

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Seventy-ninth Session
June 1, 2017**

The Senate Committee on Education was called to order by Chair Moises Denis at 5:36 p.m. on Thursday, June 1, 2017, in Room 2134 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Moises Denis, Chair
Senator Joyce Woodhouse, Vice Chair
Senator Tick Segerblom
Senator Pat Spearman
Senator Don Gustavson
Senator Scott Hammond
Senator Becky Harris

GUEST LEGISLATORS PRESENT:

Assemblywoman Amber Joiner, Assembly District No. 24
Assemblyman Tyrone Thompson, Assembly District No. 17
Assemblyman Steve Yeager, Assembly District No. 9

STAFF MEMBERS PRESENT:

Todd Butterworth, Policy Analyst
Asher Killian, Counsel
Jan Brase, Committee Secretary

OTHERS PRESENT:

Kelly Crompton, City of Las Vegas
Constance Brooks, Nevada System of Higher Education
Mary Pierczynski, Nevada Association of School Superintendents; Nevada Association of School Administrators

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Lindsay Anderson, Washoe County School District
Brad Keating, Clark County School District
Patrick Gavin, Executive Director, State Public Charter School Authority,
Department of Education
Ed Gonzalez, Clark County Education Association
Paige Ritzman, Nevada Association of School Boards
Carolyn Turner, Las Vegas Metro Chamber of Commerce
Jason Guinasso, Member, State Public Charter School Authority
Michael Hackett, Nevada Public Health Association; Nevada Primary Care
Association
Sam Stein
Bill Sims
Kristy Oriol, Nevada Coalition to End Domestic and Sexual Violence
Caitlyn Caruso
David Lopez-Wade
Sara Lemma
Holly Welborn, ACLU of Nevada
Stacy Shinn, Progressive Leadership Alliance of Nevada; Human Services
Network
Craig M. Stevens, Clark County School District
Annette Magnus-Marquart, Battle Born Progress
Marlene Lockard, Nevada Women's Lobby
Rudy Leon
Jacqueline Cope
Amy Pason
Janine Hansen, Nevada Families
Jorge Sanchez
David R. Rowberry
Jenifer Mendez
Ashley Dyal
Deborah Earl, Vice President, Power2Parent
Sara Ramirez
Juan Sclafani
Jesus Faz
Josue Ulises Rodas
Andrea Carranza
David Mendoza
Maria Vargas

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John McCormick, Assistant Court Administrator, Administrative Office of the
Courts, Nevada Supreme Court
Jon Sasser, Legal Aid Center of Southern Nevada; Statewide Advocacy
Coordinator, Washoe Legal Services
Alex Ortiz, Clark County
Juanita Clark, Charleston Neighborhood Preservation

CHAIR DENIS:

We will open the meeting with Assembly Bill (A.B.) 144.

ASSEMBLY BILL 144 (2nd Reprint): Creates the Nevada Advisory Commission
on Mentoring. (BDR 34-31)

ASSEMBLYMAN TYRONE THOMPSON (Assembly District No. 17):

Assembly Bill 144 will create the Nevada Advisory Commission on Mentoring.
This legislation is not creating a program. It establishes a think tank and policy
commission to ensure that mentoring in our State constantly addresses the
supports and needs of mentoring organizations. There is a dire need for
capacity-building, fund development and mentor and mentee recruitment.

Mentoring is a movement. It is an opportunity to create a business model. We
need to establish high-quality mentoring which includes effective mentoring
guidelines. The community has supported this legislation for the past two years.
We presented a similar bill in the Seventy-eighth Legislative Session but were
unsuccessful.

We expect there will be influential members on the Commission. We are
working on funding for a coordinator position. The success of the Commission
depends on having a dedicated staff member who can push and drive the issue
on a daily basis.

Community support has come from the My Brother's Keeper Initiative in
southern Nevada which is led by the City of Las Vegas; Nevada Partners, Inc.;
the Clark County School District School-Community Partnership Program; the
University of Nevada, Las Vegas; the College of Southern Nevada; 100 Black
Men of Las Vegas; Big Brothers Big Sisters of Southern Nevada and many
grassroots organizations.

Assembly Bill 144 requires that two members on the proposed Nevada Advisory Commission on Mentoring be between the ages of 16 years and 24 years. Section 5, subsection 2 of the bill defines a child as a person 24 years of age or younger. This section is included to allow alignment with the federal Workforce Innovation and Opportunity Act.

The Commission will establish funding to develop capacity-building and technical assistance for grassroots mentoring organizations. We as a State should try our best to strengthen these organizations and help them become solvent and self-sufficient. We also need to support well-organized programs and keep them in operation. We have all had a mentor and recognize the value of having someone who has guided us.

We have experienced many successes. Recently, a group of 24 boys mentored by Gentlemen by Choice Community Development Corporation graduated from Mary and Zel Lowman Elementary School. The school has a program known as Lowman Gents. The executive director of Save our Sons, Curtis Coleman, is a young African-American man who formed his organization because he believes our young men need to be saved.

KELLY CROMPTON (City of Las Vegas):

The City of Las Vegas supports A.B. 144. Through the Las Vegas chapter of the My Brother's Keeper program, we have worked to help children stay on track to graduate and go to college. The City of Las Vegas looks forward to partnering with other stakeholders in this critical mentoring movement.

CONSTANCE BROOKS (Nevada System of Higher Education):

We support A.B. 144. We request that the proposed Commission examine mentoring components for our nontraditional students. About 25 percent of our student population is classified as nontraditional. They are beyond the ages of 18 to 24 and would also benefit from mentoring programs.

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

We support A.B. 144. It will add structure to important mentoring programs.

