian nightmare. The data mining of our children is being implemented hand in hand with new national curriculum standards being pushed on schools called Common Core. This morning on the news, I heard the government wants to weigh and measure the height of preschoolers. How much data do we need? As we hear from one person testifying, we have been collecting data forever and we collect more and more, and we are still at the bottom of the scholastic list. It is not right.

I would like to say that the best way to protect data is not to keep it. In the past, before Common Core State Standards, we built wonderful things. We built Hoover Dam, we sent people to the moon, and we built the fastest airplanes—we still do not know how fast they go. What I would like to say in closing, there are "lies, damn lies, and statistics." Mark Twain.

Sheila Ward, Private Citizen, Carson City, Nevada:

I am a resident of Carson City where I have spent all of my life. I went to Carson City schools and graduated in 1960. Like that man just said, I am sure glad I had someone like Grace Bordewich and the teachers I had and the

freedom to learn without having anyone pointing out all of the wrong things that I did.

What brought me here was the reference to FERPA. You have already heard the excellent testimony for the bill pointing out the things that really need to be amended. Thank you for this opportunity.

Virginia Starrett, Private Citizen, Carson City, Nevada:

I was an English professor at California State University, and I have taught at Western Nevada College. While at the University, I was involved in a number of grant programs in the state of California that had to do with curriculum alignment between K-12 and the college system. I took an interest in the data collection in the state of Nevada as a result of being a part of the Nevadans Against Common Core. Common Core State Standards (CCSS) has a link to the data collection. Partly in conjunction with Common Core, Nevada decided to install their new data collection system—a system where the whole intent is to collect and share student data. That was a step immediately in the direction of actually being in a place to easily share student data.

This bill seems to be more window dressing than actual transparency because it addresses what the Department of Education does with the data, but it does not talk very much about what other private companies do with data that is collected under the auspices of the Department of Education. The part in the bill, in fact, that talks about contracts with private entities does not go into effect until July 1, 2015. Any contracts currently in place would not fall under the jurisdiction of the bill.

Smarter Balanced Assessment Consortium (SBAC), which is a testing consortium attached to CCSS, collects personal data on students. It uses questions to collect data—personally identifiable, sensitive data on students. It is not accountable under this bill. It is accountable to give that information to the federal government. No one in this session of the Legislature has taken on SBAC. We could get no one interested in allowing students to opt out from SBAC. As it stands right now, the Nevada Legislature is endorsing the data collection on its students and allowing it to go to the federal government.

Jim Falk, Chairman, Nevadans for Local Control of Education:

I live in Churchill County. The collection of data on students K-12 throughout America is a key element of Common Core State Standards (CCSS). The 400-600 points it seeks to gather and store would at some point in the future give those with access to that data frightening power over the children of today. [Read from prepared text ([Exhibit I](#)).]

Assembly Bill 221 is a "stealth" bill designed to dilute the dangers of data collection, and I urge you to reject it until it is fixed. The word transparency has been bantered around quite a bit, and I would ask you how much transparency can you expect from an entity that would demand confidentiality agreements from teachers and staff that they would not divulge their true feelings about CCSS.

Chair Woodbury:

Is there anyone else in Carson City or Las Vegas in opposition to A.B. 221? [There was no one.] Is there anyone wishing to testify as neutral to A.B. 221?

John Eppolito, Private Citizen, Incline Village, Nevada:

I would like to agree with everything Ms. Radow and Ms. Starrett said, and much of what Mr. Falk said. You received the email from Jane Robbins, who is an attorney and Senior Fellow at American Principals Project ([Exhibit J](#)). She is probably the foremost expert on data collection in the United States from the research I have done. She states, "As far as I can tell, there are zero protections in this bill. It merely requires some minimal transparency re what schools and agencies are collecting and what contracts they have, but it places no restrictions on anything they want to do."

The 400 data points from the National Center for Education Statistics ([Exhibit K](#)) that they are suggesting we collect because we took \$10 million from them to set up Nevada's Statewide Longitudinal Data System—I cannot reconcile that with Nevada's State Accountability Information Network (SAIN), which only collects 200 points of data—although this is a year old. Maybe there are 200 more points of data that we have not seen yet. The Department of Education has not been exactly forthcoming—just the opposite.

Data breach is going to happen; it has already happened in Nevada. There has been more than one data educational breach in this state. It is just a matter of time before there is a large one. The more data we collect and keep in one place, the more problematic that data breach is going to be.

In 2008 and in 2011, FERPA was weakened both times. According to Will Estrada from the Home School Legal Defense Association ([Exhibit L](#)), "As a result of these regulations, FERPA no longer protects the privacy and safety of student data." Unfortunately, that is the bottom line. Nevada would have a chance to do what FERPA was supposed to do; Ms. Radow spoke to that, and that Senate Bill 228 is much better.

The American Civil Liberties Union (ACLU) ([Exhibit M](#)) also warned about these data concerns back in 2011, just before FERPA was completely gutted.

What the ACLU said was, with these changes there is a "significant new privacy invasion." They concluded [that the notice of proposed rulemaking], "Poses serious privacy concerns. Personally identifiable student data records include extremely sensitive information about individuals, yet these rules significantly expand the numbers of parties who can access a record without requiring consent from the parent or the student.... Furthermore, the expansion of access to student records could eventually lead to sharing among states." If this were to happen—which it has, that \$627 million made sure that it happened in 47 states—it could lead to the creation of an immense database holding sensitive information about most Americans. "When it is necessary to share personal student information, the reasons for that sharing and restrictions on information must be very clearly articulated. There must be no creation of a national student database." That is where we are now and that is from the ACLU.

Assemblyman Stewart:

Were you testifying in the neutral position?

John Eppolito:

Yes, sir. With all of the amendments, I do not know if it is better than what we have. To me, it always seems like it is the Department of Education and the two big school districts that are not on the children's side. They are on their own side. I want to know who is here protecting the children. You are our last line of defense.

Thelma Slaughter, Private Citizen, Las Vegas, Nevada:

I am a retired schoolteacher from the Clark County School District. I am grateful for this forum in which we can present brief, very clear ideas about the things that affect our children and our loved ones in our state. I am against Assembly Bill 221 for the reasons that have been presented so clearly and succinctly.

Chair Woodbury:

Is there anyone else who wishes to testify as neutral? [There was no one.] Assemblyman Kirner, would you like to present your closing remarks?

Assemblyman Kirner:

Thank you, Madam Chair, to your Committee, and particularly to you, Mr. Flores. When we look at section 4 of this bill, this is going beyond FERPA. This is talking about any contracts that we enter into with the school district, charter school, or public school of any sort. There have to be provisions to protect that data's privacy and security.

In section 4, subsection 1(d), where there is a penalty that can be applied for misappropriating the data in terms of "intentional or grossly negligent noncompliance with terms of the contract," we are going beyond FERPA there as well. We are saying there is a penalty involved if you are not protecting the data or not treating it properly. I appreciate the opportunity to be here today and I ask for your support.

Chair Woodbury:

I am going to close the hearing on Assembly Bill 221 and open the hearing on Assembly Bill 218.

**Assembly Bill 218: Revises provisions relating to emergencies in schools.
(BDR 34-666)**

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

The handouts left on your desk ([Exhibit N](#)) are my talking points and what we will be working from today for the presentation. The mock-up with the language is ([Exhibit O](#)). There have been so many changes throughout that I am asking you to refer to the mock-up. It is done in the same style as the original bill and that is why you see black and blue print versus the multi-colors usually seen.

I thank you for the Committee's time to revisit and open our chapters on school safety and to have a productive and meaningful conversation about how we can make our schools safer.

April 20, 1999, the shooting at Columbine High School happened and left our nation in shock. It turned our stomachs and moved many of us to tears. Twelve students were killed that day and 21 were injured. Being true Nevadans, we buckled down and we planned for a response led by Speaker Joseph Dini. The Legislature established the 1999 Interim Committee on School Safety and Juvenile Violence, an eleven-member commission composed of law enforcement, school administrators, teachers, and parents. That Interim Committee document ([Exhibit P](#)) is loaded on the Nevada Electronic Legislative Information System (NELIS).

This Committee was charged with two responsibilities. First was to develop a statewide plan of emergency response to incidents of school violence, and second, was to recommend interventions and prevention programs to reduce and treat youth violence. As a result, Senate Bill No. 289 of the 71st Session was brought forth and was deliberated on April 9, 2001. It codified much of *Nevada Revised Statute* (NRS) Chapter 392, under which we currently operate. Here are the provisions.

First, school districts and charter schools must establish a committee to develop a plan to respond to a crisis or an emergency and to review the plan annually. That is stated in NRS 392.616. Then NRS 392.620 talks about specific schools. At the school level, schools must establish a committee to review the emergency plan developed by the school districts. They must then adopt the plan that was developed by the school district. If there is a deviation to the plan as allowed by NRS 392.632, they can then submit their deviation for that plan.

