

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

**Seventy-Ninth Session  
March 20, 2017**

The Committee on Education was called to order by Chairman Tyrone Thompson at 3:17 p.m. on Monday, March 20, 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](http://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:**

Assemblyman James Oscarson, Assembly District No. 36



**STAFF MEMBERS PRESENT:**

Amelie Welden, Committee Policy Analyst  
Sharon McCallen, Committee Secretary  
Trinity Thom, Committee Assistant

**OTHERS PRESENT:**

Steve Canavero, Ph.D., Superintendent of Public Instruction, Department of Education  
Dena Durish, Deputy Superintendent for Educator Effectiveness and Family Engagement, Department of Education  
Andre Yates, Director, School and Department Human Capital Management Support, Clark County School District  
Lindsay Anderson, Director, Government Affairs, Washoe County School District  
Justin Harrison, Director, Government Affairs, Las Vegas Metro Chamber of Commerce  
Mary Pierczynski, representing Nevada Association of School Superintendents; and Nevada Association of School Boards  
Ed Gonzalez, Lobbyist and Policy Analyst, Clark County Education Association  
Benjamin Schmauss, Government Relations Director Nevada, American Heart Association  
Michael Johnson, Ph.D., Director of Community Health, Southern Nevada Health District  
Michael Hackett, representing Nevada Public Health Association; and Nevada Primary Care Association  
Jared Busker, Policy Analyst, Children's Advocacy Alliance  
Angie Sullivan, Private Citizen, Las Vegas, Nevada  
Brad Keating, Legislative Representative, Community and Government Relations, Clark County School District

**Chairman Thompson:**

[Roll was taken. Committee rules and protocol were explained.] I want to go over testimony on bills. Support is based on Rule No. 54 of the Assembly Standing Rules which means approval of the measure as written or approval of the measure as written along with proposed amendments approved by the bill's sponsor—friendly amendments. Opposition means not supporting the measure as written or opposing the measure as revised by an amendment that has not been approved by the bill's sponsor. The neutral position is one in which someone offers insight on the measure, but does not express an opinion. We will open up the hearing on Assembly Bill 77.

**Assembly Bill 77: Revises provisions related to teachers and other educational personnel. (BDR 34-253)**

**Steve Canavero, Ph.D., Superintendent of Public Instruction, Department of Education:**  
I will turn it over to the Deputy Superintendent who will introduce the bill and walk through it and some conceptual amendments.

**Dena Durish, Deputy Superintendent for Educator Effectiveness and Family Engagement, Department of Education:**

This is a lengthy bill that is organized by themes, so we thought it might be best to do an overview of four major categories and then share the cleanup we have done in the proposed bill [page 2, ([Exhibit C](#))]. Some committee members like to go through a bill section by section, so we have also supplied a two-page document that shows each section ([Exhibit D](#)). We do have some conceptual amendments because this language was submitted several months ago and things have arisen over the past few months as a result of our licensure study and our Every Student Succeeds Act (ESSA) work groups ([Exhibit E](#)).

Although this is a Department of Education bill, it is composed not only of things that Superintendent Canavero, Director of Educator Licensure Jason Dietrich, and I are proposing as a result of work flow, changing customer service, and changing efficiency with regard to the Department of Education, but it also includes a lot of stakeholder feedback. We have been working since the end of the last session on several different items. You can see the sources for a lot of these conversations, and we are excited to share that there has been a lot of collaboration on this. I can share more detail as to where specific things came from, but lots of different folks have contributed to the language here [page 2, ([Exhibit C](#))].

Because the Commission on Professional Standards in Education (COPS) is the licensure body that establishes regulatory authority for educator licensure, we will be starting there [page 3, ([Exhibit C](#))]. Sections 15 through 18 of Assembly Bill 77 propose some changes to the Commission. As you all know, there has been a large focus on reading by Grade 3 as well as the expansion you approved during the last session, not only for full-day kindergarten, but the expansion of prekindergarten (pre-K). Something we found that was missing in the role of the Commission on Professional Standards was a representative in an early literacy position. As you know, we are having conversations across the state, with the Office of the Governor, and industry-sector counselors regarding business and industry and workforce development and alignment for career and technology. So the other piece that is missing on the Commission on Professional Standards is a business and industry member. As you know, many of our councils have recommendations from the Nevada State Education Association (NSEA), so we would still hold that, and then that additional member would still be appointed by the Department.

Looking at cleaning up the language, oftentimes there are counselors on special assignment or teachers on special assignment, yet it has been felt that the true role of COPS is to have a classroom teacher representing those who are developing requirements for licensure. You will see there is cleanup for teachers, for other licensed personnel, as well as for

administrators and then the general public, again in alignment with our focus on continuing to engage families. The Legislature, over the past eight years, has had an increased focus on prioritizing family engagement within the Department, creating the Office of Parental Involvement and Family Engagement, creating the Advisory Council on Parental Involvement and Family Engagement, as well as providing support to our summit. So, rather than just have a general public member, although that general public member has often had children in the public school setting, we thought it was important to include that as well.

The bill currently states that one of the nine members of the Commission be a private school employee. As you are aware, private school employees do not require licensure, so often there was not the knowledge base and/or interest level to think about appropriate requirements for licensure, so we opened that up to be more flexible. The rest is related to term limits and elections.

The second piece is not necessarily specifically related to licensure. My division relates to educator effectiveness and family engagement, and we support four councils, all of which do very important work of the people [page 4, ([Exhibit C](#))]. These four councils are all statutorily defined by this body. All four have teacher positions. The teacher voice is a very important part. Recently, we have run into challenges getting a quorum at all of these councils because principals want their teachers to be in their buildings. Also, as budgets are looked at differently, it becomes a matter of who will pay for the substitute teachers. Not only is it per diem expenses and things of that nature, but it is providing the additional compensation for a substitute to fill the classroom during the day. We are proposing that the district or school provide compensation for the substitutes needed to replace teachers serving on those four councils. If you would like to propose additional funding for us to pay for that, we would be happy to do that as well.

The next areas get into licensure [page 5, ([Exhibit C](#))]. As you know, there have been many discussions over the past few years about educator licensure, teacher shortages, and how to be more flexible. The interim Legislative Committee on Education held a lot of conversations around this issue. In fact, Senate Bill 104 has some recommendations you will see mirrored in today's recommendations. One challenge we have is that we often have folks from other states who apply in multiple states. All states have \$100 to \$300 licensure fees, so these people will call us and ask us to look at their transcripts to see what they qualify to teach. As much as we would love to provide that customer service, I only have five licensure analysts for the entire state who process between 15,000 and 18,000 licenses every year. Every time they stop to take a look at someone else's file who has not paid a fee, that holds up issuance of initial licenses, adding endorsements and renewals, and all that daily work. It is our hope that we can mirror what some other states do. We would charge for a pre-evaluation, which would not include the background check or a lot of the other processing. An analyst would sit down and tell the person what he or she might qualify for. That way the person could make a more informed decision about moving to our state.

The second piece is in regard to reciprocity: taking a look at truly allowing what is called by many, full reciprocity. We have made many great changes in the past couple of years

relating to this. In the move from the No Child Left Behind (NCLB) to the Every Student Succeeds Act, there has been some great flexibility provided to the states by removing the "highly qualified teacher" requirements, so we were able to pass some emergency regulations which were then followed by the Commission on Professional Standards to allow reciprocity. Currently, we have about 1,200 teachers who were given provisional licenses who have one or more items outstanding—most likely a content-area exam, a basic-skills exam, or a pedagogy exam. They had full licensure in another state, but our law currently says that they have to have comparable exams to our Nevada exams. Even though the regulations that were passed allow us to issue those licenses, those teachers still have to meet those requirements within one year. We are concerned about what will happen here in the next few months, and we are hoping that a lot of those 1,200 teachers we issued licenses to have been taking their coursework and/or their exams. Otherwise, their licenses will expire sometime in the next few months. This would require the waiver of all that testing for someone who comes from out of state with a full license.

Some of you may be aware of Senate Bill 20. The Clark County School District (CCSD) has proposed a permanent exemption from Nevada school law, *Nevada Constitution*, and the *U.S. Constitution*. This proposal does not do that, although we are not necessarily opposed to that bill. This one allows the Commission on Professional Standards some flexibility to waive those exams in certain circumstances.