LINDSAY ANDERSON (Washoe County School District):

We support A.B. 144. We request a strong Washoe County component in the proposed Commission.

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BRAD KEATING (Clark County School District):
We support A.B. 144.

PATRICK GAVIN (Executive Director, State Public Charter School Authority,
Department of Education):
We support A.B. 144.

ED GONZALEZ (Clark County Education Association):
We support A.B. 144.

PAIGE RITZMAN (Nevada Association of School Boards):
We support A.B. 144.

CAROLYN TURNER (Las Vegas Metro Chamber of Commerce):
We support A.B. 144.

SENATOR SEGERBLOM MOVED TO DO PASS A.B. 144.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR DENIS:
We will open the work session on A.B. 49.

ASSEMBLY BILL 49 (1st Reprint): Makes various changes relating to charter schools. (BDR 34-255)

TODD BUTTERWORTH (Policy Analyst):
Assembly Bill 49 revises various provisions concerning charter schools and the State Public Charter School Authority (SPCSA) related to administrative processes, school accountability and transparency. A variety of amendments were proposed. The SPCSA has responded to those proposals and amendments for the Committee's consideration. I have submitted a work session document ([Exhibit C](#)).

CHAIR DENIS:

My first bill as a Legislator was a charter school bill, and it made one change in the law. It changed the word "shall" to "may." Before the bill, statute required charter approval from the State Board of Education or the school's sponsor. Loosening the requirement allowed for more flexibility in the application process. The SPCSA was created and provides some oversight. We want charter schools to be the best they can be, and we want to support the SPCSA in its mission. Assembly Bill 49 provides changes requested by the SPCSA and several stakeholders.

SENATOR SEGERBLOM:

Does A.B. 49 limit rights to appeal?

JASON GUINASSO (Member, State Public Charter School Authority):

The question refers to situations when charter schools are faced with certain performance issues. Some of our charter schools have struggled to meet minimal graduation rates. In lieu of closing a school or reconstituting its board, we have asked charter schools with performance problems to agree to certain benchmarks. In exchange, the school will limit the scope of any judicial review. Reviews will be restricted to the achievement of benchmarks.

SENATOR SEGERBLOM:

The appeal process is found in *Nevada Revised Statutes* (NRS) 233B. Is that correct? The standard is arbitrary and capricious. I do not understand the need to limit the right to appeal. Charter schools should have the ability to bring any issue to court.

MR. GUINASSO:

Everyone has the right to go to court. We are not restricting that right. We are asking that the subject of the appeal be limited to specific issues. This will save time and provide some ability to enforce the agreement. We want to send the message that if we are going to agree to benchmarks and forgo closure or reconstitution, it is imperative that schools are as committed to the benchmarks as we are committed to holding schools accountable. The only thing courts should be reviewing is schools' success or failure in meeting their benchmarks. Without this restriction, no settlement agreement has value from an authority perspective.

SENATOR SEGERBLOM:

Schools enter a settlement agreement because they have been threatened with the loss of their licenses. They have been forced to give up rights. Schools may not agree with imposed benchmarks. You are saying schools can challenge the evaluation of their success or failure of benchmarks but cannot challenge the structure of the benchmarks which may be arbitrary and capricious. I disagree with trying to limit the right to judicial review.

MR. GAVIN:

The schools themselves propose benchmarks and targets. We are trying to ensure these targets are enforceable. There has been one instance when a party has stated agreement to benchmarks as long as the benchmarks are effectively unenforceable. That is terrible public policy.

SENATOR SEGERBLOM:

I disagree.

SENATOR HARRIS:

I want to offer a conceptual amendment to clarify some of the language in section 11.5 of A.B. 49. In regard to notice requirements, charter schools are required to include notice on their Websites and include within five business days any revisions to marketing materials. We need to have a notice placed prominently on their Websites and send written notice to parents within seven to ten business days. I will leave the decision of the most appropriate length of time to the sponsor of the bill. Charter schools need to certify to the SPCSA that they have provided notice.

Section 11.5, subsection 3 requires charter schools to hold a public hearing to discuss a plan to correct any issue which caused the issuance of these notices. Ten days may be too soon. I suggest notices go to the public and to parents. Then charter schools will certify to SPCSA that notice has been given. The SPCSA and schools executive committees could then agree on an appropriate time to hold a hearing to discuss performance plans.

ASHER KILLIAN (Counsel):

I will research the proposed conceptual amendment.

SENATOR HAMMOND MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 49.

SENATOR HARRIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR DENIS:

We will open the hearing on A.B. 348.

ASSEMBLY BILL 348 (2nd Reprint): Revises provisions governing a course or unit of a course of instruction concerning acquired immune deficiency syndrome, the human reproductive system, related communicable diseases and sexual responsibility. (BDR 34-285)

ASSEMBLYWOMAN AMBER JOINER (Assembly District No. 24):

Assembly Bill 348 is related to sex education in Nevada and strives to improve the system that is in place. Initially, my goal was to ensure that students had basic information for staying healthy. Assembly Bill 348 as amended is narrower in scope when compared with my original bill.

I have been asked why we need this legislation. I am asked, "Isn't it already a law? Schools are required to provide sex education." Yes, it is the law. However, I discovered it is not being taught as it should be. Students are not equally receiving the education. Some schools are doing an excellent job, and some schools are not teaching sex education at all. Even in the districts adopting strong curricula at the school level, the courses do not comply with State law. I have heard complaints from parents who said they signed permission slips and expected their children would receive sex education. Instead, the students were presented three pages in a health book.

Nevada statistics relating to teen pregnancy and sexually transmitted diseases are still pitiful. The national teen pregnancy rate is declining, but Nevada is in the last quartile. We are trying to provide basic information for preventing unwanted pregnancies.