The State Board must develop a plan for management for crisis or emergency and training. They are also responsible for charter school and private school responses. That is in NRS 392.640. Above all, the chapter gives the requirement for providing training on the subject to the Department of Public Safety Emergency Management Systems, which is in NRS 392.624, subsection 3(g).

Those are the current statutes we have in place. They have served us well for a long period of time, but we must ensure that our statutes, our policies, and our practices are current and reflect evidence-based approaches. Unfortunately, national and local incidents have forced us to beg the question and are asking us to review what we can do better in Nevada, including the incident at Sparks Middle School on October 21, 2013.

We know that it is ten times more likely for a school to experience a violent act than for a school to ever experience a fire. That statistic is coming from Jeff Kaye, who is from Safer Schools Together. He was also a first responder to the Pine Middle School shooting in May 2006.

Locally, Washoe County has had a review of their practices and policies in their emergency plan ([Exhibit Q](#)) following the shooting at Sparks Middle School. We learned a lot. I am here to propose to you today that many of those lessons learned ought to be incorporated into our statutes.

This is the point where we will begin to walk through the mock-up of the bill ([Exhibit O](#)). These are the suggestions that have come to fruition.

In section 1, the goal is to build schools with all hazards in mind, but especially to design schools against violent acts and to protect our children from such acts.

Since this Legislature made a commitment to build schools, we should build them as safe as possible. The best way to do this is to have input from the Chief of Police and emergency managers from Washoe and Clark Counties

respectively, or the Department of Public Safety, Division of Emergency Management, for our private and charter schools, and for our rural schools.

It also discusses the purchasing of schools, and that is specific to charter schools. Currently, schools are built with safety in mind, but that safety component is particular to fire and to earthquake versus safety from human threats. According to the National Fire Protection Association ([Exhibit R](#)), the last school fire which claimed multiple lives was in 1958. Why? Because we have been so diligent about protecting our students from fire. We build with fire in mind. We look at firewalls, we count the number of sprinklers when we design a school, and we build doors to prevent fires. We need that same diligence when we think about all hazards and especially acts of violence, whenever we build schools.

Section 1, ([Exhibit O](#)) is asking that we get that safety purview from the resources that are already available to the state. The intent is not for school districts to go out and consult with a fancy safety firm; I believe we have enough expertise locally—in fact many times there are experts on staff—to say, Here is the design for a new school, what can we put in place on the front end to make sure that we are designing it to be safe?

A good example of this is when I was at the National School Safety Conference and talking with our local Chief of Police about keeping the fire doors open. In some schools in which they have done retrofits, they have been able to install magnets to keep the doors open. Other schools do not have that. That means that our school police have to carry around doorstoppers so if they need to secure an environment, there is a way for them to hold open doors. There are many fixes we can do on the front end that are going to save us money and make schools safer.

Section 2 is transitory language. Section 3 is for the appointment of a full-time emergency manager in our two urban counties, Washoe and Clark. Right now that is the current practice, but in past years that has not always been true, especially during the economic downturn. What we saw, sometimes out of necessity, was the duties of the Emergency Manager were assigned to someone else who was wearing another hat. We learned that did not serve us well, and it did not allow our school districts to prepare as diligently as they could in case there was an incident.

Currently, Washoe and Clark Counties each have a full-time emergency manager. I believe our statute should keep that in place so that we do not backslide and make that mistake again of having these very important responsibilities be put on someone's plate who has other responsibilities.

The goal of section 4 is very simple. This is to have an annual school safety conference so we get everyone who is pertinent to school safety into a room to talk and discuss the issue. In 2001, this chapter was put together, and for the first couple of years, schools and school districts were very diligent about training and being aware of safety policies. As time has gone by, we may not be as diligent as we once were or as consistent in our diligence as we once were.

What we should have is a place where people can come together to talk about best practices, trends, and tactics; where they can discuss their current school safety plans; and where they have a chance to discuss different aspects of school safety that they might be struggling with. A good example would be how the lockdowns in the schools are going, and what the best practices are that we are learning?

There are a couple of different options. When I say to have a conference, that does not mean that I am intending for every school district to run out, rent the Sheraton for a week, pay for carafes of coffee at \$20 a pot, and incur thousands of dollars of expenses. The idea is to have a time and place where they come together to confer—hence the conference. In my conversations with the Department of Education, they believe they can accommodate such an effort at their annual Mega Conference in the spring of every year. We would have a time and place where they could come together in Nevada if needed. That will help defray costs. There is also the National School Safety Conference. That is the conference I attended this past summer. It alternates between Orlando, Florida, and Nevada. This year it is going to be held in Las Vegas. Actually, Clark County is one of the cosponsors of that conference. That one is typically attended by folks in the state. I am not going to get super prescriptive about the who, what, where, and why, but the intent is that these folks can get together and discuss these very important aspects of school safety. There are many forums available.

Some suggested topics that I hope would be discussed: special needs children and special needs staff inside of the school; parent reunification; recovery procedures following an event that address academic, physical, psychological, and emotional concerns. These were all specific recommendations that came out of the Washoe County School District Emergency Management Plan review that followed the Sparks Middle School shooting.

One point to note is that there was a drafting error. There is a list of permissive folks that may attend the conference, but we absolutely want a school resource officer (SRO), or local law enforcement from the rural counties to attend.

For the schools that do not have their own chief of police, they often have local law enforcement assign an officer to that school, and that is what an SRO is.

Section 5 will draw a substantive amount of conversation, but it is definitely a topic I believe we need to address as a legislature. This increases the number of social workers, behavioral health professionals, and counselors available to students. It allows for a mixture of these three different types of professions in order to meet individual school and district needs. Why should we consider this a public policy statement for the state? I will give you two reasons why. First, according to research, 18 to 20 percent of students have mental health issues significant enough to impair major life functions. It comes from a study by Dore in 2005. It is part of a document from the School Social Work Association of America (SSWAA) ([Exhibit S](#)). The other fact is that according to Hennessey and Green-Hennessey, 2000; Hagwood, et. al., in 2005, "Schools often are one of the first places where mental health issues are recognized and addressed." That is part of the SSWAA documentation as well ([Exhibit S](#)). We know from the National Association of Social Workers (NASW), that for best practice we should have a ratio of 250 students to 1 of these different types of counselors available ([Exhibit T](#)) and ([Exhibit U](#)).

I believe that policy statement should be included in NRS. Even if we cannot fund to that level every biennium, I want a policy statement that says this is how we best serve students and this is best practice and we acknowledge that.

Regulations would be put in place to get more definitive about the licensing types and the job duties. There is a lot of discussion around that. For those who are not familiar with the regulation process, there would be three individual workshops that would be properly agendaized. We could have all of those types of professionals come and talk. This is where we would play out the difference between a bachelor of social work versus a master of social work versus a licensed clinical social worker, and all of the different types of clinical and behavioral health professions would be included in this. We see enough happening in our schools with our children that we should consider this.

Over the summer, when I met with colleagues to discuss this particular section, we talked a lot about the role of the school counselor. Something we saw in legislative history was a change in the definition of a school counselor's roles and responsibilities. That change was in order to tighten up what a school counselor should do. Right now they are being asked to do a tremendous amount of work—sometimes not always within their particular scope. Academic counseling is their niche, if you will, but home visits, bullying, and mental health assessments sometimes get them out of the scope of what they went to school to study. That being said, we need to be able to offer school

districts and our school systems a wider variety of professionals, and this is going to take many of the responsibilities that we ask teachers to do off the plate. We can let teachers be teachers. We do not have to ask a teacher to be a teacher, a social worker, and a mental health professional all at once.

Section 6 is specific to the establishment of lockdown policies. Something that very interesting and particular in current NRS is that there is language in there that specifically prevents us from conducting drills and training on our school safety plans. I read through the minutes of the 2001 hearing [Senate Bill No. 289 of the 71st Session], and I could not find exactly why this exemption is in there, but it is. It is for your consideration to say it is time for removal of that exemption.

With section 6, we would amend NRS 392.450. We would take out the language that says, "except a crisis governed by NRS 392.602 to 656 inclusive." Those are all of the different types of safety plans and safety committees outlined by statute. We are going to say that we absolutely should train and drill to those plans.

I am proposing we take half of the requirement of fire drills and supplant them with lockdown drills. We want to remember that our students are ten times more likely to have an incident which is going to require lockdown than a fire. It is time we give the schools a time and space to conduct those drills.

We need to build language for special needs children into this bill. Federal policy asks us to contemplate special needs children. It is not something our law has done. In conversations with the school district, it is something we absolutely have to take a bite at and have discussion around. The needs of special needs children should be considered and well thought out in these plans—not only children who are in our typical schools, but in each county, especially our urban counties. We have schools that are specially designed for children who have physical handicaps or children with intellectual disabilities, and we have to have a more thoughtful process about how we protect them if something were to occur.

A suggestion was made—and you are going to hear it from one of our presenters, a teacher, Russell Hunter—that we should also give consideration to teachers with a disability. I fully support that amendment. He gave me a great example of a teacher who is in a wheel chair and another one who is hearing impaired. Making sure our plans account for everyone is very important.