There is already in statute at *Nevada Revised Statutes* (NRS) 391.055, all of what is in this section of this document; however, it is only for licensed employees [page 6, ([Exhibit C](#))]. What we have found over the past few years is that charter school teachers have some flexibility with regard to licensure. Not all charter teachers have to hold licenses, and charter administrators do not have to hold licenses; therefore, they do not go through the same fingerprinting and background reporting process that the Department of Education goes through with school districts and licensed teachers. Although there is a lot of new text, this section mirrors what is in NRS 391.055. It requires the Department to adopt regulations around reporting and tracking. It requires the governing body of charter schools to do certain things. We have already adopted those regulations in *Nevada Administrative Code* 391.480 for other districts and licensed personnel. We think this would be a pretty seamless process and would mirror that for other employees who do not hold a license.

The next two changes relate to the background process and are in sections 23 and 29 [page 6, ([Exhibit C](#))]. In NRS 391.033, we find information about the background check. There is another statute that prohibits us, the Department, from sharing any licensure file information with districts. If someone comes to me to review a license and it turns out that the individual has multiple felonies but is employed by a district, right now, I cannot tell that district the reason I did not renew the license. This change would open that up and allow the Department of Education to tell a school district that a license was not renewed. It does not disclose the reason, the actual criminal act. To clarify, many district employees fingerprint once upon being hired, but for the rest of their careers, they do not fingerprint again. This was true until 2011, when the Legislature passed a licensure reprint requirement for renewal

of licenses. Now we are getting people who renew their licenses who have circumstances that perhaps would warrant not being renewed. This requires us to tell the school district what a person might have on his or her record.

Another change is in section 29 of the bill. Many years ago, if my license expired on March 3 because I forgot to do one of the requirements, on March 4, I would not be allowed in the classroom. Years ago, Assembly Bill 432 of the 74th Session said the district has to allow the teacher to finish out the school year. The teacher would have up until the end of the year to meet those requirements and did not need to be removed. What this last change to section 29 does is, if the first case is true and the teacher has an issue with his or her license and that license is not renewed, the district would be allowed to terminate the contract because the teacher no longer holds a license.

The next section relates to reporting [page 7, ([Exhibit C](#))]. As some of you are aware, we are required to file many state and federal reports relating to licensed personnel. These changes would allow the Department to work more closely with districts and be more responsive to their schedules as relates to different timelines. It also provides an opportunity to collect that data multiple times throughout the year rather than just as a one-shot deal. Many of you have asked for information from my office. Sometimes I cannot give you that information because the only information I have is a snapshot that the districts provided on a particular date. That information immediately becomes outdated. One of the things we are doing concerns Infinite Campus. The role has been expanded as far as student reporting, and we are looking at ways to integrate Infinite Campus with our licensure management system to have those systems talk to each other. Ideally, we would love to have real-time data. The opposite would also be true; we could feed back reports to the districts. Until that happens, this just gives us some flexibility for reporting.

The next part relates to data we already collect. Legally, every year we have to collect assignment data as well as salary and compensation data. Many of you have seen that in the legislative data book. We have already adopted regulations to collect educator effectiveness ratings, and this just puts that requirement into statute. We did that for the first time and presented it to the State Board of Education last week. It is 2015-2016 data. We are now required to report that information according to the Every Student Succeeds Act. Not only are we required to report it, but we are required to report it and disaggregate it by high-poverty, low-poverty schools; high-minority, low-minority schools; and high-English language learner (ELL) and low-ELL schools, to show whether there is an equity gap of effectiveness ratings. This gives us the statutory authority to be able to collect that data.

Another piece of data we have to report is how many teachers are in each of those settings who do not hold the license for the area they are teaching [page 7, ([Exhibit C](#))]. The bottom bullet says, "Out-of-Field teachers/licensed employees." Right now, the law says that school districts have to send a letter to Superintendent Canavero every year listing the shortages and that they would like to hire these particular out-of-field teachers. They would have to do that every three weeks. There is a lot of hiring consistently going on, so rather than making an

up-front request, we thought that, similar to many other reports we collect, it would be best to just do an annual report. The districts would send a list to the Superintendent annually, and then they would be shared with the Board of Education.

The next section is cleanups [page 8, ([Exhibit C](#))]. They are not substantive, and we already talked about the first one and the ability for COPS to make some changes. The second bullet is interesting, and I want to clarify it. Many people, when they first read it said it was great because we would be offering an early childhood license. The irony is that we already offer it. Somehow, COPS adopted it in 2000 and 2005, so we already have an early childhood license, but the statute does not allow it to be issued. This is nothing new; we are just revisiting something that was already accomplished. Those of you who work with licensing know that there is interchangeable language such as a conditional license versus a provisional license, so in some places in statute, there is a disconnect. Some places in statute refer to a conditional license, and then in a different place, reference is made to the same thing, but it is called a provisional license. As a result, throughout A.B. 77, there is cleanup language to clarify that a provisional license is for someone moving here from another state who is missing one or two things, so that would be a provision on the license. A conditional license is what is referred to as an alternative route. You have not yet completed your program of study, and you have several conditions you must meet before you can even get a renewable license. It is semantics to some, but it is a very important distinction when we are getting into regulations. There is the same thing with reciprocity and special education. It is mostly cleanup there, too.

I really want to clarify the second bullet about fees [page 8, ([Exhibit C](#))]. We have had a lot of questions about this. The Commission on Professional Standards has statutory authority to adopt fees for licensure. Currently in statute, it states that they may not set a fee that is lower than \$65. We have not had \$65 licensure in over a decade. If COPS were ever to decide to go down to \$65, we could not fund our normal, day-to-day business practices. This does not change the existing licensure fee. Currently, folks pay \$161 for an initial and \$131 for a renewal. All this does is change the floor. If COPS wanted to go below that, it would change the level they could go below so we could still have enough to operate and maintain reserve funding.

The next item is also an interesting cleanup. There is language that says school districts must obtain consent if a teacher has an ineffective or minimally effective evaluation, and that a school district must obtain consent before moving that teacher to another school. Then, two sentences later, it says that they can do it anyway. Rather than "obtain," we changed the work to "seek." The new language requests that the districts submit a plan to the State Board of Education to address that situation. This would basically be a plan for peer assistance and how they would provide training and professional development opportunities for those who receive minimally effective or ineffective ratings. The Board would not have approval of the plan. There would not be any sort of review; it would just be a submission, similar to the annual submission of the enhanced pay and performance and compensation plan that is collected every year.



The last bullet of cleanup involves per diem and travel expenses for those who serve on the Statewide Council for the Coordination of Regional Training Programs; however, we do not have a budget for that. Therefore, we have not been providing compensation. This just adds language that says, ". . . to the extent that funds are appropriated." Maybe this body could make a recommendation, but if not, we would like to be able to explain to our members why we cannot reimburse per diem costs to attend those meetings.

**Chairman Thompson:**

Does anyone have questions?

**Assemblywoman Swank:**

My first question is on section 4, subsection 3. It says, "an employee . . . is not convicted of an offense, the file and any related documents must not be made a part of that employee's permanent employment record." In other fields, there has been a history of people being reported multiple times, and that is a concern. Could you talk about how we deal with that? It may be that there is not quite enough evidence, but after several of these, it starts to look kind of fishy. Then, in section 8, subsection 1, I really have issues with the use of "moral turpitude." Historically, that has been used against folks who are undocumented and homosexuals who have been deported. There is a definite air of homosexuality that goes with moral turpitude that makes me uncomfortable. My last question involves sections 15 to 18 concerning the Commission on Professional Standards and its geographic distribution. Historically, we do not see some areas of the state get enough representation as a percentage of the population on commissions. I know this is not just Clark County, it is also for rural Nevada. What is the current geographic distribution on the Commission, and would you be open to including language that states a preference or an eye toward? I do not want to add any additional requirements, but maybe an "eye toward geographic distribution" could be included.

**Dena Durish:**

Speaking about the reporting in section 4, this is primarily related to the record that the Department would keep. While we are aware that there are conversations occurring with other bills about this and the fact that there are loopholes, in the past, we have been told that they are innocent until proven guilty. Once proven innocent for sure, then it should not be part of the record. That is currently in the license side of the statute, and this was to just mirror that the same would occur for our nonlicensed charter employees. If this body wants to entertain that conversation, we would be happy to have that conversation as to what that might look like, but I would suggest doing it on both.