Nevada has the seventh-highest rate of syphilis nationally. According to the Centers for Disease Control and Prevention, young people between the ages of 15 to 24 make up only one-fourth of the sexually active population but account

for half of all newly acquired sexually transmitted diseases. Our kids are engaged in activities requiring information about ways to stay safe.

In regard to the objections to A.B. 348, much is based on misinformation. The amended bill addresses many concerns. I do not want to discount arguments against the bill. They come from genuine concern. Parents like me want what is best for their children. I am trying to ensure that sex education is provided equally among all the school districts. I have had many hours of discussion with many parents. Assembly Bill 348 in its current form is a compromise and the result of those conversations.

There are four main goals of the bill. First is to ensure accountability in compliance with statute; school districts are required to report to the Legislature the status of sex education in their district. Second is to ensure that the adoption of curriculum remains at the district level. Many are concerned that A.B. 348 is changing the sex education curriculum. Parents and advisory councils will continue to have input at the local level. Third is to ensure students are not discriminated against in sex education classes. Last is to make it easier for parents to express their wishes. This means improving the permission process.

The language in section 1 relates to reporting. School districts will be required to report certain information about the status of sex education in their districts. The process is streamlined and provides needed data. I have anecdotal evidence of a flawed system. Assembly Bill 348 requires the provision of solid data. The Legislature in its oversight capacity can determine if the statute is properly implemented. Teachers and principals need to know they are required to teach sex education. They will be required to report that they are in compliance with the law.

During testimony in previous Committee hearings, conflicting figures were submitted regarding missing permission slips. We need to know how many students are not returning permission slips and not receiving sex education. We do not actually know how many school districts have adopted the curriculum. This Session, my staff and interns called all the school districts for a copy of their curricula. Two districts have not responded. Three districts said their curricula are not available to the public. In two of these districts, I was told that a parent can contact the teacher for information. If the law requires school districts to adopt a curriculum, that is public information and should be available

to the general public. It begs the question, has a curriculum been developed? Are teachers individually deciding what is or is not taught?

I have heard assertions that the reporting requirements will be expensive and burdensome to the school districts. Assembly Bill 348 does not have a fiscal note. School districts have agreed that they can comply with reporting requirements.

Section 1, subsection 2, paragraph (a) requires reporting of the number of pupils who participated in the course or unit of a course of instruction. Some have interpreted this as increasing the amount of sex education required to be taught or the number or hours or units. The Legislative Counsel Bureau Legal Division was copying language from statute.

Statute, as described in section 1.5, subsection 1, provides that the board of trustees of a school district shall establish a course or unit of a course. Assembly Bill 348 simply requires reporting on established statute.

Curricula will continue to be decided at the local level and will be updated regularly. Section 1.5, subsection 2 states that the board shall periodically revise the content of the course or unit of instruction. The content must be current, age-appropriate and medically accurate. Some school districts have done a great job and some have not. Because we do not have data on some school districts, we do not know how successful they have been. This section clarifies what should already be happening.

The third goal of A.B. 348 is to ensure the teaching methods are not discriminatory. Section 1.5, subsection 3 requires that all teaching materials be appropriate for any student. We heard testimony from students in the Assembly hearing. Testifiers reported feeling excluded by some of the instruction they received in sex education courses. In some cases, they felt discriminated against. We do not tolerate discrimination in any other part of our education system, and it should not be allowed in sex education.

The fourth goal of A.B. 348 is to make it easier for parents to express their wishes. Section 1.5, subsection 7 offers methods for parental consent for a unit or course of instruction in sex education. When permission slips are not returned, we do not know what parents' wishes are. This section does not revise the opt-in provision in statute. The bill gives parents more options to

more easily comply with the permission slip return. Some have suggested this diminishes parental rights. This section preserves parents' rights to decide whether or not their children participate in instruction.

Assembly Bill 348 enhances the system by authorizing parents to sign permission slips online. While registering their children for school, parents will have the option to give permission for sex education courses. They would have access to outlines of the curriculum and the ability to review the courses.

There is some confusion about available parental options. Section 1.5, subsection 8, paragraph (b), subparagraph (1) and subparagraph (2) clarify parents' option to give permission for one year or for multiple years. A parent who knows his or her child should be given instruction in sex education for the duration of the child's school enrollment can make that wish known. There is confusion on this point. To be clear, school districts will offer both single and multiyear options.

A parent can revoke permission at any time as outlined in section 1.5, subsection 8, paragraph (c). It is important to note even if parents have given perpetual permission, they will be notified when a sex education class is scheduled.

I have tried to make the process as simple as possible while maintaining the basic premise of parents' rights to make these decisions for their children.

It is urgent for us to have good data. I have discovered that school districts are not transparent about their curricula. Not all students are receiving the same basic information, and we do not know how many kids are being left behind. We cannot be at the bottom of the list for teen pregnancies.

SENATOR HARRIS:

How many schools are not offering State-mandated courses and instruction?

ASSEMBLYWOMAN JOINER:

The problem is we do not know. Our information is all anecdotal. One teacher I spoke with has said that sex education has not been taught in her school for three years. When I asked the school district for permission slips, I was told they did not have permission slips on file for those years. Parents have

complained about the content of courses and the lack of information students are receiving.

SENATOR HARRIS:

What types of variations have you seen among school districts?

ASSEMBLYWOMAN JOINER:

Clark and Washoe Counties have curricula online. Some rural districts also have robust programs. Statute requires instruction on the human reproductive system and HIV. The instructional methods used by school districts vary.

SENATOR HARRIS:

How many school districts have materials online for the public?

ASSEMBLYWOMAN JOINER:

Clark and Washoe Counties have materials online. Churchill County's policy is online. Nye and Humboldt Counties provide some information online.

