

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

**Seventy-Ninth Session
May 31, 2017**

The Committee on Education was called to order by Chairman Tyrone Thompson at 3:31 p.m. on Wednesday, May 31, 2017, 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/79th2017.

COMMITTEE MEMBERS PRESENT:

Assemblyman Tyrone Thompson, Chairman
Assemblywoman Amber Joiner, Vice Chair
Assemblyman Elliot T. Anderson
Assemblywoman Olivia Diaz
Assemblyman Chris Edwards
Assemblyman Edgar Flores
Assemblyman Ozzie Fumo
Assemblywoman Lisa Krasner
Assemblyman William McCurdy II
Assemblywoman Brittney Miller
Assemblyman Keith Pickard
Assemblywoman Heidi Swank
Assemblywoman Jill Tolles
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Senator David R. Parks, Senate District No. 7



STAFF MEMBERS PRESENT:

Amelie Welden, Committee Policy Analyst
Karly O'Krent, Committee Counsel
Sharon McCallen, Committee Secretary
Trinity Thom, Committee Assistant
Melissa Loomis, Committee Assistant

OTHERS PRESENT:

James Ringel, Senate Minority Caucus Intern for Senator Michael Roberson,
Senate District No. 20
Brian L. Mitchell, Director, Office of Science, Innovation and Technology,
Office of the Governor
Manny Lamarre, Executive Director, Office of Workforce Innovation,
Office of the Governor
Linda Heiss, Director, Institutional Research and Data Partnerships, Nevada System
of Higher Education
Lindsay Anderson, Director, Government Affairs, Washoe County School District
John Eppolito, President, Protect Nevada Children
Janine Hansen, State President, Nevada Families for Freedom
Nicole Rourke, Associate Superintendent, Community and Government Relations,
Clark County School District
Brooke Maylath, President, Transgender Allies Group, Reno, Nevada
Mark H. Fiorentino, representing Gender Justice Nevada, Las Vegas, Nevada
Chris Daly, Deputy Executive Director of Government Relations, Nevada State
Education Association
Mary Pierczynski, representing Nevada Association of School Superintendents;
and Nevada Association of School Administrators
Brett Barley, Deputy Superintendent for Student Achievement, Department of
Education
Paige Ritzman, representing the Nevada Association of School Boards
Ed Gonzalez, representing Clark County Education Association
Peggy Lear Bowen, Private Citizen, Reno, Nevada
Jason Lamberth, Private Citizen, Las Vegas, Nevada
Aimee Hairr, Private Citizen, Las Vegas, Nevada
Jorge Sanchez, Private Citizen, Las Vegas, Nevada
Jenifer Mendez, Private Citizen, Las Vegas, Nevada
David Mendoza, Private Citizen, Las Vegas
Karen England, Executive Director, Nevada Family Alliance
Melissa Clement, Private Citizen, Carson City, Nevada
Sara Ramirez, Private Citizen, Las Vegas, Nevada
Jesus Faz, Private Citizen, Las Vegas, Nevada
Eunice Ramirez, Private Citizen, Las Vegas, Nevada
Andrea Carranza, Private Citizen, Las Vegas, Nevada

Elizabeth Sclafani, Private Citizen, Las Vegas, Nevada
Gerardo Gonzales, Private Citizen, Las Vegas, Nevada
Josue´ V. Rodas, Private Citizen, Las Vegas, Nevada
Bilmor Andara, Private Citizen, Las Vegas, Nevada
Josue Israel Zamora Jr., Private Citizen, Las Vegas, Nevada
Marta Urbina, Private Citizen, Las Vegas, Nevada
Steven Cohen, Private Citizen, Las Vegas, Nevada

Chairman Thompson:

[Roll was taken. Committee protocol and rules were explained.] I will be taking the bills out of order and we will start with Senate Bill 458 (2nd Reprint).

Senate Bill 458 (2nd Reprint): Revises provisions relating to the development and operation of the statewide longitudinal data system. (BDR 34-331)

James Ringel, Senate Minority Caucus Intern for Senator Michael Roberson, Senate District No. 20:

I am here today on behalf of Senator Roberson to present Senate Bill 458 (2nd Reprint). I would like to introduce Brian Mitchell, who is here with me to answer the more technical questions.

As an overview, S.B. 458 (R2) would abolish the current P-20W Advisory Council and replace it with a P-20W Research Data System Advisory Committee, which would have a much more narrowed focus. The Council was originally created in 2007 to help ensure the successful transition of children from early childhood education programs to elementary school and to develop and oversee a statewide longitudinal data system that would link early childhood education and K-12 public education with postsecondary education and Nevada's workforce. The Committee will continue to develop and oversee the statewide longitudinal data system, as well as advise and assist the Department of Education and the Department of Employment, Training and Rehabilitation.

The goal of the longitudinal system is to create reports that analyze education and workforce trends such as workforce supply and demand. The way these reports would be generated is by combining the currently collected information from the Department of Education (NDE), the Nevada System of Higher Education (NSHE), and the Department of Employment, Training and Rehabilitation (DETR). The data is collected and an aggregated report is created without any personally identifiable information.

These reports can be used by students and parents as well as educators as valuable tools to help make decisions. One example of those decisions might be if a student is considering several different occupations in a similar field, they may decide to choose one that has higher demand.

**Brian L. Mitchell, Director, Office of Science, Innovation and Technology,
Office of the Governor:**

Senate Bill 458 (2nd Reprint) might be termed a cleanup bill or a small complementary piece to the workforce development puzzle that you all have been working on this session. As James Ringel mentioned, the Nevada P-20 to Workforce Research Data System (NPWR) is made up of three state agencies: the Department of Education (NDE), the Nevada System of Higher Education (NSHE), and the Department Employment, Training and Rehabilitation (DETR). The Nevada P-20 to Workforce Research Data System is a state-of-the-art research tool and it generates dynamic reports, which allow the researchers to monitor and analyze trends and outcomes across the educational workforce system. We are one of only 16 states in the country that has a full NPWR.

The Governor's vision is that the insights from these reports will provide data-driven recommendations to the Governor, the Legislature, and state agencies to improve public policy. We envision that the insights from these reports will inform the education and workforce decisions made by parents and students in our communities.

The P-20W Advisory Council made a number of recommendations with regard to NPWR to the Interim Committee on Education. The Interim Committee unanimously supported these recommendations, and that is how S.B. 458 (R2) was born. The recommendations included replacing the P-20W Advisory Council with a new oversight body, which is detailed in the bill. It brings the statute into alignment with Senate Bill 516 (3rd Reprint), which you all approved last week. We believe this will improve the way the state manages this resource, and it will improve the quality of its research and recommendations.

A couple of brief highlights of the bill are that section 3 creates the P-20W Research Data System Advisory Committee, which is administered by the Office of Workforce Innovation for a New Nevada (OWINN). It is made up of representatives of NSHE, NDE, and DETR, which are the same agencies that make up NPWR now, and other agencies can be added to that list as needed in the future.

Section 4 outlines the purpose of the Committee, which specifically requires it to assist and advise OWINN as it develops and oversees NPWR's data. It also requires the Committee to develop a research plan providing advice on grants, budgets, and operations.

Finally, the Committee will provide a report every biennium to the Legislature. That concludes my remarks and I will turn it over to Manny Lamarre in Las Vegas.

**Manny Lamarre, Executive Director, Office of Workforce Innovation,
Office of the Governor:**

For the purpose of being succinct, there is nothing else to add.

Assemblywoman Krasner:

Section 4.1 of the bill reads, "Develop and oversee a statewide longitudinal data system that links data relating to early childhood education programs and K-12 public education with data relating to postsecondary education and the workforce in this State" It is going to be a collaboration, and a lot of people are going to see this as Big Brother with the government collecting information on their children from kindergarten through twelfth grade, through college, all of the way through the workforce. I am wondering if you have any response to that.

Brian Mitchell:

The statewide longitudinal data system that is mentioned in section 4 already exists. There is someone here from NSHE who can provide more information about how the system works. It does exist and the website is NPWR.nv.gov. The data system uses data that is already collected by NSHE, NDE, and DETR. This bill does not create anything new, and it does not collect data that is not already collected. It simply changes the oversight of the management of this research tool.

Manny Lamarre:

The data is aggregated and anonymized, so it does not collect individual data. It is really looking at program patterns.

Assemblywoman Krasner:

Why do you need this bill if it is already being done?

Brian Mitchell:

What the bill does is change who oversees this existing system. Currently, it is being overseen by the P-20W Advisory Council, and we are changing that to a body with a more defined and narrow focus made up of experts in the field. That body will assist the OWINN led by Mr. Lamarre in Las Vegas in the management of the system. Really, it is just a change in the management; it does not change anything about the way the system works. I will echo what Mr. Lamarre said that there is no personally identifiable information in the system, nor are there any individual-level records. It is all aggregated data at a very high level.