**Assemblywoman Swank:**

I would say we need to be very careful. I am very sensitive to folks who have been accused and are innocent. We need to find that middle ground, but I am also sensitive to it not always getting caught the first few times.



**Dena Durish:**

Yes, absolutely. And as a reminder, the Department maintains this record. That is another conversation. What the employer maintains is a different conversation. I am not aware of whether these are statutory requirements for them as the employer or collectively bargained agreements as to what is maintained in files. I know in some districts, even disciplinary sorts of things can be removed from someone's file after a certain amount of time.

The second question was in regard to moral turpitude. We at the Department, since my first week, have had that discussion. As I mentioned previously, prior to 2011, we never had anyone re-fingerprinting. Now we have these files that come back on people who have been district employees for quite a while. We have spent almost three years looking at this and looked not only at what other states across the country do with regard to educators, but we have looked at what other licensing boards in our state do with regard to this. We have found that many other states look not just at the list of offenses, but how long ago they occurred. Is there a sort of statute of limitations and/or forgiveness and notice that someone has served his or her time? I am excited to say that Superintendent Canavero has held several public workshops during which we got quite a bit of public input. We just passed the hearing language, and it is headed to the Legislative Counsel Bureau (LCB) for drafting so that we will now have a matrix. They involve the levels of the crimes that are committed and whether it is a ban for life, a ten-year consideration, a five-year consideration, or a seven-year consideration. I can get you that regulation language, because it will be headed to the Legislative Commission for final approval. We are excited because not only did that give us a guideline, it gives folks moving from other states a guideline, and it gives our teacher preparation institutions a guideline so that those who are entering the profession can be aware. This provides us with some consistency, and those you mentioned are not in that matrix.

Your third question concerned the representation on COPS. Not just with COPS but with all our members, we have rural representation and that was a challenge. When you have a nine-member body, it is difficult to get a diverse group for representation. Now that we are adding two additional members, we can be a little bit more flexible. We currently have a mix. Each time we do this for our councils, we reach out to the Nevada Association of School Superintendents and to the teachers' associations and ask them to work with their rural associations to be sure to get representation. We also have something called Lifesize, which is new equipment that allows us to videoconference with someone from the comfort of his or her home to participate as one of our members. We anticipate broadening that even more.

**Assemblywoman Swank:**

Could I get that distribution? That would be very helpful.

**Dena Durish:**

Absolutely.

**Assemblyman Pickard:**

I would like to talk offline; however, with respect to the presentation, there are three points. Section 22 removes the language for any reciprocal licensure. You mentioned that we have not done away with it or altered it, but I did not see anywhere in the document where the alternative to reciprocal licensure was done. It was removed from section 22, subsection 1, paragraph (b), and I wonder where it went. In section 23, there are disclosures regarding employment decisions that fall under federal law. Are we confident that these changes will not run afoul of those rules, and in section 28, why are we removing the Superintendent's ability to waive the endorsement requirements?

**Dena Durish:**

In working with LCB, you will see section 22, subsections 1 and 2 were not comprehensive. They seemed limiting and referenced alternative routes to licensure programs. The last proposed amendment ([Exhibit E](#)) would allow for "demonstration of subject matter competency" as well as section 20. Even though it removes it in section 22, I can certainly clarify for you again off the record, but I can assure you that it does not limit it and, in fact, opens it up quite a bit more. What was your inquiry about section 23 and notification about backgrounds?

**Assemblyman Pickard:**

Yes, it is the dissemination of information outside the school for employment decisions and employment-related information. Those are currently protected in some respects under federal law. I want to make sure we have done that analysis and that we are not running afoul of those rules.

**Dena Durish:**

I will certainly check with not only our deputy attorney general, but also with LCB's Legal Division. It is my understanding that, currently, this is a licensure requirement that prevents us from sharing anything that is in the applicant's file. It is not employment data, so what we would be sharing is something that had an impact on licensure to someone who already employs that educator. We will certainly double-check that.

Regarding section 28, there are challenges with reciprocity and opening things up a little bit more. This relates to a demonstration of subject matter in our amendment. What happens quite a bit involves teachers who are licensed for K-8 who have been teaching eighth grade math for years and they now want to teach high school math. Existing law says that they have to take enough coursework to get a major or a minor in math, which is oftentimes 21 or 22 credits. In the past, the school district had to write to us and tell us that the individual had passed the math practices exam that shows competency and that they are going to put this individual in a particular position. They ask us if we care that they let this individual be employed out of field. Our Every Student Succeeds Act (ESSA) work group's thoughts were, rather than being permissive, be more transparent about the reporting side of it. Every school would need to report the exact number of teachers that they were employing that were out of field. Then they were including the percentage of teachers out of field and what areas they were teaching in. It would be a more transparent reporting process, but, to be quite

honest, if the Superintendent says no, oftentimes what that means is that there is a substitute in that classroom. It is difficult for us to tell the districts not to do waivers because it will result in a shortage.

**Assemblyman Pickard:**

Am I to assume that the authorization for a waiver will be in the amendment and that you are not striking it entirely; you are just going to change it?

**Dena Durish:**

That is right. If you want to actually see the language, it closely mirrors Senate Bill 104.

**Assemblyman Elliot T. Anderson:**

I am looking at section 7, the immunity provision, and trying to figure out exactly what you are afraid of happening.

**Dena Durish:**

I believe this was copied from NRS 391.055. I will double-check that, but when we worked with the drafters in LCB, I think they just copied it.

**Assemblyman Elliot T. Anderson:**

It looks like it is NRS 391.059. How do you envision that being used? Are there claims being made now? Do you have any idea why that is law?

**Dena Durish:**

To me, it seems similar to the whistle-blower legislation, but I would have to drill down further into it.

**Assemblyman Elliot T. Anderson:**

The only claim I can envision coming up with this sort of topic would be defamation. In that case, that does require recklessness or negligence on the part of someone in order to claim it, depending upon whether the person is considered being involved in public business and is reckless.

I want to go back to section 22; I had a different take on it than Assemblyman Pickard did. You are taking out all the statutory guidance. The Commission determines that it has to be just as rigorous as our licensure provisions. What is the point in taking down the standards in that regard?

**Dena Durish:**

I appreciate that. My prior career was seven years as coordinator for the alternative route to licensure program for the Clark County School District. During that time, I worked with alternative route licensure programs across the country. The real challenge with this has been that the most recent manual of every alternative route to licensure is 497 pages long. Every state has different requirements for alternative routes to licensure. According to this bill, what would happen is if someone moved here from one state and did an alternative route

program and someone else moved here from another state and did an alternative route, unless I am intimately familiar with those two programs, it would require me or my staff to look at the statutory or regulatory requirements or approval process for every single alternative route to licensure program across the country, and we do not have the resources to do that. The understanding is to trust in the profession and assume the other state did their due diligence—they approved that alternative route provider and met some sort of standard. This only applies to those who completed a program in another state and obtained full licensure in that other state.

**Assemblyman Elliot T. Anderson:**

So, basically it is just a compliance issue; am I understanding that right?

**Dena Durish:**

Compliance as in what?

**Assemblyman Elliot T. Anderson:**

Is it too difficult for you to comply with the requirement to determine that it is rigorous, or is it because of another reason?

**Dena Durish:**

If you look at trends, many states across the country right now are growing their alternative route programs. There are hundreds and thousands. Whether they are growing their programs in the same way, that I do not know. If a graduate comes from Michigan State University as opposed to the University of Nevada, Las Vegas (UNLV), I do not have any way of comparing the rigor of the Michigan State education program to UNLV or the University of Nevada, Reno's regular education program. To me, it would almost be like us being required to look at the rigor of every teacher education program across the country.

**Steve Canavero:**

We had a system in the last decade or more that has put such an emphasis on inputs that what you are also seeing is a philosophical shift as well on the licensing side now that we have the Nevada Educator Performance Framework. That measures performance of our teachers uniformly across the state. Now, we can move toward outcomes and have a better conversation about outcomes and growth of our teachers than one that just simply places an emphasis on the accumulation of credit hours.

**Assemblyman Elliot T. Anderson:**

I want to go back to section 28. I read it differently originally, then you mentioned in your presentation, sending a letter every three weeks. Where are you getting that "three weeks" from? Unless I am missing it, I do not see a requirement that it is every three weeks in the statute.