The other recommendation that came out of the Washoe County School District Emergency Plan and Review was that we need to have an incident command

protocol and a clear chain of command for who is in charge when an incident happens. We built that language into the mock-up in section 10, further down into NRS 392.620. You will also see that I built in language that will add school chief of police and emergency manager, or school resource officer as available. That way we make sure our school plans are identifying them as our lead on these response teams and are not just an afterthought, but that our NRS is very clear—the district of the schools belong to the school police. They know them best. They need to be the lead.

Last, in section 6, subsection 6, is the new definition that I am proposing to add to NRS, and that is the definition of lockdown. We are proposing that it means "Occupants are restricted to the interior of the school building until the building is deemed to be secure by: a) the Chief of School Police or their designees, for counties whose population is 100,000 or more; b) a school resource officer or local law enforcement officer in counties with 100,000 or less in population." It is interesting, but as you read through the current chapter of NRS, everything is prescriptive in language as to evacuation and movement of persons out of the building. We need NRS to allow for and to have provisions for lockdown—shelter-in-place is used many times synonymously with lockdown—but also a way to secure people inside of a building and then a way to determine that the area is indeed secure.

Those are the proposals in front of you today. I do have some supporters to testify. I can address fiscal notes as well if you would like me to do that.

Chair Woodbury:

Do the amendments change the fiscal notes?

Assemblywoman Benitez-Thompson:

They do. That is why I would like to have the departments give consideration. Most of the fiscal notes were assuming that the school districts themselves had to shoulder the costs of hiring additional counselors, social workers, and behavioral health professionals. The amendment is very direct that it is the department "shall." This will be a conversation of General Fund dollars. It is happening in the Assembly Committee on Ways and Means. I have committed to the school districts though, and should no dollars be appropriated, then this language will be amended out. It is really my sincere hope that at some level we can support this with our state dollars and put our money where our priorities are.

The rest of the fiscal notes contemplated travel and cost for a conference, and once again, my intent is not for school districts to have to fly halfway around the world. We believe we can find a spot in Nevada to make this happen.

I would like to give special consideration to the note coming from the Department of Public Safety Division of Emergency Management. I hope a lot of what is being assumed in this fiscal note is actually required in current statute. They are supposed to be dedicating themselves to the crisis management plan for charter schools and for public schools. I would hope that this fiscal note is seen as a recommitment to those obligations and responsibilities and that their attendance at the school safety conference will help them identify best policies and procedures for our private and charter schools.

Assemblyman Armstrong:

In section 5, subsection 1, it states, "State of Nevada hereby recognized the ratio of 250 students to 1 social worker/behavioral health professional and or counselor as best for students." My question is regarding the and/or. When I read that 250 to 1 ratio, that could be applied to 250 to 1 for social workers and behavioral health professionals, and counselors? I think that is meant to be an "or," but the and/or worries me.

Assemblywoman Benitez-Thompson:

That is the intent. It is for the aggregate of the three professionals for the aggregate of the 250 students. There was a lot of discussion on how this could be envisioned. Is it making sure that we have one counselor per school? There are school districts that have no counselors. There are some school districts that have many counselors. There is nothing in our counseling statute that requires a set number of counselors, so there is a lot of discretion depending on funding about where counselors are placed.

I want to recognize that, first and foremost, we absolutely need more counselors in the schools. On top of that, we need social workers and behavioral health professionals. With the mix of those three, a school district would see to the students' needs and we should see that services are available to them.

Chair Woodbury:

I have a question regarding the definition of lockdown. It states in section 6, subsection 6, "Occupants are restricted to the interior of the school building until the building is deemed to be secured." In the cases where there is an event going on in the neighborhood, that is one reason you would have to stay in the school. Would this cover that? That is not really securing the building.

Assemblywoman Benitez-Thompson:

Different language could be building or school site. We want to talk about the parameters or footprint of the actual school site. We would mean a school site.

Assemblyman Gardner:

In section 5, subsection 1, it is my understanding that in Clark County School District alone, we have about 320,000 students. If we put this into the ratio, that is 1,280 social workers that we would need. Do you know what our current numbers are for the state, or for Washoe County School District? What kind of increase would this be?

Assemblywoman Benitez-Thompson:

We are nowhere near that in Washoe or Clark County School Districts. We have a scattering of social workers in both. We have counselors in both. In Washoe County, it would be about 210 for 60,000 students. Your number was correct for Clark County. There are a couple of issues here. The first reason we are adopting a policy standard, a goal, versus being very prescriptive, is the General Fund dollars associated with it. While we are contemplating dollars for these types of services, we do not want to tie our hands to say those dollars always have to be obligated in a certain way, although it is best to get as much support as we can. Secondly, in looking at graduation rates coming out of the University of Nevada, Reno (UNR) and the University of Nevada, Las Vegas (UNLV) for these different professions, no one single profession can meet the workforce supply or demand. I had numbers from UNR and UNLV. It would take a mix of these three different professions in order to have a workforce supply to get close to those numbers. Washoe County can get close to those numbers; Clark County can get three-fourths of the way there; there will be more as years pass and we graduate more. I cannot tell you how many we have hired and placed today, but I can tell you we are nowhere near where we should be in terms of making sure these services are available to students.

Assemblyman Edwards:

I am looking at the numbers again. If it is 250 to 1 for 450,000 students around the state, it works out to about 1,800 social workers that we need to hire. Does the county or the state pay for that? How do you envision that?

Assemblywoman Benitez-Thompson:

In the Assembly Committee on Ways and Means, in the Joint Subcommittee on K-12/Higher Education/CIPS, we have been discussing General Fund dollars appropriations for this. There has not been a policy bill suggested for those dollars. We had this language in place for a while. When asked on the record what the goal was from the Department of Education for funding of those

dollars, the National Association of Social Workers mentioned the standard was 250 to 1. My statement is that we should put a goal in place. Then we have a metric by which we can measure if we are three-fourths of the way there or halfway there. Currently, we have no idea where we are because we have not said where we want to go. Once again, this would be drafted as a policy statement, that we know what is best for students, and the goal for the state of Nevada is to eventually get there.

Assemblyman Edwards:

Where did the 250 number come from?

Assemblywoman Benitez-Thompson:

It is in the documentation from the NASW ([Exhibit T](#)) and ([Exhibit U](#)). It is also the standard adopted by the SSWAA. That is an effort also supported by the National Association of School Resource Officers, the American School Counselor Association, and the National Association of School Pathologists.

Assemblyman Gardner:

I was reviewing the SSWAA records you were speaking about, and it actually says that 250 is for regular students. It says if you have students with specific behavioral needs, it would have to be even lower than that. Do we then hurt ourselves by saying 250 is the number even though that may not be the number according to the model rules?

Assemblywoman Benitez-Thompson:

If we want to drop that number down, I am absolutely fine with that. I think the consensus is 250 to 1.

Russell Hunter, Private Citizen, Washoe County, Nevada

I am here to speak in support of Assembly Bill 218. First and foremost, I would like to thank the legislators who have sponsored this bill. I would also like to apologize for reading from a prepared statement, but I am currently on medical leave as a result of post-traumatic stress disorder, and this is the easiest way for me to stay mindful of my words.

October 21, 2013, is a day I will always remember. A normal Monday went horribly wrong within three minutes of me walking into Sparks Middle School. Fortunately or unfortunately, the school was not fully staffed at the time of the shooting, and those of us present reacted promptly and according to the protocol we had been taught. [Read from prepared text ([Exhibit V](#)).]

Finally, I understand there is a fiscal impact on the Division of Emergency Management of the Department of Public Safety, but you cannot put a price

on the safety of the students in our state. As much as we want our schools to be safe for students and staff, my own experience shows we do not always learn from horrific events such as school shootings even when they happen in our own backyard.

Jason Trevino, Interim Chief of Police, Washoe County School District Police Department:

We are here to support Assembly Bill 218. We have learned many lessons from lockdowns within our district, and we do have many lockdowns throughout the district on a weekly basis.

Overwhelmingly, one of the biggest factors that we have learned from these lockdowns is the fact that those schools that train and drill their procedures actually perform better under real-life stress, much of which the previous gentleman talked about. We know from previous experience, if they drill it, when they have to do it for real, they actually can implement it, and it works a lot better.

With that being said, we believe it is important to have that consistency across all schools within the district. We need to have something that tells all of the schools that they need to do their drills. It is important to not only have the emergency plan—which we are mandated to have, and we are mandated to review the plan—but what we need now is that extra step which says you have to actually exercise your plan.

This will allow the schools to be better equipped for those non-fire based emergencies. It is also important to look at the construction side of things. We have not had a lot of new construction in Washoe County. We anticipate that in the future, but we have renovations to buildings. It is important to us from a law enforcement perspective to have input into those plans. It does not do a lot of good to spend a lot of dollars to renovate a school only to come to find out it does not work well when the emergency responders have to respond for a non-fire based emergency.