Assemblywoman Krasner:

You said that it will have a more narrow and defined purpose. Could you elaborate on that?

Brian Mitchell:

The current oversight body has a very broad focus. This new oversight body will have a narrow focus exclusively dedicated to managing the statewide longitudinal data system.

Assemblywoman Krasner:

Managing the information—what is the purpose of this huge collection of mass data from K-12, postsecondary, and the workforce? You are obviously following people beginning in kindergarten. What is the purpose? Why are you collecting this data? Why does the state want this?

Brian Mitchell:

I will give you an example of one of the reports. One of the reports that this data system produces is the workforce supply and demand report. This report provides two things—the occupational demand and the enrollment for each NSHE program of study. This information has the potential to benefit Nevadans across the P-20 spectrum. For example, students and parents could make more informed decisions about their college majors because they can see the workforce demand for each program of study.

The Department of Education and the Nevada System of Higher Education could use this information to ensure that their K-12 and postsecondary instruction aligns with industry needs. Employers could use the information to understand how many postsecondary students are in the pipeline for the programs that they have specific demand for, and then they can work with postsecondary institutions to promote the programs that meet their workforce needs. State agencies would also be able to use the information—like my office for example. We have our Science, Technology, Engineering, and Mathematics (STEM) hub website, which guides students to in-demand careers through this data.

Chairman Thompson:

If I may add, Assemblywoman Krasner, we live in a data-driven world. We have to have data to prove that things work or do not work, for trending purposes, for grant-writing purposes, for leveraging—all of that. Does that help? I understand your concerns, but that is where we are. We have to collect data. You cannot just say it is a great program anymore. You have to be able to show those outcomes and some outputs, but more so the outcomes, in order to continue the program.

I do have a quick question. You said the name of the program is NPWR? Can you share with us what the life cycle of NPWR is, because there is a lifespan of some of these software programs. I understand that this is Internet based. Can you share some of the adaptability tools and enhancements it can offer?

Brian Mitchell:

I am going to "phone-a-friend" and ask Linda Heiss from NSHE if she can talk about that.

Linda Heiss, Director, Institutional Research and Data Partnerships, Nevada System of Higher Education:

I want to address privacy as well. The system is a custom-designed system, and the software behind it does have to be refreshed, but there is no real limit on the time span on this. We use reporting software to build the reports outside of the data itself. There are a number of different software applications that are used to do this, but all of them can be refreshed. There is no lifespan. We have a contractor who maintains the system.

In terms of privacy, this is an issue that comes up a lot. What we want to make understood is that there is no data stored in the system, ever. You cannot go in and see K-12 data; you cannot go in and see NDE data or DETR data. Data is controlled by the agencies. What happens is, at the very beginning, an identification process goes in—very briefly, for seconds—data goes in for that year; it is matched; and an anonymous ID is created that cannot be linked to any individual. You cannot go in there and see that Linda Heiss graduated from University of Nevada, Reno (UNR) and works for NSHE. You cannot. You go in and see some unidentifiable numerical entity went to UNR and works at NSHE.

Then, what happens is, this number will be used to grab specific data elements, specific to that report, and aggregate them immediately. There is never any personally identifiable data in the system. We are not tracking kids. We cannot look at an individual or send individual records anywhere. We are producing aggregated reports to meet the need of showing students what their options are, looking at performance by different variables, looking at which students prepared for STEM majors and why. That kind of thing.

Assemblywoman Tolles:

She just answered my question. There is painstaking detail to protect the privacy of each individual student, correct? Thank you.

Assemblywoman Diaz:

I think it is really exciting that we are going to finally create a database and a system that tells us about our strengths and our weaknesses as a state. We may have a growing workforce in many fields; however, we might not be developing that workforce in order to have our Nevadans ready to embrace those challenges and those jobs that are coming down the pike. I see this as an amazing opportunity to make some really strong cases for where we need to be investing our limited amount of dollars. If we see that early childhood education is a great indicator of success, then we are seeing that those children who have opportunities and access to pre-kindergarten are the ones making it into our higher education system. That is solid, concrete evidence that we need to be doing more in this area.

Currently, when we are legislating and making laws, we do not have Nevada data on which to base informed decisions. I am super excited that we are getting it together, and we are looking at what we have, what we need, and what we need to do to make sure that we get all of our future workforce career ready by the time they are exiting our institutions—whether that be high school, community college, or NSHE. This is a great way to go and the data for Nevada has been long overdue.

Assemblywoman Joiner:

I appreciate my colleague so much; that was actually going to be one of my points. As a state, we really need this data to make wise investments in the future. I am recalling about four years ago, when I was working at the Department of Health and Human Services, I remember working on the early childhood data and the statewide longitudinal data system (SLDS) was just getting up and running. I do not know whether this helps, but I remember there being great care in who would be able to access the data. There would only be certain people who could actually even run research queries, and there would be certain things on the public portal. I am wondering now how many people do access the system, and, as a department, have you been able to use that data for any research yet?

Brian Mitchell:

You are absolutely correct that the actual research portal is limited to individual research requests that have to be approved by the three agencies involved. It is not like anyone can go in and do their own research in the NPWR system. There is a public-facing portal that exists right now. There are 12 or 13 different reports on the portal at this time that individuals can go into, and they are extremely useful.

One of the points I will make harkening back to what Assemblywoman Diaz said is that there are some great reports out there, that if you were a data wonk, you would find fascinating. The next leap in this system is going to be making those reports accessible in a way that is easily understood by members of the community—parents and students making wise career choices, et cetera. It will also help folks in the community to utilize the data beyond academics and research. Certainly, that is something that is going on right now.

Assemblyman Pickard:

I agree with my colleagues, particularly given where our focus is changing to data-driven, evidence-based, and competency-based education. Collecting data is important. There is one thing that we have not touched on, and just for the purpose of the record—we are abolishing an existing advisory committee and replacing it with a research group that is ultimately collecting data. What is not presented in the bill is the purpose for abolishing the committee. Could you just touch on why the committee is no longer relevant, valid or needed?

Brian Mitchell:

The P-20W Advisory Council met in 2015 and at the beginning of 2016 and made a number of recommendations. One of the members of your Committee sat on the Council. Ultimately, it was the view of the Council, as well as the members of the three agencies that make up NPWR, that a body with a mission that was more limited and focused would be able to better manage and direct NPWR.

Subsequent to that, OWINN was created by Executive Order of the Governor. We feel that this is a natural marriage by having this P-20W Research Data System Advisory Committee that is created in the bill to advise and assist OWINN in its duties and mission to provide data-driven recommendations to the state. Rather than continue having the Council that

had a very broad and very expansive mission, it would be better to have a more focused group to manage this very important data system that is made up of experts who work with the system on a daily basis. The duties of this new Committee are outlined in the bill fairly specifically.

Assemblywoman Swank:

I am the person who sat on the P-20W Council. I do think this is a good shift to focusing things up from the much broader mandate that we had as a Council. So I think this is a really good move.

Brian Mitchell:

I did not want to call you out. I appreciate you offering it.

Assemblywoman Tolles:

I do echo many of the sentiments that have already been said. Before coming into this building, I have long said that having continuity between education and the workforce and being really intelligent about matching how we are preparing our students for the industries that are available and they will be entering into, is critical for our goals here, and particularly a focus in this Committee.

In section 3, subsection 5—I know it is just a matter of setting it as a minimum, but the bill language states, "The Committee shall meet at least once each calendar year and, after its first meeting, at the call of the Chair." How often do you envision that this Committee might meet, particularly in regard to digging into this information in a way that is really tangible and useable for grants and future legislation? Also, will those meetings be public and would that information be available in terms of the trends that the Committee is discovering, so that we can really help engage the community, the industries, and the education professionals in that process?

Brian Mitchell:

I will take the second part of your question first. It is intended that the meetings be public meetings and that the research agenda that the Committee comes up with be a public research agenda. Certainly, the reports that are generated through the system are all very public information, and it is a public process to make sure that everybody benefits from it.

As far as the frequency of the meetings, I think it is wiser to say on an as-needed basis. I have been on many different types of councils, and sometimes the mandate to meet four times a year is not enough. On the other hand, sometimes it is way too often. There may be certain times of the calendar, if grants are coming up or there is a need to refresh the research cycle, when there may be a need to meet more frequently. However, then there may be times where the Committee simply does not need to meet very often. That would be left up to the chair and to the director of OWINN to determine that schedule.