**Dena Durish:**

That was not a definite timeline. I will use the Clark County School District. It is now September 1 and CCSD has started two weeks of school. They have hired 14 teachers who are out of field. They would need to send a letter to Superintendent Canavero requesting permission to hire those 14 teachers outside of that. Then it is now October 1, and they have hired an additional 26 teachers, and perhaps 15 of those teachers are out of field. It is an ongoing process when districts are consistently hiring. Districts are hiring starting now and all the way up through the end of February for the school year, so really it occurs constantly. Superintendent Canavero just received a couple of emails two or three weeks ago requesting permission to maintain employment of teachers who are out of field.

**Assemblyman Elliot T. Anderson:**

My concern with this is that it seems as though endorsements are going to be meaningless pretty soon if it is such a constant issue. Is it that hard to answer an email and tell them to go ahead? I do not get the point of taking out the state Department of Education, which is in charge of licensing, from this process.

**Steve Canavero:**

We certainly can consider going back to this section. When we had our discussions, it did not seem that it added value to have the Department just constantly saying yes. At the same time, we would still like to continue to afford the local decisions related to their place in other human capital. We can certainly also include the reporting provision, which I think is really the import of this particular section.

**Assemblyman Elliot T. Anderson:**

I understand that we have to do more on the monetary side to make teaching an attractive profession, and all of us who sit on this dais need to do more in the political world to make teachers feel respected and make it a career choice that people look up to again. I just think that we cannot get too far away from those endorsements. I think those endorsements matter. I think we want people who understand the subject area teaching our kids. I just see a couple of different sections of this bill where it really does look like we are lowering standards, and that concerns me.

**Assemblyman Flores:**

In the interest of time, could we meet offline? I have questions about a few sections, but I want to go back and touch upon Assemblywoman Swank's question about section 8, subsection 1, and the crime involving moral turpitude. If I heard you correctly, you are saying that you are now in the process of creating a matrix of setting up different crimes. Is that going to be put into this bill?

**Dena Durish:**

Because of the way the law is written, the Superintendent has the discretion to determine moral turpitude. As that role changes, it allows whoever sits in that seat to make that determination, so we adopted regulations. They will not necessarily be in the bill, but those adoptions will inform the decisions that will be made by the Superintendent.

**Assemblyman Flores:**

Understood. The reason I brought it up is that there is a tremendous amount of case law dealing with crime involving moral turpitude. It is massive. In fact, something as simple as a theft conviction is a crime involving moral turpitude. Me going to a store and shoplifting is a crime involving moral turpitude. Someone losing their job for that and putting it at the same level as a felony and/or a sex offense concerns me. Another thing I am concerned about is, even if we put it through separate, guiding regulations, if the NRS is still using the overarching term, we will still be putting individuals in scenarios where, because it is so broad, those individuals could possibly lose their jobs over shoplifting or something like that.

**Steve Canavero:**

We can send you the regulations when they come back. The specific example you gave was part of the testimony and discussion we had during the public rule-making process. We think the regulations set up a reasonable standard but, at the same time, recognizing that first-time offenses in some cases would not constitute moral turpitude.

**Assemblywoman Krasner:**

Back to section 28, some of the language that has been struck out in the first paragraph begins, "The Superintendent of Public Instruction may grant such a request if the Superintendent determines that a shortage of teachers exists in the subject area." Why is that struck out when you drop to page 21, line 9 and it reads, "A person who holds a license to teach but not an endorsement in the subject area that he or she is employed to teach may be employed by the school district for not more than 2 school years to teach in that subject area at a public school within the school district that is not rated as underperforming . . . ." Traditionally, it is at schools that are underperforming where we allow these types of exemptions. You mentioned a teacher in one type of math, but it does not really say that. Basically, it says somebody who does not have an endorsement in the subject area. We could have a music teacher teaching statistics and algebra. Could you comment on that?

**Dena Durish:**

Superintendent Canavero mentioned the ongoing focus on outputs. I will use Clark County as the example under their new 394 [Assembly Bill 394 of the 78th Session], where there are precincts and the administrators and the school organizational teams (SOTs) are being held to a much higher level of accountability. Let us say that a teacher has an endorsement in science, but also happens to be a concert pianist. Maybe I, as a principal, want to hire that teacher as a music specialist because he or she has been a teacher for ten years, is phenomenal, and has the career or hobby background to do so. The idea is to give more autonomy to the administrator to be able to make those decisions. Then, a portion of the Nevada Educator Performance Framework (NEPF) talks about the extent to which the educator demonstrates content knowledge. In the example I just gave, the educator would have to pass an exam that showed that they scored as high or higher than the teacher who had all the coursework in music.

Another example in which this occurs is special education. For example, I might have been an elementary teacher for years and now I want to move into working with special education

resource room students. This would allow the opportunity for a principal to move a teacher over into a special education resource room or co-teaching setting while that person was earning her coursework. The idea would not be for them to go on indefinitely without getting that endorsement, it would just provide flexibility for them to earn it.

**Assemblywoman Krasner:**

In section 20, subsection 2, you are talking about reciprocal licenses. "Except as otherwise provided in subsection 3, in addition to the examinations for the initial licensing of teachers and other educational personnel governed by the regulations adopted by the Commission pursuant . . . ." It basically says they have to pass a test on the laws of Nevada, the *Constitution of the State of Nevada*, and the *Constitution of the United States*. But if you go down to subsection 3, it says persons ". . . who obtain a reciprocal license . . . may obtain an exemption . . . ," basically a waiver, from the requirement to take examinations on the *Nevada Constitution* or on the *U.S. Constitution* and on the laws of Nevada. Why would we do that?

**Dena Durish:**

As the law exists, it says, ". . . if the Commission determines that the examinations required for initial licensure . . . are comparable to the examinations required . . . in this State." What often happens is we have folks who took a *U.S. Constitution* course in another state, then moved here. Why would we require them to do that again? And/or they took a political science class, and the large majority of universities require a political science class or something of that nature for an undergraduate degree anyway. So, the Commission on Professional Standards has already adopted regulations to waive the *U.S. Constitution* if, in fact, there is an equal. This allows them to do the same for Nevada school law or for *Nevada Constitution*.

**Assemblywoman Krasner:**

But taking a political science class at a college level does not specifically relate to the laws of Nevada or to the *Nevada Constitution*. I can see where the waiver may be for the *U.S. Constitution*, but not for the laws of Nevada or the *Nevada Constitution*.

**Assemblywoman Joiner:**

My question concerns the two changes I see for charter schools. It begins in section 4 and relates to how you would handle an arrest or conviction of a nonlicensed person in a charter school. You may have said that is because we do not background check them and so we need some mechanism. My question is why do we not background check them and why is that not something we would add? I would hate to have provisions for how we deal with it once they are already teaching our kids and have convictions. Why do we not know what they are up to at the very beginning?

**Dena Durish:**

It is my understanding that charter schools do require background clearance upon employment; however, the same challenge exists, and used to exist for our teachers: once



they are employed, they are not consecutively fingerprinted on a three- or five- or seven-year basis. The same occurs for support staff employees in school districts.

**Assemblywoman Joiner:**

Why would we not require a re-up of the fingerprints? This is the same language that applies currently to licensed people at other schools.

**Dena Durish:**

Right. These folks would not ever come through my office because they are not licensed.

**Assemblywoman Joiner:**

In your summary in section 14, you say that it requires the Department of Education to create and maintain a licensed personnel record with annual effectiveness ratings, salary, and assignment data; but in section 14 of the amendment ([Exhibit E](#)), you are exempting charters from annual effectiveness rating reporting. I am wondering why we would exempt them from annual effectiveness rating reporting.

**Dena Durish:**

In 2011, the original law was passed around changing the evaluation from a binary, satisfactory/unsatisfactory, to the four levels of the ratings. In 2013, the laws were changed again. I do not know if it was when the original bill was passed in 2011 or as amended in 2013, but it exempted all charter schools from utilizing the Nevada Educator Performance Framework. It is my understanding that, prior to a charter being approved, they still, as part of their application, have to indicate how they will evaluate their employees. However, they are not required by state law to utilize the Nevada Educator Performance Framework. This was an oversight in bill drafting that says, if they are not required to use it, then we cannot have in the law that they have to give us their rating. I know the Teachers and Leaders Council (TLC) at their last meeting passed a recommendation to bring forward to the Legislature a proposal that charter schools use the NEPF moving forward, but I have not seen that yet. As it stands now, they are not required to do so.

**Chairman Thompson:**

We will go over the amendment and then go to support of [A.B. 77](#).