Currently, there is nothing to ensure these concerns are being implemented. We feel this bill will have a positive impact on school emergency planning, training, and implementation.

Tracy Moore, Interim Emergency Manager, Washoe County School District:

I am in support of Assembly Bill 218, and I am here to answer any questions that might come from the Committee.

Assemblyman Gardner:

You mentioned that there are lockdowns happening frequently. Can you tell us about how many lockdowns happen on an annual basis? Do you have any numbers like that?

Jason Trevino:

We can provide that for you. We would have to pull that up in our data. We generally have a lockdown per week, if not more. It depends on the week, but we did have two lockdowns today.

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

We appreciate Assemblywoman Benitez-Thompson for working with us on this bill, and we support Assembly Bill 218. A few points of clarification for us: I know that we do have a fiscal note on the bill. We have already hired an emergency manager on staff. It is already in our budget. Regarding the social workers, as Assemblywoman Benitez-Thompson said, if it is not funded, it is just a goal or a policy statement.

I know there are questions regarding the social workers and how many we have in the Clark County School District, so I would like to introduce Susan Sernoe.

Susan Sernoe, Director, Wraparound Service, Student Services Division, Clark County School District:

My responsibilities include oversight of several projects and initiatives, including School Social Work Services. Thank you for allowing me to speak in favor of Assembly Bill 218.

School social workers are needed for prevention and intervention before, during, and after a crisis situation. Through student support groups and one-on-one meetings with students, social workers are able to assess the well-being of students and help prevent crisis situations. [Read from prepared text ([Exhibit W](#)).]

Students with mental health issues need our help. With early intervention and ongoing support, students can grow and thrive and reach graduation and beyond. School social workers play an integral part in keeping our students and schools safe. Please remember the potential impact of the school social worker as you consider passing Assembly Bill 218.

Mary Pierczynski, representing Nevada Association of School Superintendents:

We are in support of Assembly Bill 218, along with the Nevada Association of School Boards, since Jessica Ferrato was unable to be here. We had concerns

about this bill when it first surfaced, but those concerns have been alleviated. We are in support of the mock-up bill that was presented today.

Christopher B. Smith, Administrator, Office of Homeland Security, Division of Emergency Management, Department of Public Safety:

I would like to offer a qualified support for Assembly Bill 218. As Assemblywoman Benitez-Thompson mentioned, we did put a fiscal note on this. The Division of Emergency Management, specifically the Department of Public Safety, is concerned because we do not currently have the expertise that is being asked for in section 1 of the amended language, asking for consultation services to school districts for the design, purchase, and remodeling of schools.

The NRS has required that the Division be prepared to work with school districts to develop comprehensive emergency management plans; however, we do not have that capability of design, purchase, or remodel plans analysis. That would be something we would have to develop within the Division; therefore, that is what our fiscal note was based on. I would seek to work with Assemblywoman Benitez-Thompson to determine what consultation really is. We could move forward together.

Superintendent Erquiaga and I have been working on Senate Bill 205, which also begins to take a step in the direction of working on what model school plans should look like, what those elements should contain, and defining the development committees. Again, I would like the opportunity to work with Assemblywoman Benitez-Thompson to coordinate with S.B. 205 and see if we can make the most appropriate building language for moving forward with our school emergency plans across the state.

Manuel Mederos, Private Citizen, Reno, Nevada:

I am in full support of Assembly Bill 218. One concern I have is that this bill should go further in the expectations we have for teachers, janitors, bus drivers, as well as all personnel including grounds personnel and volunteers. They should be trained for these types of drills in case something really serious were to happen.

Drills need to be taken more seriously. I say that because I was witness to a few of the drills in some of the schools. For example, they were code yellow. No one should be allowed in the school at any time, but some people and some parents were being allowed into the school during this drill. That is not a good idea. If this were a real-life event, we would not allow that to happen. That needs to be taken very seriously.

Let this be an opportunity to pass this great bill. Let this be our own drill in the sense that we need to act, and this makes great strides to take action in the proper way.

Amber Reid, Private Citizen, Reno, Nevada:

I am a member of the School Social Work Association of America in the Washoe County School District. I have an undergraduate degree in education and a master's degree in social work, both from the University of Nevada, Reno. I serve on the Children's System of Care Behavioral Health Subcommittee to the Nevada Behavioral Health and Wellness Council, as well as participate on the Rural Children's Mental Health Consortium.

This afternoon I am here to testify in support of Assembly Bill 218 on behalf of the School Social Work Association of America, which also submitted to the record a letter in support of this important piece of legislation ([Exhibit X](#)). [Read from prepared testimony ([Exhibit Y](#)).]

The School Social Work Association of America is pleased to support Assembly Bill 218 and commends public leaders across the great state of Nevada for the foresight and leadership demonstrated in the legislative session regarding the promotion of healthy environments for Nevada's children and particularly in Nevada's schools. The work you are doing today will provide an example for other states to follow and will benefit future Nevadans for generations to come. We thank you for doing this most important work.

Assemblyman Gardner:

I am reading that a lot of states treat that differently—from K-6 and 6-12 or K-9 and 9-12 as separate. Is the 1 to 250 number for everybody, or is it separate for younger and older students?

Amber Reid:

That is part of the national standards of best practices as listed by both the National Association of Social Workers and the School Social Workers Association of America. However, as you mentioned, states all apply that in varying ways. The standard recommended ratio is actually 1 per 250 students, or per building, which also matches the recommended ratio for school counselors.

Katherine Loudon, Administrator, Counseling Services, Washoe County School District:

I am also in charge of the Office of Civil Rights, Section 504/Home Hospital, and Safe and Drug Free Schools. I have more than 25 years of experience in the field of mental health and 20 years' experience in school counseling.

I have been supervising school counseling for almost 6 years. I also want you to know that I serve on the Crisis Management Emergency Response Team. I supported Sparks Middle School, but I was also there to support Pine Middle School.

I am testifying today in support of Assembly Bill 218 because I believe that we need statewide increased collaboration and alignment when it comes to crisis management and emergency response. I attended the National School Safety Conference and know firsthand that we need statewide education and a time to come together as a state to receive education together as a team.

My Department also supervises school social work, and our district does not have a lot of school social workers. As you heard from Amber Reid, the recommended ratio for school counselors is 250 to 1, and the recommended ratio for school social workers is 250 to 1. In all of my years of experience working in comprehensive school mental health, we have school psychologists who play an essential component in comprehensive mental health. We have school counselors, and they play an essential component, but of the components for the three-legged stool that is required for school mental health, we are missing school social work in our district. We currently have 1.5 school social workers, and we have just added two more positions that we received from a federal grant. In the response and services required for home visits, such as caseworkers, long-term care, management and referrals, and the unique assessments that school social workers can provide, we do not have that support for our students.

I support Assembly Bill 218. I believe I come from a place where I can offer information that very much speaks to the boots on the ground and that work.

Assemblyman Hickey:

I have a daughter who is a school counselor at Sparks Middle School, so this has personal interest to me.

I perked up when I heard Assemblywoman Benitez-Thompson say something about a possible changing role for school counselors. Is this going to require them to enhance educationally their skills to be able to meet some of these new needs? While this is not a budget committee, I serve on one and many of the questions, either now or in the future, will be related to what the expenses might be. Is the role, and therefore the educational background, going to have to change for the current school counselors in our systems?

Katherine Loudon:

No. Our current school counselors, in the absence of social workers, have often had to perform a lot of the school social work tasks themselves. This bill introducing school social work in conjunction with school counseling allows for what I have seen happen in the schools where we do have school social work with the colleagues we have in Clark County, which is the passing of work back and forth and case management and support, so that school counselors spend their time doing things like working in conjunction with career center facilitators and helping with college and career readiness in addition to the other counseling tasks they perform. The school social worker helps with a lot of the indicated cases which would be at the tier 3 level, and supports the school in other systemic ways.

Assemblyman Elliot T. Anderson:

Thank you for all of your work, especially in Sparks after the incident that occurred. It is really important that we get our head around this issue. I am glad we have this bill. There is no reason we cannot learn from your experience.

Lisa Bartoli, Counseling Specialist, Washoe County School District:

I have been a K-12 teacher as well as a counselor. Currently, I work as a foster care liaison; I have office space at Child Protective Services. We also have a four-person crisis response team in Katherine Loudon's office. As a snapshot, we have responded to approximately 20 suicides, murders, and stabbings so far. We have a four-person team and in that three-legged stool Ms. Loudon talked about, we are missing that collaborative effort with social work. When I worked in Oregon, we did have that social work—that three-legged stool—where we did rely on social workers within the school to assist us with resources. In Nevada, we are missing that. We as counselors have had to pick that up and find those resources ourselves. It has been difficult, and we have a lot on our plate. While we are serving on things like the child death review board and Model Court, it does add quite a bit to that ratio. Where our ratios are very high, the recommended ratio is 250 to 1 for both boards. I am in full support of this bill.