SENATOR HAMMOND:

Section 1.5, subsection 2 requires review of course content and revision to ensure that the content is current, age-appropriate and, as applicable, medically accurate. Does the term "applicable" apply to age-appropriate or medically accurate?

ASSEMBLYWOMAN JOINER:

I believe it applies only to the term medically accurate. I can confirm with the Legal Division. The reason for the language is that not everything in sex education is related to medical research.

SENATOR HAMMOND:

The goal is to provide accurate medical information. Is that correct?

ASSEMBLYWOMAN JOINER:

That is my understanding, though it was not a policy decision on my part.

MR. KILLIAN:

Yes. This is an accurate statement of the drafting decision. Not all information presented will be medically relevant. If it is relevant, it must be accurate.

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SENATOR HAMMOND:

However, when we teach medical information, we want to be accurate?

MR. KILLIAN:

Yes.

SENATOR SETTELMAYER:

Does A.B. 348 apply to charter schools?

ASSEMBLYWOMAN JOINER:

Because sex education is not a graduation requirement, it does not apply to charter schools.

SENATOR SEGERBLOM:

Does it apply to private schools or schools eligible under the Education Savings Account (ESA)?

ASSEMBLYWOMAN JOINER:

I do not know about schools eligible under the Education Savings Account. In general, A.B. 348 does not apply to private schools.

MR. KILLIAN:

Statute in regard to sex education applies to public schools. I can research the role statute plays in private schools.

SENATOR HAMMOND:

Sex education courses are not required in private schools. Because there is no ESA program, the question is moot.

CHAIR DENIS:

How has A.B. 348 changed from the original draft?

ASSEMBLYWOMAN JOINER:

The original bill established State standards and detailed criteria. Curriculum decisions are made at the school district level with input from advisory committees. Assembly Bill 348 as presented today does not require new State standards. We are asking for data about what is being accomplished with education in HIV and human reproduction. It was through the investigation

process we learned that a data reporting system is needed. Once we have data, we will have direction for future curriculum decisions.

CHAIR DENIS:

Parents can opt in for a year. They can opt in for the duration of their child's education, or they can opt out. At any point, parents can decide to withdraw their children from the course. Is that correct?

ASSEMBLYWOMAN JOINER:

Yes. When a parent is notified his or her child is scheduled for a course, the parent can opt in or opt out. At any point, they can revoke permission. Every time a course is offered, parents will be notified. This is in statute and not changed by A.B. 348.

CHAIR DENIS:

How do parents opt in or opt out?

ASSEMBLYWOMAN JOINER:

Assembly Bill 348 authorizes school districts to offer online permission. Not all school districts will take this option, but we want to make it easier for them to do so.

CHAIR DENIS:

If parents have not expressed a preference, do you envision a follow-up process by the school district?

ASSEMBLYWOMAN JOINER:

Yes, section 1.5, subsection 9 addresses this issue. If a permission slip is not returned within two weeks, the bill requires the school district to contact the parent or guardian before instruction begins.

CHAIR DENIS:

How many attempts will be made to contact parents or guardians?

ASSEMBLYWOMAN JOINER:

The intent is to require one notification. This is an improvement on the system which is in place.

CHAIR DENIS:

The bill proposes collecting data on the number of parents who opt in, opt out and fail to respond. Is that correct?

ASSEMBLYWOMAN JOINER:

Yes.

SENATOR HARRIS:

Assembly Bill 348 allows for the revocation of consent at any time, regardless of how it was provided. The bill does not outline a method or a process for the revocation. Are we anticipating that it will be done electronically? Does it have to be in writing or in person? Some clarity would be helpful.

The parent or guardian will receive notice when a course or unit of instruction is offered. The bill does not outline the required number of days in advance of the course. As I read the bill, it could be two weeks before the course or it could be hours before. I would request the bill specify a notice date. If parents have time to talk to their children before they take a course in sex education, they would have a chance to engage in productive and important conversations at home.

ASSEMBLYWOMAN JOINER:

I have considered the notice issue. School districts vary in their notice procedures. Notice is often given at the beginning of the school year. In the absence of a good number for the whole State, I wanted to leave this decision to the school districts and local school boards.

MICHAEL HACKETT (Nevada Public Health Association; Nevada Primary Care Association):

We support A.B. 348. As part of the Nevada Public Health Association's advocacy agenda for 2017, promoting programs and policies that benefit child and adolescent health is one of our priorities. Within that, we identified the following goals: preventing teen pregnancy at the State and local levels, avoiding sexually transmitted diseases (STD) by preventing STD risk behaviors, providing rapid HIV testing and supporting school-based services that address preventive and behavioral health care needs.

We advocate for investments in public health that address social determinants of health. We recognize the fundamental relationship between educational attainment and health outcomes and thereby support new and continuing investments in kindergarten through Grade 12 (K-12) education.

Assembly Bill 348 supports our priorities by ensuring that the most students possible continue to become knowledgeable about HIV, the human reproductive system, related communicable diseases and sexual responsibility. The Nevada Public Health Association stands with national organizations such as the American Public Health Association, the American Medical Association, the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists in support of these courses of instruction.

The Nevada Primary Care Association is the State's federally designated primary care association. Our community health centers provide health care to the uninsured and Medicaid populations, including services to improve adolescent health and wellness. We also run a teen pregnancy program in Carson City and in Clark, Washoe, Lander, Nye and Eureka Counties. The focus is on education and community outreach in order to reduce teen pregnancies and to prevent sexually transmitted diseases. The program is a five-year endeavor funded through the United States Department of Health and Human Services' Office of Adolescent Health.