Chairman Thompson:

We will open for support for S.B. 458 (R2).

Linda Heiss:

I just wanted to point out a couple of reports that speak to the value of this project. One is that we are looking at pathways of students from high school through college and into the workforce. We are looking at preparedness, and which groups of students are doing better, and which groups of students are not doing so well, so we can focus and target resources in the appropriate areas.

For example, right now we are looking at high school graduates by district and high school, and their continuation to postsecondary education by focusing on things like high school diploma type; ACT score; race and ethnicity; gender; what was the highest math they completed in high school; or what was the highest science they completed in high school. These are all factors that can help us understand how we can target interventions or how we can direct students to do better. That data can be filtered by students who go into STEM. Then we can see, based on all of these different variables, if those who graduated from high school and went into a STEM major stayed in STEM. Did they switch to a different major? Did they drop out? Were they prepared for these STEM majors? Largely, we are discovering that the answer is no. So where can we target interventions to help these kids continue in these STEM majors?

The other program that I am really excited about is called Career Path Nevada, which is a project that will be going live next week. It will target high school students, especially those not on track for graduation, and adult reentry people who may not have all of the data they need to choose what they may like to study or what occupation they may want to pursue. What we are giving them is workforce outcomes such as, how many graduates were there? How many are employed in the state of Nevada? What was their first-year wage? What are the average wages by degree level? A really exciting find is engineering technology students—with a certificate of one year—are making \$62,000 a year compared to a bachelor's degree at \$76,000. Maybe they do not have time or money to get a bachelor's degree but get a one-year certificate, and they are going to do well.

There is also supply and demand information and enrollment information by degree level, so that the workforce can come in and ask what their pathways are for students who are ready for jobs that we have open. They can download the information and peruse it by "Hot Occupations by Degree Level."

In terms of the bill, it does not change it operationally, but what it does do is put it in a place with governance that understands the technology, and how to make it useful to the general public and to industry.

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

We are here in support of Senate Bill 458 (R2). I have personally attended many of these meetings, and I think this is actually a really good refresh for the Committee to start over, reinvigorate, and get people who are really excited about this kind of work. The meeting schedule being more flexible is going to be particularly helpful.

Chairman Thompson:

We will go to opposition to S.B. 458 (R2).

John Eppolito, President, Protect Nevada Children:

I am with Protect Nevada Children. Please check your email because what I just emailed you is in direct conflict with what the two gentlemen just said. That was in regard to what the Department of Education said in 2012. It is meant to track individual students. The federal government paid more than \$612 million to ensure that 47 states have the exact same database. Nevada took \$10 million of that money. Also, when they were giving us the money, Arne Duncan at the U.S. Department of Education said, "Hopefully, some day, we can track children from preschool to high school and from high school to college and college to career." He also said that we want to see more states build these databases. How are we going to track the kids if we do not know who the kid is?

The Department of Labor was a little more specific. They told us specifically that the goal is to follow individuals through high school and in and through their work life. The goal is to track individual kids.

The database has more than 1,000 fields right now, and I am just talking about the System of Accountability Information in Nevada (SAIN). The SAIN is the K-12 Department of Education's part of this. That department is a subset of the NPWR system. There are over 1,000 data points—fields of data—in that SAIN system. The ones that we at Protect Nevada Children are most concerned about are the discipline. They want to know everything that these kids do in school, and they want to know detailed information about discipline and about disabilities, and anything that is related to psychiatrics. It is very problematic. At our meeting last night for Protect Nevada Children, we had conservatives, progressives, Ph.D.s, and school board members. Everybody there was concerned about this database. Unfortunately, I did not know about this hearing until two hours ago.

The Department of Education told us that it will follow individual students' progress from pre-K through high school, and all the way to the workforce. The system will help direct students to the type of college or career-ready jobs and into a field, which will allow them a successful outcome for both the student and their state. That is not aggregated data. The goal is to track individual students. I have a copy of the database. It is 1,000 fields and 50 pages.

Chairman Thompson:

If I may step in. I am not a technical person, but in working around systems I believe that every organization is allowed to track. This system is like a firewall. You can decide what your organization is going to share collectively into the aggregated report. Of course, we want to follow students. Organizations have to follow students, but that is for the organization. When you are dealing with all of these entities and you put that report out, that will be aggregated. Organizations do track; they have to track outcomes in student performance. However, when it comes to the collective sharing and reporting, it is more protected and aggregated. Data is assigned unique numbers for that protection and privacy.

Janine Hansen, State President, Nevada Families for Freedom:

I have also served as the national privacy chairman since 1998 of National Eagle Forum, which was involved nationally in getting the Family Educational Rights and Privacy Act (FERPA) passed, as well as in the state of Nevada. We are continuing to be concerned about data collection and tracking of our children. In fact, Arne Duncan, the former Secretary of Education, said that we want to know whether a student participated in an early-learning program and then completed college on time, and whether those things have any bearing on his earnings as an adult. That is individualized tracking—the ultimate in Big Brother. We are concerned about these things. We know that even when the Pentagon database can be breeched, that these databases, even before they go in the system, are subject to possible breach. We are concerned about that privacy. There have been many cases around the nation of schoolchildren's social security numbers and other things being used; those children do not even know they had identity theft until they are old enough to be using those things. We continue to be concerned, and we are concerned about what it will ultimately mean to our children who are tracked from cradle to the grave.

Chairman Thompson:

I would like someone to come up and follow up with the statement that I made.

Linda Heiss:

The System of Accountability Information in Nevada is the Department of Education's data warehouse. The Nevada System of Higher Education also has student data for all of its institutions; and obviously, DETR maintains data for all of the people who work in the state. All of that data is not made available to the system. All of that data resides with those individual agencies, so the agencies can calculate performance metrics on their own students—graduation rates and that kind of thing.

What is shared in terms of NPWR is an extremely limited piece of that. It does not include disabilities, or any of that type of data. It is a very small and limited data set. It is not stored in the system; there is no data that is stored. When the report is being developed, it grabs the available pieces of data—and again, there are very few available pieces of data from each data system—and then uses that data to aggregate the report.

Again, to emphasize, in terms of the students being identified within the system—that cannot happen. The data comes in the first seconds, matches, produces a de-identified number—the student is now a number, not a name; you cannot tell who it is. The data is perfectly private and safe.

Assemblywoman Tolles:

I would like to say for the record that I have sat with Linda Heiss in her office. She has shown me the data retrieval process. I have seen the batching, the privacy measures in place, and there was not one identifiable factor that I saw with my own eyes.

Chairman Thompson:

Is there anyone else in opposition of S.B. 458 (R2)? [There was no one.] We will go to neutral for S.B. 458 (R2). [There was no one.]

Brian Mitchell:

Thanks so much to the Committee for hearing this bill. I will be happy to answer any questions.

Chairman Thompson:

At this time, we will close the hearing for S.B. 458 (R2), and I will open up work session for Senate Bill 458 (2nd Reprint). I will entertain a motion for do pass.

ASSEMBLYWOMAN SWANK MADE A MOTION TO DO PASS
SENATE BILL 458 (2ND REPRINT).

ASSEMBLYWOMAN WOODBURY SECONDED THE MOTION.

Is there any discussion on the motion?

Assemblywoman Krasner:

Many people, in and out of my district, have called me, written me emails, and spoken to me about their concerns regarding the mass longitudinal data collection and the sharing of data, basically following children from kindergarten through twelfth grade, into college, and through workforce. For those reasons I will have to vote no because of those privacy concerns.

Assemblyman Elliot T. Anderson:

When you talk about accountability in education, which is something that everyone here in this Committee usually asks for, it has been coming from various folks throughout the time I have been in the Legislature. You cannot do accountability without data. If you really want to have accountability in education, there has to be data in education. It is just that simple. There are laws to protect personally identifiable information from being released, collected, and stored in a database. We have those protections, and it has been a long-running process. With that, I will be voting yes.

THE MOTION PASSED. (ASSEMBLYWOMAN KRASNER VOTED NO.)

Chairman Thompson:

Assemblywoman Swank will take the floor statement. We will close the work session for S.B. 458 (R2), and we will open the hearing for Senate Bill 225 (2nd Reprint).

Senate Bill 225 (2nd Reprint): Revises provisions relating to bullying and cyber-bullying. (BDR 34-753)

Senator David R. Parks, Senate District No. 7:

I have presented no fewer than half a dozen anti-bullying bills over the past 16 years. In 2001, this Legislature adopted Nevada's first anti-bullying bill, Assembly Bill 459 of the 71st Session, creating the first definition of bullying. Ironically, every session since, we have attempted to redefine what bullying is. That is probably a good thing since there have been so many changes.