Carol Broersma L.S.W., M.S.W., Vice Chair, Rural Children's Mental Health Consortium:

I am also a proud parent. I echo many of the sentiments of other people who have testified here today. The Rural Children's Mental Health Consortium is in broad support of Assembly Bill 218. We are excited about the things it can possibly bring to rural Nevada because it targets two of the most challenging issues we face as rural counties: access and availability. One hundred percent of Nevada's rural region is relying on a mental health professional shortage area.

For example, in Eureka County, there are no mental health providers. [Read from prepared testimony ([Exhibit Z](#)).]

For many schools in rural Nevada, a school social worker will provide a desperately needed role. By addressing and eliminating bullying to make our schools safe environments to learn and thrive, we build a stronger system of care for all of Nevada's children where parents can securely send their children to school. I urge you to pass this bill and seriously consider the impact it will have for children who attend those schools.

Angie Sullivan, Private Citizen, Las Vegas, Nevada:

I heard the testimony from Washoe County. It is so unfortunate for that to have happened. I cannot even imagine. I would also like to give you a window into what happens in Clark County.

I have never had a social worker at a school. I teach in at-risk schools in inner city Las Vegas in the north and northeast. My students are in poverty, disenfranchised, and disadvantaged in many ways. To hear that we might be considering additional help at the schools that would provide any kind of wraparound service and help to our families makes me happy that we are even having this discussion.

Students also often have severe problems that I am not qualified to take care of. I teach K-2 and I have had children with severe emotional disturbances as young as kindergarten. I have had children in first grade attempt suicide. I have had a lot of behavior that has been difficult to address by myself. I am sure most teachers could tell you other stories.

One time, on a field trip, a lady leaped in front of the field trip bus and was killed. An emergency team was sent to our school to help the students and staff who witnessed the incident.

Real lockdowns happen in Las Vegas. There is often someone with a gun in the neighborhood and the police call a lockdown. A gas leak could also cause a lockdown. Fire drills happen on a regular basis; lockdowns and other types of drills happen. We even have reverse evacuations. Sometimes we practice crawling back into the school. It is just a part of our life.

I want to echo that we do need practice; we do need to be aware, and we need to take it seriously because things happen. They will continue to happen if we do not help our children who are showing early—and often major—mental health problems that are not addressed, and we do not provide the intervention that is needed.

As for at-risk children, the leading indicator of whether they will test well and do well in school is socioeconomics. If children are hungry, if they do not have their basic needs addressed, they cannot function because they are worried about things that are happening at home, or being bullied.

Please, seriously consider Assembly Bill 218. I know there is a financial cost to all of these things and every additional person who is added is taxpayer money spent. Our students deserve to have additional pairs of hands—the three-legged stool the professionals are advising—so we can make progress in our state and do not let our children down.

Heather DeAngeli, Private Citizen, Reno, Nevada:

I am a social work major at the University of Nevada, Reno. I am here today to share the story of my friend and to explain how dire the need is for social workers in Nevada's schools. I met her in elementary school. She was bright, funny, smart, beautiful, and all the things I aspired to be. [Read from prepared text ([Exhibit AA](#)).]

I am asking for your support for social workers in Nevada's schools, in hopes that even one student like my friend will get the opportunity to graduate high school instead of falling victim to drugs and violence. Thank you for your time and allowing me share my friend's story.

Rebekah Couper, Private Citizen, Reno, Nevada:

I am a social work major at the University of Nevada, Reno. I have also attended K-12 in the city of Reno, and I am coming to you in support of Assembly Bill 218.

If there were a school social worker in my elementary, middle, or high school, I might have been saved a lot sooner than I was. I began a downward spiral at the age of eight. If there had been a social worker in my school, he or she would have noticed my activities and intervened and gotten me the proper resources instead of everyone turning a blind eye and not seeing what I was going through or what I was doing—not really caring.

If there had been a social worker in the school, I might have been sitting here in front of you for different reasons. If there are social workers in schools, multiple children will be helped and society will ultimately be a better place.

Jolene Dilly, Private Citizen, Reno, Nevada:

I am a native Nevadan, born and raised in Reno. I am a social work student at the University of Nevada, Reno.

I am a child who grew up in and out of the foster care system. I also grew up with an extremely bipolar mother and severe mental health issues in my family, as well as alcohol and drug addiction. Fortunately, I did not succumb to any of those afflictions myself; however, I suffered the consequences of them. School became a safe haven for me from abuse and the mental issues going on in my family.

If there had been a social worker in any of the many schools I attended, intervention could have happened a lot sooner for me and for my family. It could have prevented a lot of the horror stories my family and I went through. It could have intervened for my mother as well who did not receive treatment until she, unfortunately, committed a crime and ended up in the justice system. It took several years for my mom to get to a point to be functional in society. It is still an everyday battle. I am 30 years old now, and we still go through it every day. With mental health issues that continue to be present in our community, our society, and the world, we need to begin addressing these issues as young as we can. We need to intervene to make sure we are producing successful and productive members of our community.

I support Assembly Bill 218. When considering this bill, I hope you think about how much this could impact the lives of the students and their families as a whole.

Stacey Shinn, representing National Association of Social Workers, Nevada Chapter; The Human Services Network; and the Progressive Leadership Alliance of Nevada:

For the record, the three organizations I represent are in support of Assembly Bill 218.

Kelly Wooldridge, Deputy Administrator, Children's Mental Health, Division of Child and Family Services, Department of Health and Human Services:

We are in support of having social workers, behavioral health specialists, and counselors in school. From the work we do daily, what we see and hear from families is they have nowhere to go to get help and do not know what to do to get help. Assembly Bill 218 will take care of this issue.

Chair Woodbury:

Is there anyone else in Carson City or Las Vegas in support of A.B. 218? [There was no one.] Is there anyone in either location in opposition?

Janine Hansen, President, Nevada Families for Freedom:

I signed up in opposition to Assembly Bill 218, but many of my concerns have been resolved by the amendment. I was very concerned about section 5 of the bill with regard to some of the things social workers were going to be doing, especially "without limitation." I had concerns about parental consent for some of these things and referrals that might be made. Those concerns have been resolved by the amendment that was presented.

I am very supportive of the bill with regard to emergency management and emergency preparedness. I served at my church as an emergency preparedness specialist. We did emergency preparedness drills in my own home. With things that are happening in the world, it is very important for children in schools to prepare for emergencies, so I certainly support that portion of the bill which would allow schools, children, and teachers to drill to be prepared for what might come.

Assemblyman Armstrong:

Have you moved from being opposed to in support?

Janine Hansen:

Mostly, yes I am. I was very concerned about section 5. With that change, I am no longer opposed.

Chair Woodbury:

Is there any further testimony in opposition? [There was none.] Is there anyone wishing to testify as neutral to Assembly Bill 218?

Jill Manit, M.S.W., Field Education Program Coordinator, School of Social Work, Division of Health Sciences, University of Nevada, Reno:

I am here today specifically for section 5 of Assembly Bill 218. I wanted to let you know that we have submitted a letter for the record from our school ([Exhibit BB](#)). Each year we graduate approximately 100 students with degrees in social work. We currently have a program called 3-plus-1 in partnership with Great Basin College that offers distance education in rural work to the social areas of northern Nevada. We plan to implement an online Master of Social Work program starting in the fall of 2016. We expect with these programs to be able to continue expanding enrollment in our programs.

With regard to section 5 of Assembly Bill 218, we want to let you know that our school is willing to be part of any kind of solution that is necessary to meet workforce demands associated with the passage of this bill.

Patrick Gavin, Director, State Public Charter School Authority:

I would like to say how strongly in support we are of the philosophy and intent behind this bill. We look forward to speaking with the sponsor about ways in which charter schools are even more addressed in this bill. This is a critical area, an area that my team and I wrestled with a great deal in terms of ensuring we can support our schools in this critical area. We have actually taken steps as a leadership team to adopt a number of practices outside of a specific mandate because we know it is so important to our schools and for the children in them. We believe this is an area where there is more opportunity for collaboration and even better enhancement with the legislation.

Lauren Hulse, Executive Director, Charter School Association of Nevada:

I would like to echo what Mr. Gavin spoke of with regard to charter schools. We are in support of the concept, but I would like to note that charter schools are not able to submit fiscal notes. The State Public Charter School Authority can submit fiscal notes, but only regarding direct cost to that agency. Currently, there is not a mechanism for charter schools to tell you how much compliance with regulations such as these would cost the schools.

I am looking forward to working with the sponsor as well as the authority in making sure charter schools are not only well thought of in regards to making the school safe for the students that they are serving, but that they are also looking at ways to properly fund mechanisms to do so.

Assemblywoman Benitez-Thompson:

I want to thank the Assembly Committee on Education for hearing the bill today and for the reverence you have shown to this issue. It is one that is not easy to contemplate, especially for those of us who live in communities that have been touched by these incidents. It can be hard to talk about.