According to a National Vital Statistics System report from 2000, Nevada has the thirteenth-highest rate of teen births in the Nation. The racial disparity for Latinas is significantly higher than the national average. The dropout rate for teenage girls who become pregnant is 30 percent in Nevada. For 20 years from 1991 to 2010, there have been 73,470 teen births in Nevada costing taxpayers \$1.5 billion. Since our teen pregnancy program began last July, 276 teens and parents have participated. Our health centers cannot reach every teen and parent, so it is important that school districts continue to do their part.

Education is knowledge, and knowledge is self-empowering. Assembly Bill 348 will continue to empower students to help them make responsible decisions through their student lives and into adulthood. It will ensure the most students possible participate in current, nondiscriminatory courses or units of instruction on subject matters identified in this bill.

SAM STEIN:

I am a graduate student in public administration at the University of Nevada, Reno. I support A.B. 348. The need for and effectiveness of comprehensive, age-appropriate sexual education in public schools has been consistently demonstrated in studies conducted by the Centers for Disease Control and Prevention (CDC) and many other nationally recognized public health

organizations. The CDC's 2015 report on HIV infection and teen pregnancy found that approximately 22 percent of all new HIV diagnoses were among young people age 18 to 24. Teens and young adults have the highest rates of sexually transmitted diseases of any age group. Three of 10 young women become pregnant before the age of 20. In both the CDC's research and in its review of 48 other public health studies, the agency found that well-designed HIV and STD prevention programs decreased risky sexual behaviors among students by delaying first sexual intercourse, reducing the number of sex partners, decreasing the number of times students have unprotected sex and increasing the use of condoms and other contraceptives. These studies found that such programs did not hasten initiation of sexual intercourse among adolescents, even when curricula encouraged sexually active individuals to use condoms.

Assembly Bill 348 maintains an opt-in basis for enrollment for sex education courses and preserves the rights of parents to withdraw their children at any time. Comprehensive, medically accurate sex education programs are a vital part of educating children in our State. Giving our students the tools and knowledge to protect themselves, lead healthy lives and pursue their educations will ultimately benefit all Nevadans.

BILL SIMS:

I support A.B. 348. We need to offer sex education for our students to prevent teen pregnancies and STDs.

KRISTY ORIOL (Nevada Coalition to End Domestic and Sexual Violence):

We support A.B. 348. Medically accurate sex education is important and has a connection with healthy relationships and violence prevention. Students gain an understanding of what it means to be in a healthy relationship. When they have this understanding, they can identify some of the warning signs of abuse. With identification comes early intervention and access to services. This bill is a support and great addition to our education curriculum.

CAITLYN CARUSO:

When I took sex education in middle school, I was told I was not pure if I had sex before marriage, I was damaged and broken goods. I entered the class as a sexual assault survivor. Assembly Bill 348 requires that sex education be inclusive of all students regardless of backgrounds. This helps ensure that students will not have to go through a similarly traumatizing experience.

When I was in a sex education course at the age of 13 or 14, I asked my teacher, "What happens if I want to have sex with a woman? How would I protect myself?" The teacher responded, "I cannot talk about that. It is against my religion." I was denied education based on my sexuality. I have heard disturbing stories from other students. Some students received no education. Some were subjected to bigotry and homophobia. That has no place in Nevada where we have some of the most progressive antidiscrimination policies in the Country.

The bill requires an annual report on sex education by the board of trustees of the school districts. I work for minimum wage in Las Vegas, and I am required to report to my supervisors. There is no reason school districts should not be held to the same standards. This bill is a great start. This is just the tip of the iceberg. We need culturally competent, medically accurate and inclusive sex education that meets the needs of LGBTQ students who do not know what internal condoms are or how to engage in sexual activity safely, including anal sex which is not often talked about in our classrooms.

DAVID LOPEZ-WADE:

I support A.B. 348. I attended school in Las Vegas and am a public health major. The band of string around my right wrist signifies a training I attended on preventing sexual assault. In the training, we covered how sexual assault and rape is normalized by rape culture. Posters produced by police departments blame victims' assaults on the victims.

I continue to wear the band of string because it serves as a reminder that I have the ability to intervene in potentially dangerous situations that could lead to sexual assault. I have this ability because I was educated. Nevada school districts should follow suit and add comprehensive sex education to their curriculum.

I have been dating and sexually active since I was 12 years old. Having a comprehensive, age-appropriate and medically accurate sex education from the beginning of my education might have prevented a lot of trauma. I would not have had multiple abusive relationships, because I would have been able to recognize the red flags of abuse. I would not have had multiple pregnancy and health scares because comprehensive sex education covers pregnancy and HIV/AIDS prevention. I would not have been sexually assaulted by my former

best friend because comprehensive sex education covers consent, communication and boundaries.

I recognize that many in this State think that parents, not schools, should be teaching sex education to youth. The truth is parents cannot teach everything we need to know to live a healthy and safe life. Not every parent is equipped to teach these necessary life skills. This is where the education system comes in. It is too late for me, but it is not too late for thousands of students in Nevada. Assembly Bill 348 is not enough, but it is a start.

SARA LEMMA:

I support A.B. 348. I am a parent and a student of public health. I began serving as a parent member of the Clark County School District (CCSD) Sex Education Advisory Committee in 2014 and was appointed again in 2016. My role as a parent combined with my academic background allows me to have a unique perspective on the issue of sex education. I have an 11-year-old daughter and a 27-year-old stepson. It is important to me that my daughter receive age-appropriate, medically accurate and inclusive sex education for many reasons. The main reason is that my husband, who did not receive sex education at home or in school, became a father at the age of 16. This posed many financial, emotional and logistical challenges over the years.