Fast forward to 2009, Senate Bill 163 of the 75th Session created the state's statutes on bullying and cyber-bullying. Since then, Nevada has continued to make progress in this challenging area of public policy. As the complexities of bullying have grown, particularly through the advent of social media, the Legislature has responded by clarifying and strengthening anti-bullying laws.

In 2011, we enacted Senate Bill 276 of the 76th Session requiring school accountability reports to include information on bullying incidents that resulted in disciplinary action. It also required school principals to establish school safety teams and established a Bullying Prevention Fund administered by the Superintendent of Public Instruction.

In 2013, we further built upon the bullying statutes by enacting a new Senate Bill 164 of the 77th Session, which required schools to notify the parents of both the bully and the victim when bullying occurs. That 2013 bill also required school accountability reports to include data about bullying in schools and training to be provided to students, teachers, principals, and members of the school board.

In 2015, Senate Bill 504 of the 78th Session, Governor Sandoval's anti-bullying bill, made numerous helpful improvements, including providing for disciplinary and licensure proceedings against certain school officials who knowingly and willfully failed to comply with the law. It also allowed parents to petition a court to compel performance by a school official of any duty imposed by the bullying law, and it created the vital Office for a Safe and Respectful Learning Environment within the Department of Education.

Senate Bill 504 of the 78th Session changed requirements for reporting and investigating incidents of bullying or cyber-bullying, and it required a good-faith effort to notify, within one school day, the parents of all students involved in an incident. Finally, S.B. 504 of the 78th Session required principals to meet with victims within one school day of a reported incident.

Senate Bill 225 (2nd Reprint) expands the civil rights protections of Nevada's bullying and cyber-bullying statutes to students attending all public schools in the state, including charter schools, and allows private schools access to Nevada's anti-bullying programs.

Senate Bill 225 (2nd Reprint) also requires schools to establish school safety teams and ensure that employees and administrators properly report incidents of bullying or cyber-bullying. This bill also requires employee professional development to include training in the needs of persons with diverse gender identities or expressions, as well as disabilities. Additionally, S.B. 225 (R2) will allow a school administrator, subject to certain conditions, to:

- Defer an investigation if a law enforcement agency is undertaking a criminal investigation;
- Provide alternative measures when a bullying violation is caused by the disability of a student who committed the violation;
- Clarify certain circumstances in which the bullying statute does not apply;
- Clarify that the Department of Education will process grant applications for bullying prevention activities;
- Require the statewide policy for a Safe and Respectful Learning Environment to account for the needs of persons with diverse gender identities or expressions;
- Clarify the time frame in which a school administrator must take action related to an incident; and,
- Provide for an unfounded allegation to be removed from a student's record.

Finally, due to the fiscal note placed on S.B. 225 (R2), the Senate Committee on Finance passed S.B. 225 (R2) after making private schools opt-in rather than mandating their participation. The language in that amendment that resulted in revision number 2 indicates that the bill provides that anti-bullying provisions are generally applicable only to public schools, including without limitation, charter schools. It adds a new section to the bill that provides that a private school and its governing body and administrators are authorized to comply with anti-bullying provisions in *Nevada Revised Statutes* (NRS) either wholly, or in part, but that any such compliance is wholly voluntary and no liability is attached to any failure on the part of a private school, governing body, or administrators to comply.

The other comment I would like to make is that S.B. 225 (R2) also included provisions that were included in Senate Bill 294, a bill proposed by Senator Farley with the support of the Clark County School District (CCSD).

Senate Bill 225 (2nd Reprint) is a companion bill to Senate Bill 212 (1st Reprint), which was passed out of the Assembly Committee on Education earlier this week, requested by Senator Gansert that deals with the implementation of the Safe-to-Tell Program. Some of the provisions in S.B. 225 (R2) go hand-in-hand and dovetail with the Safe-to-Tell Program that you approved. [Presentation talking points were submitted as an exhibit ([Exhibit C](#)).]

Assemblyman Edwards:

Senator Parks, you have been dealing with this issue a lot longer here in the Legislature than I have. I am curious; this keeps coming up again and again. Why is this not handled at the school board level? Would that not be the most appropriate place to have these kinds of policies put in? What is the holdup or impediment to just implementing the policies at that level?

Senator Parks:

What we have seen is there have been tremendous changes across the country, and Nevada stands out as being one of the preeminent states that has really strong anti-bullying statutes. These have changed over time. I mentioned that in 2009 we introduced the issue of cyber-bullying because of how it had really escalated over previous years. In 2001, it was not that much of a concern—a concern, certainly—but not that large an issue at that time. Even with the definitions that we come up with, they have changed over the years.

To address your question relative to school districts, we have many large, as well as small school districts, and I think they need every bit of support that we can provide to them. With that, we think that some consistent requirements and statutes will allow them to better do the work that they are doing.

Assemblyman Pickard:

I think that the bill is really straightforward and it makes a lot of sense. The question I have is with respect to section 16 and the requirement for the administrator or designee. As I read through it, it seemed to me that we were looking for administrative personnel to make this contact. I am thinking that it is probably going to be a counselor, so I wonder if you can explain whether the designation has any limitation or if the administrator is free to use whichever personnel he or she thinks is appropriate for that contact.

Senator Parks:

As we have proceeded over the years, we have found that not all schools have all of the administrators and the staff in a similar fashion. In a smaller school district, there has to be a certain amount of shared responsibility. Based on that, we have tried to build into the legislation the abilities—especially for the smaller schools—to have that level of flexibility. I am sure that representatives from not only the school districts, but the Department of Education, can probably give you a better insight than I can.

Assemblyman Pickard:

I was just interested in the intent, and you fully answered that. Thank you.

Assemblywoman Tolles:

Under the Safe and Respectful Learning Environment Policy, we have these additional requirements for training, and it is my understanding that it can be extended to private schools if they want to opt-in. Would they then go to the districts and participate in that training along with the district school personnel? Could you explain the opt-in process a bit more?

Senator Parks:

In the last interim, I was approached by a number of students who attended private schools, and they related to me some of the challenges they saw in their private schools. Their question to me was why are the anti-bullying statutes in this state legislation not also in private schools? I looked into pursuing that. One of the things that you have heard about Safe-to-Tell is that it is a wonderful mechanism in that it has the capability of allowing investigations, and it allows private schools to participate in this. That is a great advantage. I found that there was a fiscal note placed on S.B. 225 (R2) to include the private schools, and it was determined that there was not the funding to do that. That was my reason for taking it out. However, regarding the possibility of opting in, you will hear both from the Department of Education as well as some of the counties, that they are free and willing to share their information with private schools, so that the private schools can certainly have every advantage that we have put on the public schools.

Assemblywoman Miller:

I think we all agree on the need for the bill, absolutely. Cyber-bullying is the phenomenon these days. I know that there have been times when students see things that they would consider cyber-bullying—attacks or comments against another student, and it is such a challenge because if that person makes up a fake account or does it under another name, there is virtually no way for us to track it. Students are smart enough these days that they know not to do it under their own name.

I do not want people to have the impression that this is not being addressed and that schools are not caring or trying to address cyber-bullying, but I noticed that there are two parts of the bill that I have questions on, and it is a very sensitive area. It refers to section 4.5, subsection 3(a), at the top of page 4. It says, "The provisions of NRS 388.1351 do not apply to the same or similar behavior if the behavior is addressed in the pupil's individualized education program [IEP]" I know that certain IEPs do include certain behaviors, and those behaviors are a result of the condition or the disability that the student may have. However, I have also seen where that sometimes becomes a blanket where no behavior is addressed and no consequence is given because there is this IEP—as if it is a paper that says this student can basically do anything they want. There are still victims, and there are still actions that students can and should be accountable for. Can you speak to that because I do not want it to be that the student has an IEP and yet they are cyber-bullying someone else, therefore, it is okay.

Senator Parks:

This is a particular area that I am not most knowledgeable about. This was language that Senator Farley put in her bill. I am being rescued.

**Nicole Rourke, Associate Superintendent, Community and Government Relations,
Clark County School District:**

We asked for this section to be put into Senate Bill 294, which then transferred over to Senator Parks' S.B. 225 (R2). We were finding that when we have repeated behavior with our students with disabilities that are part of their disability, they were reported

repeatedly as bullies. Our first obligation is to protect the victim of the bullying, so we put a safety plan in place and hope to end that. However, we know that oftentimes our students with disabilities will continue to display those same behaviors. Rather than continue to report them for bullying, we want to certainly track their behavior and address it, but if it is already in the IEP, we need to do something different under the Act. That is why we asked for this language.

Assemblywoman Miller:

So you are referring more to the fact that a student with an IEP will not continue to be reported against multiple times, however, the behaviors will be addressed?