I want to especially thank some of the presenters today—the teacher Mr. Russell Hunter, Chief Jason Trevino, Ms. Loudon—all who were on scene to help with the Sparks Middle School incident. Their input and feedback has been invaluable. I imagine it cannot be an easy thing to talk about, but none of them hesitated for a moment to lend their support and their thoughts to this bill. I very much appreciate that.

Numbers were asked for by Assemblyman Gardner. The one thing that is tricky is there is not actually an official way to count. We did an informal poll and

Clark County has 28 social workers, 8 of whom they will lose at the end of the year because it is based on grant funding. They will be down to 20 for the entire Clark County School District. Lyon County has 1, Washoe County has 2.5, with the addition of 2 coming through grant funding.

That really begs the question: I know it is difficult to get General Fund dollars, but otherwise most of these positions are left to come and go at the whims of grants. Our students deserve more stability than the timelines grant funding provides. Thank you for your due diligence on this issue.

[All items submitted on NELIS but not discussed will become part of the record: ([Exhibit CC](#)), ([Exhibit DD](#)), ([Exhibit EE](#)), ([Exhibit FF](#)), ([Exhibit GG](#)), ([Exhibit HH](#)), ([Exhibit II](#)), ([Exhibit JJ](#)), AND ([Exhibit KK](#)).]

Chair Woodbury:

I am going to close the hearing on Assembly Bill 218 and open the hearing on Assembly Bill 395.

Assembly Bill 395: Revises provisions relating to the State Public Charter School Authority. (BDR 34-902)

Assemblyman David Gardner, Assembly District No. 9:

This bill is brought to make the State Public Charter School Authority (SPCSA) more independent, thus to allow it to be more dynamic and flexible in trying to improve our charter schools. There are two main sections. Section 1 allows it to control its own finances. It is a self-financed agency. It does not receive any money from the General Fund. There is another section where there is an account they can borrow against. The operating funds come from the charter schools themselves. This allows them to control their funds and how they spend them. They can submit a budget to us every two years, and we will be able to approve that along with our other budgets.

The second section gives the State Public Charter School Authority regulatory authority over their charter schools. It would only be for the charter schools they have sponsored. If you do not know the charter school process, to become a charter school it must be sponsored. It can be sponsored by a university, a school district, or the SPCSA. In recent years it has almost primarily been the SPCSA offering these sponsorships. Those are the main two sections.

Assemblyman Elliot T. Anderson:

I am concerned with a few provisions of this bill. Particularly the hiring and employment areas. There are two provisions giving the SPCSA flexibility

that is not given to any other agency except the Office of the Governor. In addition to getting rid of being in the unclassified or classified service of the state, basically making them at the pleasure of the director, you are waiving them from the rule that their compensation cannot be more than 95 percent of the Governor's salary. Every agency wants this. It gives them all flexibility, but why should this agency have it?

The SPCSA is not actually running the schools. I understand that charter schools need to be flexible, have room to try things, and need different rules, but the agency does not actually teach anyone. What would be your argument that this agency should have this flexibility, but not all of the other agencies in the state?

Assemblyman Gardner:

Most of my arguments come down to the fact that it is a self-funded agency, so we are not talking about General Fund dollars. Although it is not directly teaching these students, the whole point of this is setting up a structure and that structure is very important. This allows them to get the experts they need. I have spoken to Mr. Gavin, and he said that because of some of their restrictions, they are struggling to get the experts they need in various fields. To have that flexibility is the best way possible to make sure there is expertise and laws in place to direct these charter schools.

Assemblyman Elliot T. Anderson:

Candidly, Assemblyman Gardner, I would think that every agency would say the exact same thing—that they cannot get the experts they need because we do not spend enough money, and their salaries are restricted. I understand that. Everyone works in a market, including teachers by the way. If we are going to do this, we should consider the broader implication. Next session we will have every agency telling us that we gave it to the SPCSA. We will say, yes, we did, and what can our argument be? All of the other state agencies do important things as well. We need good, qualified people in all of those positions.

Patrick Gavin, Director, State Public Charter School Authority:

I do not have much to add to Assemblyman Gardner's points, but I will address a couple of thematic challenges.

One, we are unique among state-created, independent chartering agencies in the degree to which our budget and staffing model is dictated by external factors. In virtually every other state where these independent entities have been created and they are subject to a fee-based revenue structure, the governing entity has significant flexibility over the full-time equivalent staffing and, to some degree, over the compensation of personnel. The larger concern we

have is not with actual compensation of individuals, but with our ability to create the necessary positions to allow us to be competitive with our peer agencies in other states in terms of attracting high-quality operators and ensuring that we can provide an appropriate level of oversight for the schools in our portfolio. Those are two significant concerns of mine. Yes, staffing flexibility in terms of compensation would be an important piece, but the larger piece, and the one that concerns me greatly, is the challenge in terms of being able to create the position for the kind of expertise we are talking about versus how much I can compensate that particular individual.

Assemblywoman Diaz:

What does the State Public School Charter Authority look like now, and how much are you forecasting it needs to grow? How many people are you looking to bring on board? What are you basing these estimates on?

Patrick Gavin:

We currently serve 20,000 students, which makes us the third-largest "school district" in the state. We are required by statute to also serve as the local education agency (LEA) for all schools in our portfolio. That makes us quite different from a number of other statewide chartering entities in other states.

In analyzing the delta between our staffing model and the kinds of positions which we are permitted to have as an agency, there are significant differences, both in the number of full-time equivalencies and the kinds of positions that we are permitted to have as an agency.

Looking at our peer statewide agencies, for example, the South Carolina Charter School District serves 17,000 students and has 18 full-time employees—we have 10. The District of Columbia Charter School Board, which is not the LEA, but serves as the statewide sponsor and is widely considered to be the most accountable and strongest statewide sponsor in the nation, has 40,000 students in its portfolio and 40 full-time employees. Again, we have 10, and they do not perform any district functions. That is strictly performance management authorizing legal oversight.

The Colorado Charter School Institute, the entity to which we are most often compared and which our statutes were created around the same time, has 14,000 students in their portfolio and 18 full-time staff members at the current point in time. Again, we have 10, and they also serve as the LEA for the schools in their portfolio. They are also providing those district-level services in addition to the authorizing oversight services that any statewide sponsor would be required to provide. Is that helpful context?

Assemblywoman Diaz:

You have stated current numbers, so what do you foresee will be the needs in the next biennium?

Patrick Gavin:

At the current time, we have 4 positions which are being proposed as part of the budgeting process. Our expansion for the next year will bring us from 20,000 to approximately 25,000 students. This is based on the schools we have approved for new openings; the schools which have submitted amendments requesting additional facilities; the total square footage of those facilities, and the total number of students for which they are authorized.

Based on these ratios, we are looking at an 800- to 1,000-to-1 ratio that would be considered appropriate based on national authorizing best practice. As far as the key gaps in the type of positions we are talking about, there is a need for a real presence in Las Vegas in terms of services to English language learner (ELL) students. We currently do not have anyone in Las Vegas who is focused on the oversight of our schools with relation to ELL. That is a key area for us and one that my board has established as a strategic priority.

We are unique among statewide authorizing agencies in not having multiple full-time legal staff. There are at least two full-time equivalents in every other authorizing agency. That is a significant gap, especially considering the implications of our LEA staff with relationship to special education services and the litigation risks that can come with that. In addition, with the advent of the performance contract in 2013, we now have moved to a far more rigorous contractual framework and compliance framework for our schools, which also requires additional legal expertise. Currently, I am doing that without a license, in addition to doing many other things. That is an area of concern for me, in terms of our renewal risk and our litigation risk.

There is a significant area with regard to financial oversight of schools. This is an area my predecessor worked on from the inception of the entity in looking to bring on a chief financial officer-level individual because of the complexity of our \$130 million portfolio and providing appropriate oversight of schools, not just their annual audits, but in terms of ongoing financial management. That is an area that is of significant concern to us and an area that we are continuing to work on. We have something before the Interim Finance Committee in the next month or so regarding fiscal audits for a couple of schools for which we have received credible evidence of mismanagement. That is a process we have been engaged in since October to attempt to get authority to do that work. We are not able to move as swiftly as I and most individuals would want us to do. We have the authority of a district and the authority of a state agency,

and we are expected to make sure our schools are fiscally and academically accountable.

I would submit that the current structure, while extraordinarily well-intentioned and something I am wholeheartedly in support of in terms of ensuring there is appropriate oversight of the public funds that are entrusted to us, is hampering our ability to ensure that the schools we sponsor and that I am responsible for are being accountable for the students and public dollars.

This is an attempt to address those structural challenges. We would not say this is the perfect solution, but it is an attempt at a solution. I am certainly sensitive to the contextual matters that Assemblyman Elliot T. Anderson and others have raised.

Assemblyman Elliot T. Anderson:

I am looking at some of your provisions giving you regulatory authority to determine renewal. What is your intent, and how exactly will that process look? What would you be doing with that regulatory authority?