There is evidence from all over the State of the need to implement changes outlined in A.B. 348. In 2015, 33 sex education teaching materials were removed from the CCSD sex education database because they were inaccurate, shame- and/or fear-based and outdated. The majority of these materials have not been replaced. Due to the lack of available teaching materials, teachers are unable to meet statutory requirements. For the past year, our students have not received education the State obligates school districts to provide.

I want my daughter to have opportunities my husband did not. She had sex education for the first time last week. It consisted of a single video produced by Proctor and Gamble aimed at selling deodorant and sanitary pads to female students. This is inadequate. Our students deserve better. Parents and teachers need to work together.

HOLLY WELBORN (ACLU of Nevada):

We support A.B. 348. This is a critical first step for sex education in Nevada. Some youths in our State face prejudice and discrimination. Youths of color,

LGBTQ youth, immigrant children and youth from low-income families experience disproportionate rates of teen pregnancy and sexually transmitted diseases. A strong sex education program can help prevent these problems and is necessary to ensure that students learn how to make informed decisions about their sexual health.

Through a series of public records requests in 2013 and 2015, our organization discovered that each school district had vastly different policies and curricula. In some counties, the course materials were out of date, not medically accurate, sexist and discriminatory. Two examples we discovered in 2013 included warnings to girls who had sex. They were told they would earn a bad reputation. If they have a reputation for having sex, it would make them vulnerable to predators. Boys who were sexually active were considered "cool." Programs related to human growth and sexual development were not designed to present homosexuality as a normal or acceptable lifestyle. We find this to be discriminatory.

It took a long time for school districts to respond to our public records requests. It is important that there be a mandate on records reporting, at least on the opt-in data.

STACY SHINN (Progressive Leadership Alliance of Nevada; Human Services Network):

I represent more than 90 organizations and support A.B. 348.

CRAIG M. STEVENS (Clark County School District):

We support A.B. 348. Carolyn Edwards, Trustee, Clark County School District has submitted a letter of support ([Exhibit D](#)). The bill does not expand or restrict local control over sex education, and it continues the opt-in policy as supported by the CCSD trustees.

ANNETTE MAGNUS-MARQUART (Battle Born Progress):

We support A.B. 348. This is a step in the right direction for Nevada. Every Session we kick this can down the road our young people are hurt. This is a simple bill that ensures our children are taught sex education in our public schools and ensures that schools are reporting what is actually being taught. We need to know the schools are following the law. We need to know this data so we can make good decisions and know how to move forward on the issue.

The misinformation and lies spread about A.B. 348 are troubling to me. This is something that happens every Session with various groups and is unacceptable.

As a graduate of the CCSD, I know exactly what was not taught to me in my sex education class. It was inadequate. My mother gave me the tools I needed to make healthy decisions. Others are not so privileged. This bill is the right thing to do for the youth of Nevada.

MARLENE LOCKARD (Nevada Women's Lobby):

We support A.B. 348. We have supported sex education bills for many Sessions. The world has changed over the past years. Youths are facing different challenges today. Many have no idea how to face and deal appropriately with those challenges.

RUDY LEON:

I grew up in Illinois and find the history of A.B. 348 confusing. In Illinois, sex education was mandatory. Classes were basic medical information. All children and young adults will experiment, but experiments do not have to ruin lives. We need this bill and the bill that comes after it.

We need to protect the youth of Nevada so that when they experiment, they can protect themselves from cancer, HIV/AIDS, herpes and pregnancy. The economic impact of teen pregnancy in Nevada must be significant. Teen pregnancy reduces the economic potential of parents.

JACQUELINE COPE:

I support A.B. 348.

AMY PASON:

I am an educator at the University of Nevada, Reno. I am a graduate of Spring Creek High School and can speak to the lack of sex education at my school in the late 1990s. We were told about sexually transmitted infections and a video of the miracle of birth. Ironically, two students in my class were pregnant. We did not receive much information.

As an educator, I agree that getting information is empowering. Getting information about contraception, sexual health and consent does not mean students will become sexually active. It gives them needed information, language and tools to learn more. I did not feel I was empowered or able to

advocate for myself and my sexual health until I took college classes in human sexuality.

JANINE HANSEN (Nevada Families):

I started working on this issue at the Nevada Legislature in 1985 with former Senator Raymond D. Rawson and have been engaged and involved since then. I appreciate many of the changes in A.B. 348. My concern is with perpetual permission. It is important that parents be engaged. If they sign a perpetual permission agreement, they may not be engaged eight years into their children's education. They should be notified near the time of the course being offered.

Section 3 of A.B. 348 discusses methods of teaching and materials. There is a list of types of pupils, but the bill does not include families and children with different moral views. We do not want them discriminated against either.

JORGE SANCHEZ:

I am a graduate of the University of Nevada, Las Vegas (UNLV), hold a master's degree in education and am a father of three. I disagree when I am told that my concerns about A.B. 348 means I am misinformed. I have read the bill in its entirety including the amendments and cannot understand how someone would draft a bill that would require teaching so much sexual perversion to our children. Terms like medically accurate, age-appropriate and inclusive are misleading. This bill proposes to teach my sons how to become sexually active as early as Grade 4 and with any gender. I oppose this. I am against the school instructing my daughter where she can get an abortion without informing me.

It is as though you are asking me to turn my three children over to a sex trafficker. The only difference is that they will come home every day. Assembly Bill 348 asks me to send my children to school to have their minds abused out of with everything my wife and I believe to be true. The curriculum is written by Planned Parenthood, the ACLU and the LGBTQ community. I am opposed. This should not be in our schools.

CHAIR DENIS:

Are you reading the second reprint of the bill? It sounds like you have described the original bill.