Nicole Rourke:

Yes. That is the intent.

Assemblywoman Miller:

According to the federal guidelines that we must apply according to the student's IEP, they will not be reported against multiple times, so they do not have that record multiple times, but the behaviors and the actions will still be addressed.

Nicole Rourke:

Correct.

Assemblywoman Miller:

My second question is—and maybe this is not the right bill, but I noticed that just below that in subsection 4, where it talks about who is not included—I guess a student who is in prekindergarten would not be included in cyber-bullying. Then it starts talking about employees and people who do not work in the school districts. There are still instances where school district staff at all levels are bullied. They are harassed; there are things that happen such as continual harassment and bullying against school staff, and I am just wondering why that is not covered in here.

Nicole Rourke:

Because Chapter 388 is the chapter in which "pupils" are addressed, that is the reason for that clarification in this part of the statute. We certainly have other laws that address those issues of harassment under the employment laws and under Chapter 391. This was to clarify that this chapter addresses "pupils." We did have some incidents where we had adults who were not employees that came to issue, so we decided to ask for some clarification there. Again, this is related to "pupils."

Chairman Thompson:

We will go to support for S.B. 225 (R2).

Nicole Rourke:

I am representing the Clark County School District (CCSD), and we are in support of S.B. 225 (R2). We thank Senator Parks for including some of the issues that we needed to have addressed through this bill. We have already covered section 4.5 except for the law enforcement component. I want to tell you why that is in there. Sometimes when there is an investigation that takes place, it is evident to school staff that this has escalated beyond a bullying incident and needs to be turned over to law enforcement. We wanted some clarification to say that investigation oftentimes takes longer than the limitations in this bill, and we are subject to those time lines. We needed this clarification so that parents would understand that we would get back to them as soon as we received information from law enforcement, but that it is out of our hands for a period of time until that information comes back.

In section 9 there is some training required. We want you to know that CCSD has worked very hard to put a lot of training in place, including this kind of training. We have done many things around cultural competency in our district as well as implementing S.B. 504 of the 78th Session. Immediately upon passage, we went right to work ensuring that our staff and students are receiving training. Again, looking at section 16, regarding removal of an unsubstantiated report from the record of a student—if they get a report, it is not included in the system perpetually if they have been cleared of that accusation.

Brooke Maylath, President, Transgender Allies Group, Reno, Nevada:

I want to refresh your memory of the 2014-2015 school years when there were 14 suicides of students throughout Nevada. Each and every one of those students were somewhere on the lesbian, gay, bisexual, transgender, questioning/queer (LGBTQ) spectrum. If they did not personally identify with it, they were accused of being on it. Being able to have schools protect that marginalized community, first by understanding the issues of the marginalized communities, is an imperative that is stressed within this bill. When we look at the bullying experience, we know that it increases the dropout rate and the failure rate farther on in life. In order to have a successful graduation rate and successful adults, we must create these kinds of protections within our schools. Furthermore, we must have uniformity across the state for when students move from school to school or district to district. There need to be similar laws in place to be able to protect those marginalized communities.

Additionally, we know that improvements require measurement and reporting, so the portions of the bill that are requiring these standards and the reporting measurements are critical to its success. When we look at the handout that I made sure that you all had and posted on the Nevada Electronic Legislative Information System (NELIS) ([Exhibit D](#)), we can see that law is making a measurable difference on the resilience of marginalized communities. In this particular case, this Nevada study provides statistics on the resilience of people when they simply know that there are laws protecting them against discrimination. When we actually put in the education to create those protections, that mitigation is even greater.

Last, I want to call your attention to a case that came out of the Seventh Circuit Court just yesterday—*Whitaker By Whitaker v. Kenosha Unified School District No. 1 Board of Education*, 858 F.3d 1034 (2017) that confirms the right of transgender students to attend schools free from discrimination. Thank you for this opportunity to testify, and I look forward to your support of this bill.

Mark H. Fiorentino, representing Gender Justice Nevada, Las Vegas, Nevada:

We are very grateful to Senator Parks and to everybody who has worked so hard on the bill to get it this far and to bring it to you today. We are grateful for your time and consideration. We support the bill and hope you will too.

Chris Daly, Deputy Executive Director of Government Relations, Nevada State Education Association:

We are also here in support of S.B. 225 (R2). The Nevada State Education Association represents educators across the state who care about kids. First of all, we would like to thank Senator Parks for his years and career of work championing social justice causes. As to a couple of components of the bill—particularly the expansion of the charter schools in terms of inclusion and anti-bullying efforts—we did support the bill initially to extend out to private schools, but the opt-in language is a small step in the right direction. We do want to note that the inclusion of diverse gender identities regarding the training is an incredibly important step.

Mary Pierczynski, representing Nevada Association of School Superintendents; and Nevada Association of School Administrators:

We are in support of this bill, and we as well want to thank the Clark County School District as well for the work that they have done to provide some good language for this bill. It will help school districts administer the bully laws. Thank you.

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

I do not think we have anything else to offer except that we agree with the testimony already heard. Thank you.

Chairman Thompson:

Go ahead and say it.

Lindsay Anderson:

Ditto.

Brett Barley, Deputy Superintendent for Student Achievement, Department of Education:

Again, we want to thank Senator Parks for his leadership on this effort. Our Office for a Safe and Respectful Learning Environment has had a wonderful time working with him and his staff on this bill. We are also very happy to remove our fiscal note due to the public/private school changes so that this bill can move forward.

Paige Ritzman, representing the Nevada Association of School Boards:
Ditto.

Ed Gonzalez, representing Clark County Education Association:

We are in full support of Senate Bill 225 (R2). We spoke in favor of it in the Senate Committee on Education. We believe language on the transgender community just reflects the population and the reality of the situation. We appreciate the additional language regarding the disabled students. This bill continues our commitment this session to protecting children. We spoke in favor of S.B. 224 (R1), which requires cameras in the classroom to protect non-verbal disabled students. We have also supported Senate Bill 287 (3rd Reprint) and I believe earlier this week we spoke on the Senate side in favor of Assembly Bill 362 (1st Reprint) which was Assemblywoman Tolles' bill to make sure that all children are protected. Senate Bill 225 (2nd Reprint) follows that lead.

Peggy Lear Bowen, Private Citizen, Reno, Nevada:

I am in full support of this bill, but I think that there might be one other term that needs to be added in section 7. It says, "The Legislature hereby declares that the members of a governing body and all administrators and teachers have a duty to create and provide a safe and respectful learning environment for all pupils that is free of bullying and cyber-bullying." I believe you should add educational support personnel. By the inclusion of educational support personnel, you cover the entire family within that school. I would hope that could be considered. Thank you very much and thank you for all of your hard work.

Chairman Thompson:

I would like to go to our legal counsel. Is the language that is included inclusive of that already?

Karly O'Krent, Committee Counsel:

Will you give me a moment to find that section?

Chairman Thompson:

Sure. Can you please repeat that section?

Peggy Lear Bowen:

Yes. That was section 7, it says, "The Legislature hereby declares that the members of a governing body and all administrators and teachers" It should also include educational support personnel. I have seen the educational support personnel be very helpful, and I have seen them not be helpful.

Karly O'Krent:

That is correct. The duty is on administrators and teachers—educational support personnel or otherwise mentioned in existing law.

Peggy Lear Bowen:

They are not mentioned in the duty.

Chairman Thompson:

With that said, I am hearing that you are trying to present an amendment to the bill's sponsor to include—what is the language you wanted to use?

Peggy Lear Bowen:

Educational support personnel.

Chairman Thompson:

We will just leave it out there, and it will be up to the bill's sponsor, at this moment, if they want to accept it. Okay?

Peggy Lear Bowen:

I realized that it was covered in every other area, but not this sentence. Thank you very much.

Chairman Thompson:

We appreciate you for catching that. Thank you so much. We will go to Las Vegas in support for S.B. 225 (R2).

Jason Lamberth, Private Citizen, Las Vegas, Nevada:

I am the father of Hailee Lamberth, namesake of Hailee's Law—Governor Sandoval's S.B. 504 of the 78th Session. I am fortunate enough to be a constituent of Senator Parks, and I am very proud of all of his efforts to help end bullying throughout his political career here in the state of Nevada.

One of the most important portions of Hailee's Law was the creation of the Office for a Safe and Respectful Learning Environment, so it could deliver trainings to each of the school districts throughout our state to help end bullying and to educate the administrators and staff members on remediation efforts. I think this bill, S.B. 225 (R2), is great in expanding those trainings to include transgender student issues as well as issues for students with disabilities.