Patrick Gavin:

Our primary purpose in this is to recognize that as the active statewide authorizer, the provisions which were adopted by the State Board of Education for its business purposes, and to oversee the activities of the non-active authorizers in the state, there are distinct differences in terms of our business needs. Key among those are that there is desire on the part of my team and my board to move to multiple authorizing cycles per year to allow us to process charter applications on a more-than-annual basis. The current regulations do not permit that.

We believe this would align with some of the other legislative items that have been proposed by the Governor related to the recruitment of high-quality charter school networks into this state. We do not have a process or regulations that are conducive to either screening or approving those entities or of recruiting them. We compete against 20 to 30 other states that are actively looking for charter school organizations to come to their state. This is an area where we are a little behind based on both our statutory and regulatory powers as an agency, versus our peers in other states.

There is also a significant desire to work more supportively with these schools that are not affiliated with large charter management organizations like KIPP or Uncommon Schools, but with the mom and pop group that says they really want to start a school and with the 4,000-page application required in the regulation. It is really difficult for anyone who has not done this before.

I polled experienced charter application writers from other states, and they have said that in order for them to write a Nevada-compliant charter application, they would charge a first-time operator \$45,000 to \$50,000. That would basically double what they would have to charge in another state due to the complexity of our particular regulations that are currently required. We are looking to break that up and provide a more scaffolded approach, which gets to the same endpoint, but which is not as prescriptive on the front end. We want to focus more on the quality pieces than on compliance with a particular form.

Assemblyman Elliot T. Anderson:

What does it mean for a renewal? What authority are we giving you here? The way I understand renewal, it would not include, for example, promulgating regulations based upon when a charter should be revoked. Does that make sense? Would it allow you to change situations and interpret the revocation provisions of the existing law?

Patrick Gavin:

We are not looking at this as a means for getting around automatic closure or the other statutorily required justifications for revocation or nonrenewal. This is about recognizing that it is a floor. We have a number of schools where there is concern at different levels regarding their performance and whether they are being accountable for public funds and public children. Having the ability to adopt appropriate regulation is one means of doing that.

Let me give you a very explicit example. We have a number of schools that have taken the position that the performance framework, which was adopted in statute as a result of Assembly Bill No. 205 of the 77th Session, refers to the Nevada School Performance Framework which is something that is specifically pointed to in statute regulation. The regulations that are for authorizers' specific performance frameworks only exist in policy and in the view of some individuals and their very expensive attorneys, are not legally enforceable. That is an area that is of serious concern to me and one reason I need both lawyers on my staff, and also a reason why I would prefer the ability to say the performance framework which has been adopted by the State Public Charter School Authority is mirrored in regulation that is applicable to schools sponsored by the SPCSA. Currently, when I have a conversation about incorporating the performance framework into regulation, I am told that because it is not something that can be codified in such a way that is applicable to all schools, because it is a sponsor-specific and school-specific agreement, it only has whatever authority my contract has. Since my contract is only enforceable, arguably, insofar as it reflects statute and regulation, that is an area of concern.

Assemblyman Elliot T. Anderson:

That is why we had to do a parallel section so it only applies once there is a renewal.

Assemblyman Hickey:

Could you explain simply how the agency receives its funding now? I assume it is fee-based, based on the per-pupil funding model that charter schools receive. In that context, are you just asking for the flexibility with the limited monies? Are you just asking to be able to better utilize to grow the mission?

Assemblyman Gardner:

Yes, that is the reason. Regarding the funding, it is 2 percent of the school funds that the charter schools receive. It is a fee-based system where the charter school receives certain funds. It is deducted from school funds by the Department of Education, then 2 percent of that is sent to the charter school authority, which uses that money to fund their agency. The overall goal is to be given the flexibility they need to make this the best charter school authority in the country.

Assemblywoman Joiner:

I appreciate your explanation regarding the types of staff you are lacking in legal and fiscal expertise. I am trying to understand the need for these policy changes, specifically, the budgeting procedure, changing the classification of the employees, and also the regulations. Those are very separate things. You may need more resources, you may need more specialized staff, but I have not really heard the cases for what you cannot do unless you get these exemptions, these changes in the regulation and budget processes, and changing the classification of your staff. I am not seeing the need for that. Could you please expand on that?

Patrick Gavin:

It has been our experience for the four years of our existence that there are significant barriers. If the position or the kind of work we are talking about is not explicitly identified in statute or regulation, it could be quite difficult to persuade those who ultimately provide this information to this body to make the case for it. The concern is that if it is not something that is explicitly within the agency statutory mandate to have two lawyers and a certified public accountant, that is challenging.

Part of this is because we both have massive responsibility with that \$130 million for which we are accountable in a relatively small operating budget. For people who are looking at this as a regular state agency versus a very thin managed portfolio model, which is what we were intended to be and

what we were modeled on based on the experience of other states, it can be difficult to justify the level and quality of individuals needed and the kinds of expertise that are needed, because we look like a very cute little agency. We are, but we also have a massive set of public accountabilities and responsibilities.

I have the privilege of serving as a member of the Association of School Superintendents for the state, and when I observe what school superintendents have in terms of resources that are available to them regardless of the size of their district, and the speed with which they can move to address issues in their schools, or to hold their schools accountable, that is an area that is of concern to me. It is an area where we want to ensure we are working collaboratively with all of our peers in state government in this area. I would also ask that you keep in mind this was discussed in light of other proposals which have received different levels of positive or negative reception related to some other agencies. Many of these are also fee-based or have some other kind of non-General Fund revenue stream. This was definitely thought of in that particular context with regard to the classified versus nonclassified question.

Unclassified service of the state is created as part of the unclassified pay bill, which means it is once every two years. We have grown by approximately 20 percent per year for the past several years. We started off with 10,000 students in 2011. We are currently at 20,000, and projected to go to 25,000. Our portfolio evolves far more rapidly than does the typical state agency. The unclassified service, which is typically the way one finds the more senior staff level individuals we are talking about, is something that only happens once every two years. This is an area of concern and something we go to the Interim Finance Committee about.

With regard to the classified service, it has been our experience that it is extraordinarily difficult to find people at the level we think we need based on what we observe other agencies doing in other states: what the minimum requirements are to do these jobs effectively within the scope of our very small agency budget; what that qualifies us to have in terms of staff members; and the qualifications those staff members are permitted to have versus what our very large and very public responsibility is.

This is not about empire building. It is about whether we are set up in such a way that we can ensure that our schools are fully accountable to students and for money. That is what this is about.

I do not have the luxury of taking Nevada staff to the Colorado Charter School Authority to see what they do daily and what the work really entails. We have

a long way to go from our position in terms of National Assessment of Educational Progress scores and our position in terms of the overall performance of our charter school portfolio. I believe this requires significant investment, and we have the funds to make that investment. It is a matter of recognizing the reality that we are quite unique. There is no other agency quite like us in state government. There are only a handful of us nationally doing this work and seeking to do it at the high level I believe this body expects. My concern is whether I can deliver on the expectations that you have put into my hands.

Elissa Wahl, Member, State Public Charter School Authority:

I am in support of Assembly Bill 395. I would first like to address one of the two key questions regarding the regulatory power. Our Board is very thoughtful and very reverent about not taking too much leeway. In order for us to make changes in current *Nevada Administrative Code*, we have to discuss it as a Board, somebody has to meet with the Department of Education and the State Board of Education, and we have to get on their agenda. That is not always on our timeline. It then goes through the public hearings that we must also. The real problem is getting on the agenda in a timely manner that coincides with what we need to do. They have been great to work with, but it is not our timeline. They are not the experts on charter schools; we are. We do ask for that regulatory power to be in our hands in the areas where we need it.

We are fee-based. We are not asking for budgetary money. We are allowed to ask for up to 2 percent. Right now, we get 1.5 percent. As an agency, we are very careful with our money. I am asking that you take all of that into consideration when you are voting for this bill.

We are that unicorn that everyone thinks is a pony. We are doing great work; we are really expanding education in Nevada and educational options. We really need these things we are asking for. I respectfully ask that you vote for A.B. 395.

Marc Abelman, Member, State Public Charter School Authority:

I believe we do need the flexibility to really grow effectively. It would be great to have your support.

Kathleen Conaboy, representing K12 Inc.:

I, too, am one of the seven appointees on the State Public Charter School Authority Board. In fact, I am currently serving as chair of the Board. To go back to Assemblyman Elliot T. Anderson's questions, I was around in 2011 when the SPCSA was created and sat in on some of the discussions about the formation of the agency. There was a lot of discussion at that time about giving the authority regulatory privileges, and it got to a point where it became

too big at that time. Now we are requesting that because, indeed, we actually were the ones who started all of the charter school regulations in the last iteration that came from the Department of Education, simply because that is how the statute requires it to happen. The Department actually turned to us for help because we are the ones doing that kind of work.