**Dena Durish:**

The first bullet point is pretty self-explanatory. To match other support for our military personnel and spouses, we are looking at the ability to waive some requirements, in particular fees ([Exhibit E](#)).

Section 8 is a cleanup. As it is currently in the law, section 8 says something about a sexual offense in which a "pupil enrolled in the charter school was the victim." As we know, we do not want to make it just that child. If it is an offense, it should apply to any underage child.

In section 14, rather than just collecting educator effectiveness final ratings, our regulations also collect standard scores so we can drill down and look at what areas of professional

development are required. This was a recommendation by the committee set up by Senate Bill 474 of the 78th Session as well as by the State Board and TLC. We have already discussed the charter exemption. Section 14 is cleanup. Subsection 2 says any report collected in paragraph (a) of subsection 2 should be in a form prescribed by the Superintendent, when really, it should be paragraphs (a), (b), and (c). Somehow that was missed.

In section 15, the "other persons licensed" categories go back to the members of COPS and ensures that it would truly represent one of our other specialized support personnel—clinical psychologists, social workers, or speech pathologists. It definitely would designate a specific group of people that would apply to.

We already talked about the recommending associations for substitutes. For the two councils through which NSEA recommends teachers, they would also perhaps share the responsibility of providing compensation.

We talked a little bit about section 19. Again, that exactly mirrors the language that the Legislative Committee on Education has proposed in Senate Bill 104. It provides a lot more flexibility. It is important to note that this only relates to subject matter competency, so this would apply to folks who have already demonstrated pedagogy knowledge, just meaning they want to add a different subject area.

The next part, section 20, concerns true reciprocity and clarifies that a little bit. Something new we have not talked about is grade levels and specificity. In section 21, this goes back to what I was addressing earlier with the early childhood license. Currently in statute, COPS has the authority to adopt regulations only for certain types of licenses. Right now, it says COPS can adopt regulations for elementary licenses, middle school licenses, high school licenses, and special education licenses. The only one that authorizes a grade level is middle school, which says Grades 7, 8, and 9. We do not have Grades 7, 8, and 9 in middle schools anymore, and this would clean that up and allow the authority and flexibility for COPS to make that in alignment with our schools as they currently are.

Section 25 discusses the repeal of the licensed personnel directory. This is important as it is a report that was put into place a long time ago. The State Board of Education would have to notify districts every year of a list of their licensed personnel so that they could find out in what area these people were licensed. We now have an electronic online licensure system where all that information is accessible called Educator License Lookup. It is public record and much more efficient, although it is not used much.

We have talked a lot already about out-of-field reporting in section 28. In addition to the concerns expressed by out-of-field teachers, we have never collected vacancy reporting data, so there are a whole group of folks who have always been missed. For instance, if a school employed 75 teachers and 10 of them do not hold the right license, but the school is supposed to employ 95 teachers, there are 30 vacancies. This would give us the authority and responsibility to collect those vacancy numbers every year so we can track that. We also

include information about where the out-of-field teachers are teaching, how many years have they been out of field, and what the Nevada School Performance Framework (NSPF) rating of that school is.

**Chairman Thompson:**

I would like you to bring us a mock-up because it will flow better for everyone. If you would work with the Legislative Counsel Bureau on that, then we will take the time and hear from all sides.

We will start with support for A.B. 77.

**Andre Yates, Director, School and Department Human Capital Management Support, Clark County School District:**

I am staffing and licensing director for the Clark County School District (CCSD). I want to begin by commending the Department of Education's Office of Educator Licensure for the collaborative nature they have exhibited over the last several years. I have been working with this department for close to ten years, and this is the greatest collaboration I have ever seen in terms of transparency and input. We support many of the elements of A.B. 77, including the flexibility for teachers to move from elementary to the secondary level. I field phone calls on a daily basis from teachers who are willing to do that. We also believe that our principals should have the discretion to hire the folks they believe are appropriately qualified, so we support that aspect. We also support the aspect of expanding the reach of the Commission. I have been to a number of Commission meetings where, due to lack of membership, we were unable to meet because there was not a quorum.

We do have some concern with regard to the out-of-field component. We utilize the alternative route to certification program for special education teachers. These folks are licensed in something else and working toward a special education license, but presently, they are not reported.

**Chairman Thompson:**

Are you in opposition? You are recommending some things that are not in the bill as written or suggested in the amendment.

**Andre Yates:**

I am in favor of the bill, but there are elements of it that I have some concern over. Does that clarify it?

**Chairman Thompson:**

Actually, it does not. It sounds as though you are more in opposition. I am not saying that opposition is a bad thing, it is just the way in which we define it. If you have some other things you would like to add, then you are considered to be opposed.

**Andre Yates:**

Okay, I will go on record as saying we are for it as a whole and leave it at that.

**Chairman Thompson:**

Is there anyone else in favor of A.B. 77?

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

We are here in support. It is time we modernize some of our teacher licensure rules, and I do appreciate the Department of Education working with us and sharing information with us. We will continue to work with them as the mock-up moves forward.

**Justin Harrison, Director, Government Affairs, Las Vegas Metro Chamber of Commerce:**

We, too, are here today in support of the bill. Starting with the changes to the reciprocity process, we believe that making changes to that process will help us with our teacher shortage, not only in southern Nevada, but throughout the state. Additionally, we are very supportive of the changes to the Commission and the addition of a seat to include someone from business and industry.

**Assemblyman Elliot T. Anderson:**

One of the elements of the reciprocity changes gets rid of the more rigorous standards. I always thought it was a big principle of the Chamber of Commerce to ensure we have rigorous standards. This seems to be a shifted position.

**Justin Harrison:**

Absolutely. The Chamber has always supported very rigorous standards, whether that is for students or through the licensure process. We do believe that these changes modernize the process. We believe the Department of Education has done a great job in working with stakeholders to bring some changes to the table, as we do see hundreds of empty slots that are, unfortunately, filled by folks who do not hold those licensure criteria.

**Mary Pierczynski, representing Nevada Association of School Superintendents and Nevada Association of School Boards:**

We are here in support of the bill. We are happy to continue to work with the Department if there are further changes they would like to implement.

**Ed Gonzalez, Lobbyist and Policy Analyst, Clark County Education Association:**

We, too, are in support of A.B. 77 and do appreciate the Department for working with us on the bill. We want to highlight three things. We support the expansion of the Commission on Professional Standards to include a member of early childhood education, as we are expanding to pre-K. In addition, the pre-evaluation fee for new teachers we think is important, not only for people who are coming from out of state, but we also have instances of people coming from out of the country who may just want to see if they actually qualify and then go from there. We also appreciate anything that allows for better flexibility and reciprocity so we can help with the teacher shortage.

**Chairman Thompson:**

Is there anyone else in support of A.B. 77? [There was no one.] All right, we will move to opposition. [There was no one.] We will go to neutral on A.B. 77. [There was no one.] Would you like to make a closing remark?

**Dena Durish:**

As Lindsay Anderson and Mr. Yates said, we look forward to continuing to work with the districts in drafting a mock-up, and we will have that to you as soon as possible.

**Chairman Thompson:**

We will close the hearing on A.B. 77 and open the hearing on Assembly Bill 273.

**Assembly Bill 273: Requires certain school districts to collect and report the height and weight of certain pupils. (BDR 34-353)**

**Assemblyman James Oscarson, Assembly District No. 36:**

Today I am presenting as chair of the interim Legislative Committee on Health Care. The Committee was established in *Nevada Revised Statutes* 439B.200 and is charged with reviewing and evaluating the quality and effectiveness of programs for the prevention of illness and analyzing the overall system of medical care in the state to determine how to coordinate the provision of services, avoid duplication, and achieve the most efficient use of all available resources.

During the 2015-2016 Interim, the Committee was composed of myself, Senator Hardy as vice chair, Senator Kieckhefer, Senator Spearman, Assemblywoman Benitez-Thompson, and Assemblyman Gardner. Over the course of the seven day-long meetings between November 2015 and August 2016, the Committee considered numerous issues affecting the health and health care of Nevadans. One of the most crucial issues discussed was children's health and the need for data concerning the height and weight of students across the state. From 2007 to 2015, certain school districts were required to collect this data; however, in 2015, this requirement sunsetted. Assembly Bill 273 would reinstate requirements that existed for ten years, data that helped provide crucial information on the scope of a growing public health problem which is essential for securing certain federal grants.