I have a very slight concern with a portion of S.B. 294 that was part of the first amendment to this bill. I did speak with the original bill sponsor, Senator Farley, and the intent was clear; I am just not so sure that the language got transitioned. It was the portion regarding IEPs, section 4.5 subsection 3(b). One of the most important parts of Hailee's Law was parental notification. The IEP provision deals only with bullying or behavioral issues addressed in that student's IEP; it does not address the potential victims' parental notification. I think that was the intent, but the language is not clear as written.

As far as the private institution piece, I am very cautiously optimistic. I am hopeful that there are some responsible private institutions that will opt-in to provide the protections that Hailee's Law offers the children and families. It seems a bit odd to me that throughout

this session, we are having a discussion about providing public money to private institutions without mandating that they adhere to public policy—especially one that addresses child safety and well-being, expands and protects parental rights, and helps protect the future of Nevada.

There was a *USA Today* article published yesterday that reported the suicide rate among children aged 10 to 14 had doubled in the past ten years. Depression, mental health, and bullying are not issues that only affect children in public schools.

Since my daughter passed away, parents across the state have reached out to me—parents with students in both public and private schools—asking for help and guidance in dealing with bullying issues. There are ways to provide these protections to the families and children of private institutions and allow these private institutions to maintain their individual values. I do fully support S.B. 225 (R2). Thank you.

Aimee Hairr, Private Citizen, Las Vegas, Nevada:

I want to begin with saying ditto to everything Jason Lamberth said. I do agree that private schools should also adhere to S.B. 504 of the 78th Session—what we already have existing—and with what Senator Parks has amended.

Senate Bill 504 of the 78th Session, Hailee's Law, was crafted from real-life experiences for many families, some who lost their child by suicide. Bullying is an experience my son and family went through within our school district. Mental health issues and suicide are tragic results of not continuing and expanding amendments with the changing times and social media. Any addition that Senator Parks is asking will only make our Nevada children safer. I fully support S.B. 225 (R2), and thank you, Senator Parks, for your continued efforts in trying to reach out to all of our Nevada children, including children with gender identities. You are a true hero to so many.

Chairman Thompson:

Is there anyone else in support of S.B. 225 (R2)? [There was no one.] We will move to opposition to S.B. 225 (R2). We will begin in Las Vegas.

Jorge Sanchez, Private Citizen, Las Vegas, Nevada:

I am against S.B. 225 (R2), but I am for a bill that protects all students from being bullied—not just students who are LGBTQ. Would this bill then mean that if a student does not believe that being LGBTQ is an acceptable lifestyle, without bullying or forcing himself on anyone, would he be considered a bully? Would he be punished for what he believes? What if that student is my son? This bill proposes to bully any student who does not share the LGBTQ ideology. You are infringing on my rights to raise my children in accordance to my beliefs, not as the legislators or special interest groups believe. I did not ask for permission to have my three children, which means that they are my responsibility; therefore, I believe it is my right to teach my children according to what I believe. Keep special interest out of my kids' education, and the private schools out of the legislators' hands.

Jenifer Mendez, Private Citizen, Las Vegas, Nevada:

I am here to speak against S.B. 225 (R2). This bill is one that has been written under the guise of protecting our students from getting bullied. It is really just an attempt to infiltrate our children with the LGBTQ agenda. You are proposing a law to protect one certain group of people at the expense of imposing this on every other child who does not fall into LGBTQ. Senate Bill 225 (2nd Reprint) specifically states that a school should be a safe and respectful learning environment for all children, which includes children of different beliefs and religions. This bill itself is contradictory because you are not looking out for our children; you are looking out for an agenda that is being pushed by one group of people while the rest of our children pay the price to accommodate them.

Let me be clear, I do not commend bullying, but please fight for all children, not just those who fall within the ideals of special interest groups. I have said it before, and I will say it again—bad things happen when a group of people are given privileges based on an agenda. We have Adolf Hitler, the slaughter of 11 million people and World War II as a reminder of that. You want to help our children—fight for all of them. Is that not the point of equality? Also, might I remind you that the *Constitution of the United States* reads, "We the people," not we the LGBTQ. I hope you know that if you pass this bill, the consequences will not only present themselves in our children, but in yours and in your grandchildren as well. Their blood will be on your hands. Please, listen to your constituents and oppose S.B. 225 (R2).

Chairman Thompson:

Before we go to the next person, Assemblyman Anderson has a question for legal counsel.

Assemblyman Elliot T. Anderson:

I am looking at the text of Senator Parks' bill, and I have heard some contentions that I do not think are borne out by the text, so I wanted to clarify—does this only apply to people who are LGBTQ, or does it apply to all students?

Karly O'Krent:

The bill applies to all students, Assemblyman Anderson.

Assemblyman Elliot T. Anderson:

That is what I thought. Thank you.

Assemblywoman Tolles:

I did have a question. As I am reading this, it is the entire section 9 that is going to be opt-in to be made available to private schools. In other words, it is everything about disabilities, everything about safe and respectful learning environments, training in appropriate methods to facilitate positive human relations among pupils, bullying and cyber-bullying—it is not just that one subsection regarding LGBTQ. It is about everyone. It is about all of these safe and respectful anti-bullying trainings, making that available to private schools if they choose to opt-in. Is that correct?

Karly O'Krent:

That is correct. Section 4.3 authorizes a private school to comply with a clump of provisions that relate to providing a safe and respectful learning environment to pupils, and one of those sections includes the training provision. They have the option to opt-in to comply with any of the provisions in the clump.

Chairman Thompson:

We will go back to Las Vegas.

David Mendoza, Private Citizen, Las Vegas:

Ditto to what those before me said, but I would also like to add, currently, we are ranked extremely low when it comes to student performance, and our graduation rate is also extremely low. Instead of using unfunded money to fund this bill, why do we not take this money and give teachers the money for the resources that they need to teach efficiently and effectively in the schools? In the last meeting, someone mentioned that there is a correlation between anti-bullying and student performance. Well, I will tell you—there is even a more positive correlation between teacher ability and student performance. Please, why not instead of funding a bill that is a potential disaster, fund the teachers who need the resources to lift our school performance level?

Another thing I want to bring up is that ever since this bill was proposed, private schools, teachers, and parents have been coming to these meetings saying that they want to be excluded from the bill. They do not want to be part of it. I understand that if a private school does not want to be part of what the bill states, that they do not have to be. However, time and time again, private schools, teachers, and the parents have said they do not even want to be mentioned in the bill—they do not want to be a part of it at all.

If I can suggest a change to the bill, it would be to remove private schools from the bill. That is a worthwhile amendment. Thank you.

Chairman Thompson:

Thank you for your comments. I just want to chime in and let you know that there is no fiscal note on this bill. As the Department of Education stated on the record, they have removed that fiscal note because it was requiring that the private schools would have to adhere to this. The second part where you said that we need to remove it by putting that word in there, making it "allowable" if they choose to do so, that is just how the law reads. I wanted to clear those two things up. We will come up to Carson City, and we will continue to go back and forth to Las Vegas.

Karen England, Executive Director, Nevada Family Alliance:

We are in opposition to the amended version. We would like to see all references to private schools eliminated. Private schools are private for a reason, and they should be free from this type of intrusive government regulation. Currently, nothing in Nevada law prohibits a private school from adopting S.B. 225 (R2) and the provisions in it. There is nothing that

prohibits a private school from participating if they want to. While the amendment makes compliance voluntary for private schools, it is opening the door for setting a precedent for future legislation, and I think we have heard some of the supporters reference that.

We are all against bullying. The definition of bullying is where, maybe, some of us disagree. These are some questions about the bill and concerns that I want to share. I believe this bill could be used to force all charter schools and schools to allow boys into girls' showers, locker rooms and restrooms. A case was just cited by the supporters of this bill. By mandating these schools to provide training and adopt policies to address the rights and needs of persons with diverse gender identities and expressions—a male who asserts himself to be a female could be required under this law to be given access to the opposite gender locker rooms and restrooms. If the school made accommodations like they did in the Elko Unified School District for a gender non-conforming boy

Chairman Thompson:

I want to make sure this is germane to what we are talking about. I think we are veering off. We are talking about cyber-bullying and bullying. We are not talking about restrooms.

Karen England:

Okay, is that considered bullying? Okay, not allowing a gender non-conforming boy into the girls' restroom. Is that bullying?

Chairman Thompson:

I am trying to direct the conversation to where it needs to go. We are going off topic, so I need you to please speak to the bill.