MR. SANCHEZ:

The second reprint uses the terms medically accurate and age-appropriate, and I believe they are misleading. These terms have replaced the explicit language of the original bill.

DAVID R. ROWBERRY:

I have a long history of evaluating sexual education programs. In addition to my doctoral dissertation, I was appointed by former President Bill Clinton to an evaluation committee with the U.S. Department of Health and Human Services for the purpose of evaluating sex education programs under Titles X, XX and other federally funded sex education programs. I also have grandchildren in Nevada schools.

I oppose A.B. 348. We have seen some improvement in Nevada. This is at least partially attributed to high-quality, focused messaging about safety that the school districts already provide as part of their sex education courses. Also, it is good that school districts have flexibility to work with parents. Section 1.5, subsection 3 outlines types of students who should receive sex education. This is in place by statute. My major concern is for students with mental difficulties, especially those on the autism spectrum. Their lessons should be carefully tailored. I have submitted my written testimony ([Exhibit E](#)).

JENIFER MENDEZ:

I am a UNLV student and a proud member of the Hispanic community. I oppose A.B. 348. Throughout hearings on this bill, we have heard terms like medically accurate, evidence-based and age-appropriate. This proposed curriculum will teach our students an excessive amount of information on contraceptives and the means to handle an unexpected pregnancy by showing them where to find the nearest Planned Parenthood office. I remind you that in 2015, 87.6 percent of all Nevada high school students were using contraceptives.

It has been stated that sex education will prevent certain cancers. Contraceptives have been linked to serious health complications, including liver, cervical and breast cancers. That is medically accurate and evidence-based information. Planned Parenthood has aborted 7,744,887 babies. Assembly Bill 348 does not aim to reduce teen pregnancy. It aims to increase Planned Parenthood profits.

We are students from the same education system where you are trying to implement this program.

ASHLEY DYAL:

More than 90 organizations and special interest groups support A.B. 348. Over the past 4 years, more than 12,000 parents of students have expressed their opposition to legislation such as A.B. 348. More than 300 members of the Hispanic community have attended hearings this Session. This issue mobilizes parents of all nationalities, political parties and belief systems. Parents are the majority stakeholders in the outcome of this bill.

DEBORAH EARL (Vice President, Power2Parent):

I am Vice President of Power2Parent and mother of five children, three of whom attend Clark County Schools. Our organization represents thousands of parents and community members who oppose A.B. 348 because of the changes it makes to the opt-in provision. The written permission slip is no longer required for participation. Parents understand that written permission is a critical aspect of students' sex education. We do not provide perpetual permission for anything else. The following is a list of permission slips parents have signed to opt their children in or out of activities or academic lessons at the time they are happening; field trips, computer access, yearbook pictures, on-campus booster shot clinics in Grade 7, on-campus checks for scoliosis, on-campus hearing tests, movies and permission to check books out of the library. It took me two days to put together all the needed signatures and documents for my daughter to run on the track team and for my son to join the wrestling team. Parents want to know exactly what is happening at school. They want to be included in every aspect of their child's education, especially sex education. They want to know on a timely basis.

Assembly Bill 348 sets up a situation where parents can opt their child in to sex education in a year when it is not taught, and the permission is given for the entire K-12 period. Parents want to be given permission slips no more than two weeks before the material is presented. This bill is a solution in search of a problem. Ninety-five percent of students opt in to sex education classes with signed permission slips. Our pregnancy rates have declined significantly over the past 20 years. This bill waters down opt-in permission to a computer check box and gives schools carte blanche permission. A signed permission slip two weeks before sex education materials are presented is a form of parental involvement.

The best chance for student success is parent involvement. Assembly Bill 348 robs parents of that opportunity.

SARA RAMIREZ:

I oppose A.B. 348 and its amendments. I am frustrated and disappointed because you have been ignoring me as a parent. The bill is supported by Planned Parenthood and the ACLU. I am a mother representing and defending my kids. No organization is backing me up. I am not fooled by terms such as healthy choices and human development. The priority is to teach perverted sexual material. This does not help a child to be a professional. When A.B. 348 is passed, these organizations will introduce their books with explicit sex acts and obscene posters in the schools. I know this because I have seen it happen in Ontario and Toronto. If I do not give my children permission to take sex education courses, they will still be exposed to the materials. My children and I are victims of discrimination because of our beliefs.

JUAN SCLAFANI:

I am a doctor with a specialty in marital communication. I oppose A.B. 348. Former President Abraham Lincoln said, "Nearly all men can stand adversity, but if you want to test a man's character, give him power."

All of you, through a process of election, have received power over our lives. Sadly, the manner with which most of you have handled the propositions that have been brought up lately for a vote dealing with parental rights and the indoctrination of our children with sexually explicit material, has caused us dismay.

Our society seems to be going very fast into the abyss in the name of human rights. What are the absolutes that you are using to judge what is right and wrong? Is it the consensus? Is it the courts? Have not the consensus and the courts been wrong many times before? Someone said, "We can learn from history, but we can also deceive ourselves when we selectively take evidence from the past to justify what we have already made up our minds to do."

Many of us for about two years have been coming to these meetings again and again to oppose the immoral bills that you are passing and seeking to pass. Despite our insistence that you back off from pushing the tyrannical bills such as A.B. 348, you continue to do so.

I am imploring you as one human being to another, please do not allow the illogical and immoral consensus to dictate your decisions but follow what you know to be right even if it means not being elected again. Finally, "If there is no absolute by which to judge society, society is absolute."

JESUS FAZ:

I represent my four children. You may consider us insignificant opponents. There is no one here more qualified to speak for the children. As parents, our voices should be heard loud and clear. You have been persuaded by special interest groups like the ACLU and Planned Parenthood. We do not want our children to be taught extensive and inclusive sex education. Terms in A.B. 348 like age-appropriate and medically or scientifically accurate are misleading and deceitful. The aim of this bill is to prevent sex, rather it encourages sexual activity.