According to the federal Centers for Disease Control and Prevention, about 1 in 5 schoolchildren in the United States is obese. Statistics are similar in Nevada; childhood obesity is negatively associated with physical health and can affect a child's social and emotional health as well. Obese children have a higher risk of other chronic health conditions and are more likely to suffer from depression, have lower self-esteem, and be obese as adults.

Assembly Bill 273 requires the board of trustees of each school district in a county whose population is 100,000 or more—currently Clark and Washoe Counties—to direct certain qualified personnel to measure the height and weight of a representative sample of students in Grades 4, 7, and 10 in schools within the district. It permits such measurements without

notice to a parent or guardian if providing such notice is not practical. Collecting data on children's height and weight clarifies the scope of the problem in Nevada by identifying the portion of students who are underweight, at a healthy weight, overweight, or obese. It can also help identify trends over time to what needs to be done to reduce obesity. The data provides a look at the issues across the state and is meant to help inform public policy and public health efforts. Data is anonymous. Collecting height and weight data is also necessary to apply for and receive certain federal funds. Without this data, the Department of Health and Human Services has not had the information it needs to successfully obtain federal grants that could benefit our constituents. I believe we need to ensure that we maximize all available federal funds to improve the health of all Nevadans, especially that of our children and grandchildren.

**Chairman Thompson:**

Why are we excluding school districts in counties with populations under 100,000? Should we not be looking at the overall health of all the kids throughout the state?

**Assemblyman Oscarson:**

I do not have a problem with that. The pushback was that it takes extra time, extra effort, and it takes people. A lot of the schools in the rural counties share a nurse among three, four, five, or six schools—assuming that is who would collect this data. I certainly would have no problem doing that, but it has not been required up to now for us to do that. It gives us the sample we need to obtain the federal grants. Then that money is used in all the schools across the state.

**Chairman Thompson:**

Are there any other questions from the Committee?

**Assemblywoman Miller:**

I understand the need for it and the purpose of it, but I am not comfortable at all anytime we say that we do not need to notify the parents. Can you explain why that is in the bill? At the beginning of a school year, we do a lot of paperwork, release forms and things like that, so it could be included in a notification. I am not comfortable with not notifying the parents when we are talking about their child's height and weight. This is still personal information.

**Assemblyman Oscarson:**

Bear in mind that the information is completely anonymous. It is not reported under any student identification number. It is an anonymous sampling of these students. If it pleases the Committee to add that during the release process when people enroll their kids in school every year, I do not know why that could not be included. I have no problem with that. There are a lot of things done at the school level, and sometimes they just flow through. If you are uncomfortable with that, I am happy to adjust it.

**Assemblywoman Miller:**

I would go as far as saying that I would like the notification before the child is weighed. I know there can be weight issues with children and similar things. Depending on how

parents are trying to manage the situation at home, I would like to see notification before the child is weighed and that being weighed could be opted out of, if possible.

**Assemblyman Oscarson:**

I would have to check and see what the federal guidelines and requirements are. We could certainly take a look at that and see.

**Assemblyman Elliot T. Anderson:**

This is a bill that has been around in some form since 2009 when Senator Denis first put it in statute. In 2013, the school districts wanted to repeal it. Is that when the sunset was agreed upon? I am stating that we have to have some sort of vision at the Legislature and determine what it is we are going to do. I get whiplash from session to session, because it feels like we do something one session, we leave it in that vacuum, and then never visit it again. Two years later, we see a lot of the same things come back or we change something we just did. I would encourage the Committee and everyone in an education-stakeholder role to start thinking about these things more than session by session. We need to come up with a plan and stick with it, and everyone has to live with it unless it is obviously causing a problem. Just a bit of frustration that I see in this Committee. This topic has been a little disjointed.

**Assemblyman Oscarson:**

I know Senator Denis has a similar bill [[Senate Bill 165](#)], and what I would like to do is put these two bills together and make one good bill. You are exactly right. We should quit kicking the can down the road. I certainly do not want to take away someone's privacy, as Assemblywoman Miller said, and I certainly do not want to do anything that would violate any of those parameters, but I hate to see money left sitting on the table when we can be utilizing it for the health, welfare, and betterment of the kids. The grants are very specific, as you all know. While I am not privy to how it has been spent or what has been spent in the past, I think it is important to recognize that these are issues and problems we are facing in Nevada. When other states are getting money and we are not getting the funding, I think it is important.

**Assemblywoman Joiner:**

I personally have been very frustrated by this issue. I appreciated so much when I saw that your interim committee took this up, and I commend you for doing that because I personally would have submitted this bill if your committee had not. We were told last session by districts that they would continue to gather this data despite the sunset, and that did not happen. Having worked in the Department of Health and Human Services, I know having that longitudinal data without a gap is extremely important. When we hear that our children are among the most obese in the country and that Nevada has a health problem with our children, we are not able to substantiate that or have an impact on it. It is essential that we have this data for grant applications.

Could you explain how the process worked before? It was implemented in the past; it worked just fine. I think we are going to hear testimony in opposition about how it takes away too much staff time, but it was my understanding that it would be done when they were



in line for other tests such as hearing and eye, and that it really did not take away much time. How do you envision this going forward? I think we are going to get those arguments, and I want to have a clear picture of what you envision.

**Assemblyman Oscarson:**

I could not agree with you more. My understanding was, and my vision for it going forward, would be exactly that—when the hearing tests and vision screenings are being done. This could just be a natural part of that. Walk through, document the information, make sure everything is okay, and move forward with that. I do not know that it takes that much more time to have students stand against a wall to find out how tall they are or step on a scale to weigh them. Now, I could see where there could be some peer pressure if there were a whole bunch of kids in line, so maybe there needs to be a mechanism for it to be done in a little more private setting or area. I think the health benefits and the ability to help these kids be healthier and get better down the road really helps us.

It is like everything else; for instance, mental health issues. When we catch these situations and do these things early on, it makes a huge difference. Thank you for your support and your words, because I think it is important that people recognize we are leaving federal dollars on the table. I do not want to infringe on people's rights, and they can certainly say no if they do not want any of that testing done, I would suspect. I think it is important to the health and well-being of our kids.

**Assemblywoman Woodbury:**

My question is along the lines of the vision- and scoliosis-types of screenings we are already doing, which was brought up. Do those require an opt-in or opt-out or parental permission? If we were to do this test, or if we have done it in the past along with those other screenings, would it cause some confusion about which test the nurse, or whoever, could administer? What if the parent does not have to opt-in for one test, but does have to opt-in for the other?

**Assemblyman Oscarson:**

I do not know the process. I know my grandchildren all go through this process as they go through the different grades in school. They have to have school physicals, and they have to have up-to-date immunization records. I see this as just a normal process. To Assemblywoman Miller's comments, if you do not want your child to participate, there should be a mechanism in place for that. I see it as a natural progression, just like checking for scoliosis and eyes. It is just one more step in that process.

**Assemblyman McCurdy:**

What is the dollar amount we are leaving on the table as far as the federal dollars, and why is this so necessary?

**Assemblyman Oscarson:**

I will have to get back to you with that information. It was a significant amount of money with the federal grants we received.

**Assemblyman McCurdy:**

It would be good for everyone to know. Why was a sunset provision added when it seems as though it would be beneficial to all communities? I would like to see populations under 100,000 be able to benefit from this. It seems as though we are going to be able to do some good in the future. We get these samples and submit them to the federal Department of Health and Human Services. What are we looking to do with these samples? What are they going to do or what type of feedback are we going to get?

**Assemblyman Oscarson:**

My understanding is that they compare our information to other states' data. Where we are and where we rank in health is used for a multitude of information processes. It goes along with some of the school lunch programs and what we are feeding them. It goes along with exercise and physical education programs—all those things that play into the role of having healthy young people in our communities.

**Assemblyman McCurdy:**

That was what I was thinking, but I just wanted to ask on the record. If we can get better food for our students through an initiative like this, it would be awesome. We can all agree that the students are not being given the proper nutrients in their day-to-day operations.

**Assemblyman Edwards:**

In an effort to help you, I go back to Interim Finance Committee meetings where we had a grant for \$540,000 that was added to another grant of \$740,000 in order to do a health study along these lines. The dollar values can be in the millions, but we have to have the data to do it, so I hope that will help. I would like to get this study done so I get more support for my recess bill.