Karen England:

The bill says specifically that you need to [address the rights and needs of persons with] diverse gender identities and expression. Is it considered bullying or a hostile environment to not allow a gender non-conforming student to access the facilities that they want to? Is that considered bullying or cyber-bullying? How far does this go? Do you need to have all gender diversities included in this language because it does talk about the sensitivity to "diverse" gender identities? As you know, gender diversity grows in numbers almost every day, as far as fluctuating between how many new gender identities there are. Is this bill going to cover every single one of them? Is it discriminatory if a charter school does not include a basketball team

Chairman Thompson:

Could you please finalize your statement?

Karen England:

Yes, I will. I think this bill is a direct assault on people of faith who might have an opposing view or might actually believe that marriage is between a man and a woman or that you are born male or female, and this is going to infringe on those rights.

Janine Hansen, State President, Nevada Families for Freedom:

I would like to put on the record that until there was an outpouring of opposition by private schools and others, there was no amendment made to make it voluntary for private schools. We would like to ask that private schools be removed entirely. A couple of private schools provided testimony in the Senate. In addition to others, Don Alt from Spring Creek Christian Academy talked about how they helped many students with many disabilities and problems and how this would violate their religious conscience. In addition, Spring Creek Christian Academy in Elko maintains this bill violates the matters of conscience of constitutionally guaranteed freedom of religious expression. This bill's requirement for diverse gender identity or expression training is contrary to conscience and religion.

We are concerned about the fact that, as one of the Senators said in the Senate hearing, the only reason to keep the private schools in the language at all was in order to make it easier next time to force this law on them. We feel that is the reason for it.

The real problem we have in our schools is that we have removed religion entirely. We used to teach "love thy neighbor as thyself," which protected all children, not just those identified by a lot of initials after their names.

[([Exhibit E](#)) was submitted but not discussed and will become part of the record.]

Chairman Thompson:

I do want to reiterate. There have been a few references to deletion of certain things, and I have always stated, from day one, that we need to go to the bill's sponsors when we want to change the language. We need to continue to work with bills' sponsors.

Janine Hansen:

We did. We made it very clear in the Senate.

Melissa Clement, Private Citizen, Carson City, Nevada:

I would like to add that throughout the years, I have been a public, private, and homeschool parent. Obviously, I am a big believer in school choice. That is my concern today. I just think that keeping government out of private schools and out of homeschools is very important.

Chairman Thompson:

We will go to Las Vegas for opposition to S.B. 225 (R2).

Sara Ramirez, Private Citizen, Las Vegas, Nevada:

I am a mother of five kids. I am against S.B. 225 (R2). I do not have a master's or a doctor's degree, but I know when my kids are in danger. Senate Bill 225 (2nd Reprint) puts them in danger. You say you want to protect kids from bullying. If that were true, why did you not

think about kids who do not agree with the idea of diverse gender identities? Who is going to protect them, or are they going to be victims of bullying as well? We parents want a bill that will protect every single kid at school.

You made an amendment to S.B. 225 (R2) giving private schools the option to implement or not, the law. What about the kids at public schools? What about the kids who feel offended and are going to be bullied because they do not like the idea of this bill? There are thousands of parents who are against S.B. 225 (R2), but they are not able to be here—not because they do not care—but because you have not given them a chance to speak by giving notice of this meeting two hours before they start. I do not think that is fair, and it is not professional. Please vote no on S.B. 225 (R2), and think about those kids, like mine, who do not share these ideas.

Jesus Faz, Private Citizen, Las Vegas, Nevada:

Ditto for everything that has been spoken about before me. I am a parent of four. I have two boys and two girls. As far as this bill goes, I am fully against it. I am enraged; I am furious at the thought of having to come back here so often to speak on behalf of what I believe and what I think is right and wrong. Obviously, those certain inclusions in the bill regarding gender identity and all of the LGBTQ kids/persons of diverse beliefs—I believe that if we want to protect a certain group, then that is incorrect. What we need to do is protect everybody as a whole. I know this bill is painted as a very pretty façade; it is nice, rainbows, and anti-bullying, but it really is not. There is a hidden agenda here to protect a specific group. As a person of faith, I believe to the contrary. I do not believe it is okay for two men to marry or for two women to marry, whatever the case might be and everything in between. This leaves the door open for other bills to be passed. How far are we going to go?

Chairman Thompson:

Can we stay to the bill, sir.

Jesus Faz:

Everyone who was for this bill who went off topic, I did not hear you once stop them.

Chairman Thompson:

I have talked a few times.

Jesus Faz:

Can we just get a fair share of our two minutes?

Chairman Thompson:

You have about ten seconds.

Jesus Faz:

I disagree with this bill because the LGBTQ, the gender identity and all of that is going to be enforced upon public and private schools. Teachers do not believe this, and they are going to have to be trained on this, and if they do not agree with it, they are going to lose their jobs. I am really against this, and this should not be okay. Just for the record, I am against bullying also, so do not get the wrong idea. Please oppose this bill.

Chairman Thompson:

I appreciate your comments, and thank you all for coming.

Eunice Ramirez, Private Citizen, Las Vegas, Nevada:

I am against S.B. 225 (R2). I do not support bullying, and I have made an effort to help those who are victims of any type of bullying. This bill is not protecting against bullying; instead, it is supporting it. If this bill is passed, you will encourage kids to bully those who do not share the same ideals, such as gay marriage and gender identity. This does not help against bullying. We want an anti-bullying bill that will protect every single student in schools, regardless of culture, race, or even gender identity. Please vote no on S.B. 225 (R2).

Andrea Carranza, Private Citizen, Las Vegas, Nevada:

I am against S.B. 225 (R2). The problem with this bill is that it is not attacking the bully problem. On the contrary, it is creating one. This bill will lead to many problems that could have otherwise been avoided. In fact, it will create problems where, initially, there were none. On page 5, section 7, the bill reads, "By declaring this mandate that the schools in this State provide a safe and respectful learning environment, the Legislature is not advocating or requiring the acceptance of differing beliefs in a manner that would inhibit the freedom of expression. . . ." Yet, if I were to refuse to refer to a female as "they" because she does not identify with the female pronoun, that would be considered bullying. Giving children a plural pronoun is not going to stop the bully problem; it is just going to ruin English grammar. The LGBTQ community claims to want acceptance and to be treated like everyone else. Accepting this bill contradicts this belief. A person cannot want to be like everyone else, while also being an exception. Thank you.

Elizabeth Sclafani, Private Citizen, Las Vegas, Nevada:

I grew up in this state and call it my home. I am a recent graduate of the University of Nevada, Las Vegas (UNLV), and I have deep ties to this community.

The first thing I would like to do is read to you from the two constitutions that you have sworn to uphold. The first is from the *United States Constitution*, the First Amendment: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

The second is from the *Nevada Constitution*, Section 9 (Liberty of speech and the press): "Every citizen may freely speak, write and publish his sentiments on all subjects being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions and civil actions for libels, the truth may be given in evidence to the Jury. . . ." It goes on to talk about the actual law.

I think everyone here is for helping those who cannot help themselves, such as those who are disabled. The main issue here is dealing with the LGBTQ language that is in this bill that specifically protects—not the individual—but a certain group. Never in these constitutions is there an address to a group of people. It says every citizen; it says the people. Senate Bill 225 (2nd Reprint) is referring specifically to individual groups; groups that can very well help themselves and that are covered within the spectrum of regular anti-bullying laws.

I am vehemently opposed to this language, and I ask that you do not betray the very constitutions that you swore to uphold, and that you, as people of principles, stand by your word and do not shirk your responsibilities in favor of cowardice just so you will be well liked by a community that is currently popular. I ask that you do your duty, and you vote no and show the world that you take your oath seriously, and that you respect the rights of the individual, and that you will not put the rights of certain groups above that of the individual.

Gerardo Gonzales, Private Citizen, Las Vegas, Nevada:

I am against bullying 100 percent. I work in a Clark County School District high school. In the meantime, I am against S.B. 225 (R2). I want to ask you to please keep this bill away from the private school. Thank you, sir.

Chairman Thompson:

Is there anyone else in opposition to S.B. 225 (R2)?

Josue' V. Rodas, Private Citizen, Las Vegas, Nevada:

Like all of you, I despise the fact that there are children being bullied for things that they believe in or that they like to do. However, I am against people standing up for only specific groups. I understand that the amendment says that "all" people and that "all" students will be covered by this, but if that is the case, why do we have to specify diverse gender identities or expressions? We already have laws that are fighting bullying. Yes, bullying is still occurring throughout this state and throughout the country, and I admit there are some things that we can do better.