There is a strikethrough in section 8, subsection 3(a)(2) of the bill that almost looks as though it is removing the Department's authority to promulgate regulations relative to charter schools. That is not the case. The authority of the Department is delineated in sections 10 and 11 of the bill. I want to indicate to you that we fully understand that this bill grants the authority some rulemaking privileges, but certainly not exclusive. We understand fully that we would still be subject to the other regulations of the Department that have to do with budgeting and some other fiscal matters.

In addition, because the question was asked about the authority of the director based on this bill, I also want to clarify the references to the SPCSA in section 2, subsections 1 through 4, relative to adopting a budget, employment, policy, rules, benefits, and salary ranges. Those are all actions that would be based on actions of the Board. The Board of the SPCSA, not the director, was set an annual budget, an annual staffing model, and the director would carry out the provisions in that budget and that model with the support of the Board.

Again, in section 5, relative to employing staff and setting staff salaries, all of that would happen within limitations that were agreed upon by the Board in a publicly agendized meeting. He or she would not have unilateral authority to just hire people and set salaries that had not been vetted by the Board at large.

Finally, this agency has grown exponentially. I was one of the first appointees to the Board. I have served as the chair since our first meeting. Mr. Gavin used the phrase "what keeps him up at night," and even as the layperson who has simply put a political appointee to the Board, I spend a lot of time worrying about what we are doing, how we are doing it, whether we are doing it correctly, and whether we have the appropriate hands on deck to accomplish what we need to do to fulfill the mandates this body gave us—not just mandates but responsibility to do it. Our perspective is really to strengthen the charter school sector in the state. You also gave us responsibility to model best practices. That means we have to be constantly scanning the national scene for what should be happening. This bill would empower us to make strides forward.

Lauren Hulse, Executive Director, Charter School Association of Nevada:

Our organization is often confused with the State Public Charter School Authority, but we are an association and want to voice our support of A.B. 395.

Chair Woodbury:

Is there anyone else in favor of Assembly Bill 395 who wishes to testify? [There was no one.] Is there anyone in Carson City or Las Vegas who wishes to testify in opposition to A.B. 395? [There was no one.] Is there anyone who wishes to testify as neutral to A.B. 395?

Jim R. Wells, C.P.A., Interim Director, Department of Administration:

I serve as the Budget Director for Governor Sandoval. I want to clarify some things regarding the funding of this particular agency. There has been talk that it is fee-driven revenue. In a way that is true. It is derived by 2 percent of the revenues that are paid to charter schools. That consists of General Fund money from the Distributive School Account (DSA), the local school support tax, property taxes, and other local revenues obtained for the students in those particular districts. There is, indirectly, General Fund dollars that are given to this agency. They are technically transferred from the Department of Education Distributive School Account. The calculation is the percentage. The actual transfer of dollars is a direct DSA transfer. They are fee driven, but there is a significant percentage of those fees that are General Fund dollars.

There is concern from my perspective of giving General Fund dollars and then excluding them, especially from the State Budget Act, and some of the personnel requirements that other state agencies are responsible for abiding by.

There is talk about the inability to recruit personnel. I think you would find the same thing with the Department of Education, which is having a difficult time recruiting similar personnel.

For the record, I wanted to explain how they are funded and the fact that there is either directly or indirectly DSA money being given to the SPCSA.

Assemblyman Armstrong:

Are you saying that the money comes indirectly from the DSA or from the General Fund?

Jim Wells:

The money comes from the DSA directly. It is a general voucher that moves money from the DSA into the SPCSA's revenue line. It is an expense in the DSA and revenue in the SPCSA. The DSA is made up of General Fund dollars as well as local school support sales tax and property taxes.

Assemblyman Elliot T. Anderson:

Do you know any agency that would not like to be exempted from the State Budget Act?

Jim Wells:

Every agency would like to be exempted from the State Budget Act.

Assemblyman Hickey:

Given the challenge of the Governor's larger budgetary plan of needing to expand charter schools into some of the problem areas—the possible creation of the new district, the Charter School Harbor Master, all of those concepts—are you saying they do not need the added flexibility, or do you just have fundamental problems because every agency would like to have more latitude?

Jim Wells:

There are ways to build in the flexibility. I fully appreciate the struggles the Charter School Authority has. When I worked for the Department of Education, that was just a subset of our responsibilities. We closed a school. I know how difficult it is to close a charter school. I know how much work goes into that when there is financial mismanagement at a school that you have to close down. I know they need the resources to run the district. I just believe there are ways to set up the authority without putting them in the "nonclassified" service of state government, which is, as you know, restricted to only the Governor's office.

Assemblyman Edwards:

Could you briefly detail how Title I money would be able to flow to a charter school?

Jim Wells:

Title I flows to the charter schools through the SPCSA. Mr. Gavin talked about them being a LEA; that is one of the ways they are able to get federal money into the charter schools.

Assemblyman Edwards:

Does it ever have to go through the DSA or the General Fund?

Jim Wells:

It does not go through the General Fund. There are transfers of federal dollars, for example for Title I, that are given to the LEA, the Charter School Authority, who then gives it to the schools under its purview.

Chair Woodbury:

Is there anyone else wishing to testify as neutral to Assembly Bill 395? [There was no one.] Mr. Gardner, would you like to make closing comments?

Assemblyman Gardner:

I will be working with Mr. Wells to see if we can come up with language that will fix any of the issues you may have.

Chair Woodbury:

I am closing the hearing on Assembly Bill 395. Is there anyone who would like to come up for public comment? [There was no one.]

The meeting is adjourned [at 6:37 p.m.].

RESPECTFULLY SUBMITTED:

Sharon McCallen
Committee Secretary

APPROVED BY:

Assemblywoman Melissa Woodbury, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Education

Date: March 23, 2015

Time of Meeting: 3:17 p.m.

| Bill | Exhibit | Witness / Agency | Description |
|----------|---------|---|---|
| | A | | Agenda |
| | B | | Attendance Roster |
| A.B. 206 | C | Kristin Rossiter, Committee Policy Analyst | Work Session Document |
| A.B. 221 | D | CCSD, WCSD, SPCSA, Infinite Campus | Proposed Amendment |
| A.B. 221 | E | Nevada Connections Academy | Proposed Amendment |
| A.B. 221 | F | Tom Greene, Foundation for Excellence in Education: | Handout Excellence in Education National Student Data Privacy |
| A.B. 221 | G | Juanita Clark, Charleston Neighborhood Preservation | Letter in Support |
| A.B. 221 | H | Parentalrights.org | Letter in Opposition |
| A.B. 221 | I | Jim Falk, Nevada For Local Control of Education | Letter in Opposition |
| A.B. 221 | J | John Eppolito | Email in Opposition |
| A.B. 221 | K | John Eppolito | NCES Statistics |
| A.B. 221 | L | John Eppolito | Testimony, Home School Legal Defense Association |
| | M | John Eppolito | ACLU Letter |
| A.B. 218 | N | Assemblywoman Benitez-Thompson | Talking Points |
| A.B. 218 | O | Assemblywoman Benitez-Thompson | Amendment |
| A.B. 218 | P | Assemblywoman Benitez-Thompson | Commission on School Safety and Juvenile Violence Overview |
| A.B. 218 | Q | Assemblywoman Benitez-Thompson | Executive Summary Washoe County School District Emergency Management Plan |
| A.B. 218 | R | Assemblywoman Benitez-Thompson | Handout National Fire Protection Association |

| | | | |
|----------|----|---|--|
| A.B. 218 | S | Assemblywoman Benitez-Thompson | School Social Work Association of America |
| A.B. 218 | T | Assemblywoman Benitez-Thompson | National Association of Social Workers, Nevada Chapter |
| A.B. 218 | U | Assemblywoman Benitez-Thompson | NASW Standards for School Social Work Services |
| A.B. 218 | V | Russell Hunter, Washoe County, Nevada | Prepared Testimony |
| A.B. 218 | W | Susan Sernoe, Clark County School District | Prepared Testimony |
| A.B. 218 | X | School Social Work Association of American | Letter in Support |
| A.B. 218 | Y | Amber Reid, Reno, Nevada | Prepared Testimony |
| A.B. 218 | Z | Carol Broersma, Rural Children's Mental Health Consortium | Prepared Testimony |
| A.B. 218 | AA | Heather DeAngeli | Prepared Testimony |
| A.B. 218 | BB | Goutham Menon, UNR School of Social Work | Letter in Support |
| A.B. 218 | CC | Melissa Vasquez | Letter in Support |
| A.B. 218 | DD | Fran McClain | Letter in Support |
| A.B. 218 | EE | Paula Baskette | Letter in Support |
| A.B. 218 | FF | David Roberts | Letter in Support |
| A.B. 218 | GG | Nikki Homer | Letter in Support |
| A.B. 218 | HH | Tonya Jones | Letter in Support |
| A.B. 218 | II | Carla King | Letter in Support |
| A.B. 221 | JJ | Linda Buckardt | Letter in Support |
| A.B. 221 | KK | Peter Hennessey | Friendly Amendment |