**Chairman Thompson:**

In section 1, subsection 1, when you talk about the sample, it says, "grades 4, 7 and 10." Is there a strategy for those specific grades based on developmental phases?

**Assemblyman Oscarson:**

I am not aware of the reason they picked those specific grades. Those were the grades tested before, and, as I recall, the federal government required that height and weight be checked in those grades.

**Chairman Thompson:**

Could you please find out? I think we might want to start the benchmarks earlier. I do not know what grade it would be, but it seems that by the time children are in the fourth grade, their eating habits, if they are not healthy, would make it more problematic and difficult to get them back on track.

**Assemblywoman Tolles:**

Is there any intention that the information would be returned to the students or their families? When I took my daughters to the pediatrician, they would be put on a percentile scale. Is it just collected and the students or families never receive anything in return?

**Assemblyman Oscarson:**

It is a completely anonymous process, so I do not believe it would be returned anyway because there would be no way to differentiate who that information would go to. I think it would be an aggregate number that the state would correlate and put together.

**Chairman Thompson:**

Anyone in support of A.B. 273, please come forward.

**Benjamin Schmauss, Government Relations Director Nevada, American Heart Association:**

We support A.B. 273, collecting of body mass index (BMI) data. It is important to note that I am a former teacher in Nevada. I am still licensed, and I am the dad of three kids in our public schools. Obesity was formerly viewed as a behavioral and environmental problem. Obesity is now seen as a complex disorder and major health risk factor linked to increased cardiovascular disease, stroke, cancer, hypertension, diabetes, and early death. More than just a contributing factor, obesity by itself increases the risk of heart disease. The Framingham Heart Study researchers found that obese individuals had an incredible 104-percent increase in the risk of developing heart failure compared to non-overweight individuals.

The United States is now in the grip of a full-blown obesity epidemic. On its current trajectory, it is estimated that obesity rates for adults could reach or exceed 44 percent in every state by 2030. These rates bode poorly for health outcomes. Persons with a BMI of greater than 30 have a reduced life expectancy of two to four years less than a person of healthy weight. Adults with severe obesity, a BMI of over 40, could lose up to eight to ten years of their life expectancy. That is a lot of weddings; that is a lot of birthdays.

Of greatest concern is that the obesity epidemic is spreading to our children at an alarming rate. Nationwide, 31.8 percent of children and adolescents ages 2 to 19 are considered overweight or obese. A recent sample of BMI done in the Clark County School District for high school students showed that 41.2 percent of students were overweight or obese; 23 percent of those being obese and 17.5 percent being overweight. That is a fourth of our kids; this is a big deal. One study has shown that obese children's arteries resemble those of middle-aged adults.

It is important that we measure height and weight in schools and report it so we have surveillance data to help us drive decisions and address both health and educational gaps. Yes, I said educational gaps. I personally know that BMI data has been used in our state throwing valuable programs to our urban and rural schools that can reduce obesity and optimize the learning environment. I know this because before I was in this role of

government relations director with the American Heart Association, I was running the Healthy Schools Program across the state of Nevada, working in all 17 school districts with over 120 schools, providing the evidence-based wellness and educational resources. I have worked across our state in all these different school districts, and the funding for my position and for the resources I bought was from a grant. The American Heart Association and the William J. Clinton Foundation wrote a local grant and used BMI data to receive that funding, so for five years of my life, I could travel throughout this great state and bring those resources and programs.

My three kids are ten, seven, and five. They are not vegetables in a lab that can just be talked to for six hours a day and learn. They need differentiated instruction and multimodal learning experiences that engage the body and brain for optimal learning and retention. The Healthy Schools Program is just one example of a program that added value at no cost to our schools because it was grant-funded. Our state funding for education and health often does not provide funding for people like me to work with existing staff to maximize learning through differentiated and dynamic instruction. If we are not funding it at a state level, but agree it is important for our kids to have these types of quality educational experiences, then where do we get the money? We seek out federal and nonprofit grants and other revenue streams. All those revenue streams require evidence.

The Healthy Schools Program and the CrossFit Functional Fitness program from the Southern Nevada Health District are just two examples of where BMI data have helped us help schools reach kids. The bill is about more than just measuring height and weight. It is about providing our community with the tools we need to do our jobs. We need this tool.

**Michael Johnson, Ph.D., Director of Community Health, Southern Nevada Health District:**

I am here to express our support for the collection and reporting of height and weight data for the purposes of determining BMI in a sample of schools in Clark and Washoe Counties. In Nevada, the adult obesity rate is 26.7 percent, which is up 16 percent from 2000. Even more alarming, the combined rate for adults in Nevada who are overweight and obese is 64.7 percent. The obesity prevalence for children has increased almost 30 percent since 2003. In 2013, the American Medical Association reclassified obesity as a chronic disease. A similar effort in Nevada, as supported by this bill, can lead to better utilization and alignment of resources to prevent and treat obesity, better training for health care providers, and reductions in the stigmatization of overweight and obese people.

The Southern Nevada Health District has been a strong supporter of efforts to collect height and weight data to determine BMI among students in Clark County schools, and we strongly support an ongoing longitudinal cohort to assess change in those students as well as program impacts over time. In order for our community to best address the obesity epidemic in our youth, we must have data that helps us determine how to best direct and utilize available resources. Body mass index surveillance data is useful in helping to identify what populations are at greatest risk of obesity, what adjustments to our interventions and strategies are necessary, and the best deployment of resources. The Southern Nevada Health

District has used BMI data to support applications for federal funding and has worked closely with the Clark County School District (CCSD) to support the collection of height and weight data. Since 2010, over \$250,000 in federal funding received from the Southern Nevada Health District has been allocated specifically to develop BMI data collection protocols, train staff responsible for collecting height and weight data, and purchase standardized equipment necessary to collect height and weight data in Clark County. This bill contains many important provisions that will allow our state to employ more resources in our fight against obesity, so I am pleased to offer our support today on behalf of the Southern Nevada Health District. We feel this is a great bill.

**Michael Hackett, representing Nevada Public Health Association; and Nevada Primary Care Association:**

Both these organizations would like to be on record in support of this legislation. During this past interim session, obesity was identified not only by these two organizations, and as you heard by the Southern Nevada Health District, but also by the Washoe County Health District and Carson City Health and Human Services as a public health priority. I would like to thank Assemblyman Oscarson not only for bringing this bill forward, but also for how well he accommodated the interests and concerns of the public health community during this past interim session. We are very appreciative of the opportunity he gave us to put all this on the record for the Legislature's consideration.

**Jared Busker, Policy Analyst, Children's Advocacy Alliance:**

[Jared Busker spoke from prepared text ([Exhibit F](#)).] I have written testimony as well as a policy brief ([Exhibit G](#)). The Children's Advocacy Alliance currently facilitates the Nevada Early Childhood Obesity Prevention Steering Committee and BMI collection was one of that committee's top priorities. We are definitely in support of this legislation.

**Chairman Thompson:**

In your statement ([Exhibit F](#)), you also reference that you look at the fourth, seventh, and tenth grades. Do you have any idea why or was that directed through the school district?

**Jared Busker:**

I believe it was just a mirror of the previous legislation. There is currently an assessment that the Nevada Institute for Children's Research and Policy does for kindergarten obesity rates, so we have that information. I do not know if that is the reason they chose to start at fourth grade. The information on kindergarteners is self-reported.

**Chairman Thompson:**

Is there anyone else in support of A.B. 273? [There was no response.] We will go to opposition to A.B. 273.

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

We are here in opposition due to the unfunded mandate part of this bill. But first, I would like to answer your questions about the fourth, seventh, and tenth grades. It is my

understanding that those were picked because those are the grades in which we also do the vision and hearing screening. I am not totally sure tenth grade is included in that, but I will check for you.

We worked with the Washoe County Health District during the interim and agreed to continue to do the screening in the first year after it had expired, with the understanding that we would come back together at the beginning of that second year and the Washoe County Health District would come to us with ideas about how we could better demonstrate the return on investment to our students. I cannot speak to the statewide initiatives, but at the Washoe County Health District level, over the past six years that we have been collecting this data, it is my understanding that we have seen zero dollars in terms of grant funding to pay for student wellness activities in the Washoe County School District. We have tried various different models to minimize the impact. There are only 42 school nurses for 96 schools, so this does take a significant amount of time. We do get lots of parents who are upset when they hear about it after the fact from children who come home and talk about it. We got lots of angry phone calls, and we do have some concerns that the equipment we originally got perhaps needs to be replaced at this point.