Passing this bill is not going to be a solution to this problem. The only thing that this bill is going to do is provide more opportunities for bullying—no longer bullying of just the students, but this will expand to the professors, the teachers, parents and to all of us. These are our families, so we are the ones who should be dealing with bullying. Please do not interfere with our responsibilities. Doing so is a violation of our rights provided to us in the *Constitution*, as one of our previous speakers said. There is always going to be some

kind of bullying and someone is always going to be offended by something—to tell you the truth—that is called reality. A lot of people are not going to agree with what you want all of the time. It is not something we are going to be able to change, but it is something we can reduce. Please work with us to reduce bullying, instead of working against us and actually just hoping for the best.

Bilmor Andara, Private Citizen, Las Vegas, Nevada:

As you can hear by my accent, I am not naturally born in the United States of America. However, I am privileged to be a U.S. citizen. What I am seeing here in this bill is that it is not for the protection from bullying, but rather for the imposition of a way of life that the majority of the American people do not agree with. There is enough help out there, not just for the LGBTQ group, but also for immigrants and many other groups that require help. That is why I am against this bill that is going to be imposed on every single kid who attends public school who does not agree with that way of life.

What I oppose is the indoctrination of a way of life into the lives of our children, so I will ask you to hear the voice of the people—the majority of the people—who do not agree with this bill. For it is the voice of the people that places you in office when we go out there to vote. I am totally against this bill.

Josue Israel Zamora Jr., Private Citizen, Las Vegas, Nevada:

I come today to speak as a concerned high school student in my senior year. Like everyone in every school, we have all been bullied. It is not something new. My brothers and my friends and I suffer from bullying, but yet, I do not speak up because I know that this builds character. When I get bullied, yes, I get offended, but everybody has the right to exercise their rights of expression. The *U.S. Constitution* in the First Amendment says that we all have the right of expression. I believe they are directly violating my right to express what I feel, who I am, and to express, as a Christian, what I believe. You are right—bullying is wrong, yet you do nothing to stop it. I have seen bullying everywhere, and there is no sign of it stopping. Throughout the ages, everyone is going to be offended. This has been taken to other courts, and it is always the same outcome. It is just favoring one group, and I think it is wrong. Please vote against this bill and do your job. Thank you.

Chairman Thompson:

I have two quick questions for you. They are painless, okay? The first question, is this your first time ever testifying to the Legislature?

Josue Zamora:

Yes.

Chairman Thompson:

You did a great job. Do you want to represent your school, or do you want to leave it alone?

Josue Zamora:

I will just leave it.

Chairman Thompson:

Okay. We are glad that you are going to be graduating.

Marta Urbina, Private Citizen, Las Vegas, Nevada:

Thank you for giving me the opportunity to testify. I am here in opposition to S.B. 225 (R2), and I ask that you do not vote on this bill, specifically because it violates students and their families who hold strong convictions against things like gay marriage, homosexuality, and transgenderism. The reason I say this is because in section 9, subsection 2(b) it says: "Requirements and methods for addressing the rights and needs of persons with diverse gender identities or expressions. . . ." That concerns me because that would require schools to implement curriculum.

For example, in Alameda, California, through the Human Rights Campaign Foundation, they have a curriculum called "Welcoming Schools," and that implements a curriculum to elementary students to accept the homosexual lifestyle. It normalizes it. It is doing that to young children. Within those communities, there are children who come from Christian communities who oppose those views. In turn, by your implementing that curriculum, those kids are going to be isolated, and they are not going to be able to voice their opinions. Why? Because that would be considered hateful speech. I urge you to vote against this bill.

Chairman Thompson:

We will go to neutral for S.B. 225 (R2). We will go to Las Vegas.

Aimee Hairr:

Can I speak twice?

Chairman Thompson:

Actually, no. I need you to pick one of the three. You spoke in support, so we have you. If you have any further comments, feel free to send them directly to us, and we will put it on the record.

Steven Cohen, Private Citizen, Las Vegas, Nevada:

I am a disability self-advocate. I just wanted to briefly address the conceptual amendment ([Exhibit F](#)) that I submitted for the immediate prior hearing on this bill, one of which has already been adopted. The concern with section 4.5, subsection 3, as it is currently written, is the reverse case where the student with the disability is the one who is being bullied versus the one who is doing the bullying.

Chairman Thompson:

Does that conclude your comments?

Steven Cohen:

It does, thank you.

Chairman Thompson:

What I would say to you, Mr. Cohen, is that will be up to the bill's sponsor to consider your amendment. Thank you so much for bringing it forward.

Assemblyman Pickard:

Again, thank you, Senator Parks. Honestly, when I went through this bill, I did not expect this kind of response on the negative side. It seemed pretty straightforward to me. In listening to the testimony, although I do not know if I would go so far as some, I think there are a couple of points that have some merit that I would like to ask about.

First is with respect to section 4.3 and the reference to a "private school." It has some merit since this is a voluntary program—it is already voluntary in that they can adopt whatever rules they want. If there is a need for section 4.3, I would like you to articulate that, otherwise, I am wondering if we could remove that and not do harm to the bill. I do think bullying is something that we need to take head on. We have not done a very good job in the past, and I think this is good.

The second piece is the idea that identifying one group without identifying all tends to focus the attention on the one. I am wondering if you would be amenable to actually expanding that to make it clear that this is a bill intended to address bullying—we could be talking about religious views, or political views, or some of the other things such as body image that we continually hear about in terms of the context of bullying—so this would make it more clear that this is an anti-bullying bill.

Senator Parks:

Regarding the possibility of removing 4.3, the Department of Education, and the Office for a Safe and Respectful Learning Environment, have had numerous requests for assistance with programs in private schools. For them to continue to provide those services, they would need this legislation. I do not want to speak for them, but there certainly has been, what I believe to be, an increased request for those types of services. For that reason I think that section 4.3 should stay in the bill. It is strictly optional; it is strictly voluntary.

To respond to your second question, I would like to frame it a little differently in that what you and I have heard today from the opposition is that they seem to believe that this language requires curriculum—that a curriculum be developed. It really does not. What we are talking about is training. The provisions in S.B. 225 (R2) regarding gender identity also reference disabilities and autism spectrum disorder. The requirements and methods deal with training the educators and administrators in order that they may be better qualified to handle such situations.

Assemblyman Pickard:

I do not disagree. It is clear that this is about the training, but to the extent that we are developing curriculum for the training of the administrators and teachers, not the students. I am wondering—in order to make it a more complete exposition of the issues—maybe we include some of the other things that they should be trained on. I do not want to do damage

to the bill, but to the extent that the opposition has raised an interesting point in my mind that we are focused on one thing, but there are so many other things that we should probably also be looking at and including. We include the training on how to deal with those because I know my kids were bullied. I do not want to go that far, but they were ridiculed because of their religious beliefs, or because of their body image. These are the things that resonated in my mind, and maybe it would do well to include those in the training, so it is clear that we are not focusing on one group; we are focusing on all minority groups.

Senator Parks:

These specific areas—gender identity, disabilities, and autism spectrum disorder—were put into this bill because these were particular areas that were not being covered, whereas other areas were being covered. Maybe in another session—I am sure that we are going to be revisiting this continually as we are facing bullying in our school setting. I appreciate your interest and your concern and, as late as we are in the session, I think we need to move forward and look at this in a future session.

Chairman Thompson:

We would like you to do your closing statement now.

Senator Parks:

I want to thank you for hearing S.B. 225 (R2), and as one of the opponents to this bill asked about reducing bullying, I firmly believe that S.B. 225 (R2) seeks to reduce bullying. Thank you.

Chairman Thompson:

Thank you so much, Senator Parks. We will close the hearing for S.B. 225 (R2) and we will open for public comment. [There was no one.] The meeting is adjourned [at 5:26 p.m.].

RESPECTFULLY SUBMITTED:

Sharon McCallen
Committee Secretary

APPROVED BY:

Assemblyman Tyrone Thompson, Chairman

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is a copy of the talking points from Senator David R. Parks, Senate District No. 7, regarding Senate Bill 225 (2nd Reprint).

[Exhibit D](#) is a copy of an article in support of Senate Bill 225 (2nd Reprint) from the Division of Health Services, University of Nevada, Reno, titled "Psychological Distress among Transgender Individuals: The Impact of Gender Abuse, Discrimination, Social Support, and Knowledge of Legal Protection," authored by Kristen Clements-Nolle, et al., submitted by Brooke Maylath, President, Transgender Allies Group, Reno, Nevada.

[Exhibit E](#) is a memo dated May 15, 2017, to the Senate Finance Committee from Patrick Herman, Spring Creek Christian Academy, in opposition to Senate Bill 225 (2nd Reprint).

[Exhibit F](#) is a conceptual amendment to Senate Bill 225 (2nd Reprint) presented by Steven Cohen, Private Citizen, Las Vegas, Nevada.