**Chairman Thompson:**

Is there anyone else in opposition to A.B. 273? [There was no response.] We will go to neutral.

**Angie Sullivan, Private Citizen, Las Vegas, Nevada:**

I am a second grade teacher. I am testifying in neutral because I am not necessarily opposed to collecting information on kids to be helpful to them. I just wanted to bring to your attention that nurses in the CCSD schools are very, very busy. They are often assigned multiple schools and their plates are very full—medication, shots, allergies, sick kids, hearing and vision testing, et cetera. The nurse's office is always full and always has kids in it who need service. It is not that the CCSD nurses would not want to help students be healthy, it is not that nurses would not want to measure, record, and provide all sorts of data. My understanding is that many nurses manage to fit this in somehow. I am here today to state for the record that a public school nurse does more with less all the time. My nurse has not been able to keep up with the required testing for Response to Intervention processes, kindergarten testing, and students who have routine care or who need to drop into the office for a variety of reasons. She is always busy. She is spread thin; she tries her best. Maybe it is the community she serves, but she serves thousands of kids. She serves a high school next door to my school, and she also serves my school. She probably has to fill in for nurses if they are absent at another location.

I am not sure the Legislature appreciates how busy the CCSD school nurses can be. When the nurse is not on site, there is a First Aid Safety Assistant (FASA) that provides care. That is who usually furnishes the care at my school. We do not have full-time nurses at our school sites. In CCSD, one nurse oversees the care of thousands of students. While someone stated that it just takes a few minutes and it is routine, it is not routine when you have to make sure you have a full set of data for thousands of kids. That takes hundreds of hours to screen.

While it has been stated that this is just routine and no big deal, I want to stress how much time it takes from the already overly assigned and overly mandated nurses. I can only try to emphasize that unfunded mandates are very, very stressful on school staff.

There are so many great ideas I have seen this session, and I do not want to be a fly in the ointment, but we really need to consider the time and the money and the staff it requires when we try to dedicate ourselves to something like this. I want to emphasize that I think it is very important and very necessary, but while it is important, I think we also need to have an understanding that important things need to have that money, too.

**Brad Keating, Legislative Representative, Community and Government Relations, Clark County School District:**

We are here to testify neutral on this bill. We worked with Senator Denis on his bill as well as with some of the stakeholders on this bill and had conversations to see how we can make this happen. I want to clarify for the record that CCSD is still doing this. We are still doing BMI tests in Clark County. We have not stopped them at all. Nineteen schools were selected for the random sample the state gave us previously, so those 19 schools are still collecting the data. We attached an amendment to the other bill, and we are speaking with this group here. One of the things CCSD has never received during the ten years we have done this is a report back showing the results. We are looking at possibly attaching an amendment that would ask that the information, once it is received by the state, be returned to the districts that participate.

We love the idea of the parent notification and that it might possibly be in the health card that is given at the beginning of the year. I do want to echo the sentiments just stated regarding the nurses. Currently, CCSD employs 193 nurses who are school-based nurses. There are 27 who are specialized nurses, but note that we have 357 schools, so we do not have a full-time nurse at each school. We appreciate that this bill looks at other qualified health professionals and teachers who teach physical education and health. The last thing I wanted to touch upon are the fourth, seventh, and tenth grades you have spoken about. For the record, in CCSD at least, they do the testing for vision, hearing, and scoliosis in fourth, seventh, and tenth grades. In fifth grade, students receive a course in human sexuality, and then in eighth and tenth grades they receive a health class, so it could also be tweaked to those years. We are here in neutral on the bill. As I said, we are doing it currently, and we have no problem continuing it moving forward.

**Assemblyman McCurdy:**

How did you determine which 19 schools to use, and did you mention what the sample size was of those 19 schools?

**Brad Keating:**

I do not know how the schools or the students were chosen, but from my understanding, they went down a list and determined the areas. They picked a few schools in the southwest and a few in the southeast to get a representative sample of the area, then they asked for students that way.



**Chairman Thompson:**

Assemblyman Oscarson, would you like to wrap it up?

**Assemblyman Oscarson:**

I have been trying to find answers to some of the questions, so what I will do is put together a letter back to the Committee and you can disseminate it to everyone. I do have one answer: Between \$250,000 and \$1 million has been left on the table, depending upon what information we can get. I am concerned that the information is not being reported back to the school districts. It will be anonymous, but it will be an aggregate of data that would be provided.

I have always been very open to anybody who comes to me and talks to me about my bills, committee bills, or anything else. It is always interesting to me when people come to the table and are opposed when I did not know anything about it. I am happy to work with those folks, but it is always good when you have that information to try to work through instead of just getting surprised in the committee hearing. I look forward to that conversation and appreciate everyone who has testified today. I look forward to getting that information back to you and working together to make sure that our kids are healthier.

[([Exhibit H](#)) and ([Exhibit I](#)) were submitted but not discussed and are included as exhibits for the meeting.]

**Chairman Thompson:**

I am sure those who had to come up in opposition, based on our definition, will get together with you. We will close the hearing on A.B. 273 and open it up for public comment. Is there anyone in Las Vegas who would like to make a statement for public comment? [There was no one.] How about here in Carson City?

**Brad Keating, Legislative Representative, Community and Government Relations,  
Clark County School District:**

Our good news minute: As many of you know, I was a teacher at West Career and Technical Academy (WCTA) and one of my former students, the current student body president, Kristen de Guzman, in the past year started what is called the WCTA Thirst Project. It partnered with an international organization, the Thirst Project, which is the world's largest youth water organization. Their mission is to educate and activate young students across the country to end the global water crisis within our lifetime. They are currently active in seven different countries around the world—one of them being Swaziland, which is the country WCTA's group wanted to focus on. The reason they focused on that country is because it has the highest density of HIV/AIDS in the world. More children die from water-borne diseases than HIV/AIDS, malaria, and violence combined in that country. It is amazing what they have to go through over there to get water. Obviously, giving them water would advance their country greatly. Long story short, WCTA took that on, and I am happy to report that

just today, they received their final donation. They raised \$12,000 in order to build three wells there that will provide water for all eternity, hopefully, to two villages in Swaziland. We are proud of what our students do academically, but just as important is what they do outside the school in the community.

**Chairman Thompson:**

Thank you so much. We are going to close public comment. Are there any other comments from the Committee? [There was no response.] We are adjourned [at 5:31 p.m.].

RESPECTFULLY SUBMITTED:

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Sharon McCallen  
Recording Secretary

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Terry Horgan  
Transcribing Secretary

APPROVED BY:

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Assemblyman Tyrone Thompson, Chairman

DATE: \_\_\_\_\_

## EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a copy of a PowerPoint presentation titled "Assembly Bill 77, Nevada Department of Education presentation to Assembly Education Committee," dated March 20, 2017, submitted by Steve Canavero, Ph.D., Superintendent of Public Instruction, Department of Education, and presented by Dena Durish, Deputy Superintendent for Educator Effectiveness and Family Engagement, Department of Education, in support of [Assembly Bill 77](#).

[Exhibit D](#) is a document titled "[AB 77: Sections Overview](#)," dated March 20, 2017, submitted by the Department of Education and presented by Dena Durish, Deputy Superintendent for Educator Effectiveness and Family Engagement, Department of Education, in support of [Assembly Bill 77](#).

[Exhibit E](#) is a document titled "Assembly Bill No. 77—Committee on Education (On Behalf of the Department of Education) Prefiled November 17, 2016," submitted by Dena Durish, Deputy Superintendent for Educator Effectiveness and Family Engagement, Department of Education, in support of [Assembly Bill 77](#).

[Exhibit F](#) is written testimony dated Monday, March 20, 2017, presented by Jared Busker, Policy Analyst, Children's Advocacy Alliance, in support of [Assembly Bill 273](#).

[Exhibit G](#) is a Health Policy Brief titled "Body Mass Index (BMI) Survey 2017," submitted by Jared Busker, Policy Analyst, Children's Advocacy Alliance.

[Exhibit H](#) is written testimony in support of [Assembly Bill 273](#) prepared by Jodi Tyson, representing Three Square Food Bank and Food Bank of Northern Nevada.

[Exhibit I](#) is a copy of a letter to the Committee dated March 20, 2017, in support of [Assembly Bill 273](#) submitted by Kevin Dick, District Health Officer, Washoe County Health District.