Why are the ACLU and Planned Parenthood so interested in A.B. 348? It is beneficial for them. They do not care for our children. Planned Parenthood cares about our children becoming sexually degenerate beings so they can promote their services, primarily abortion. It is a morally bankrupt approach, a failed system put into place with malicious intent. They teach our children how to become desensitized to moral values with the result of profits for them at the expense of our children's innocent minds.

This is a direct attack on our rights as parents and on the law of God. Jesus said, "It would be better for him if a millstone were hung around his neck and he was thrown into the sea than that he should cause one of these little ones to stumble."

JOSUE ULISES RODAS:

I wonder who will benefit from A.B. 348. Will it be the students? If so, is explicit sex education going to help? Nevada is last in education ranking for basic skills such as math, reading and English. We can improve, but we need a plan. What is our plan? We will place explicit sex education into school curricula. Not just how sperm fertilizes an egg to make a baby, we will show kids how to do that. Who will teach them? The ACLU and Planned Parenthood that have murdered over 7 million babies since the inception of these organizations. They murder 5,000 human beings weekly. We can improve math scores by learning how to count the bodies.

Who does this benefit? The students—not quite. I am proof. I graduated from high school when I was 17 years old, 1 year before everyone else. I am in the top 10 percent of students in college and am majoring in biology. All of this without the benefit of educational pornography. Only Planned Parenthood will benefit from passing this bill.

ANDREA CARRANZA:

I oppose A.B. 348. I am not opposed to education. Nevada ranks as one of the lowest states in overall education outcomes, and something must be done. Adding more explicit sexual education to the curriculum is not the answer. There are subjects which should be left to parents. Parental rights come first. Parents are informed about the content of sex education courses. That will not help if the education is blended into the rest of the curriculum. Not even an opt-out provision can protect students from exposure.

What is taught to our students in schools, public and private, must be fact-based. This bill intends to teach students about gender identity, sexual orientation and expression, which is not scientific. We cannot pass a bill based on what we wish were true or what we wish were scientific.

DAVID MENDOZA:

We would like more time to speak. We have been waiting four hours.

MARIA VARGAS:

I am neutral to A.B. 348. I agree with some parents. Some kids have sexual education needs different from other kids. They should be able to ask for help. I do not think kids who do not believe in the LGBTQ lifestyle should be discriminated against.

CHAIR DENIS:

I will ask members of the audience to demonstrate by a show of hands their support of or opposition to A.B. 348. We will accept into the record written testimony of those who support the bill ([Exhibit F](#)) and those who oppose ([Exhibit G](#)) and ([Exhibit H](#)). Our sign-in sheets will also reflect your position.

ASSEMBLYWOMAN JOINER:

I appreciate the opinions of those who oppose A.B. 348 and regret having a difference of opinion. To clarify, this is not an invitation to opt in. Statute for the method of giving permission stays in place in this bill. There will be

notification when children are about to receive sex education, regardless of their parents' opt-in, opt-out choice and whether they chose a single-year or multiple-year permission. I would not take away parents' rights to opt out of the program.

There were concerns about changes to the curriculum. I want to make it clear, this bill as amended does not change the curriculum. Subjects being taught are HIV, the reproductive system and sexual responsibility. School districts continue to have the option to individualize their programs. Section 1.5, subsection 2 simply requires the board of trustees of school districts to periodically revise the content of the course or unit of a course of instruction as necessary to ensure that the content is current, age-appropriate and medically accurate. We want to be sure the content is current with the latest information to keep students safe. This bill does not create new standards or content.

CHAIR DENIS:

Would a signature be required for the online version of permission slips?

ASSEMBLYWOMAN JOINER:

Parents log in to school Websites with unique identifiers. They can use electronic signatures in the way they sign for other permissions. This bill authorizes school districts to offer this option. They and their parent advisory boards can choose not to offer online permissions.

CHAIR DENIS:

We will close the hearing on A.B. 348 and open the hearing on A.B. 491.

ASSEMBLY BILL 491 (2nd Reprint): Revises provisions relating to the education of children in foster care. (BDR 34-718)

JOHN MCCORMICK (Assistant Court Administrator, Administrative Office of the Courts, Nevada Supreme Court):

Assembly Bill 491 is intended to help Nevada implement the Every Student Succeeds Act (ESSA) and some of the provisions thereof. The Nevada Supreme Court is involved as an outgrowth of our core improvement project to improve dependency proceedings for children. It includes ensuring educational stability. Section 1 of the bill removes the program in NRS 388 which is no longer permissible under the ESSA. Sections 3, 4, 5 and 6 are definitional. Section 7 indicates children in foster care are to remain in their school of origin. Child

welfare agencies can make best interest determinations working with local education agencies. Section 7 sets out the factors that the child welfare and local education agencies should consider when making best interest determinations. The section also requires child welfare agencies to provide notice of the determination to interested parties in the matter. Children shall be immediately enrolled, even if paperwork has not caught up. This is an attempt to provide educational stability.

Section 7.5 of A.B. 491 indicates that a foster child is able to remain in the school he or she is currently attending until the end of the school year. Section 8 indicates the child welfare agency and the local education agency must work together to pay for transportation to keep children in their school of origin. Disputes will be settled by the court with jurisdiction. School districts and child welfare agencies have been working on memos of understanding to address transportation issues.

Sections 9 and 10 make changes to the responsibilities of the Department of Education and local education agencies for implementing policies and reporting requirements of the ESSA. Sections 11, 12 and 13 make informing changes in various chapters pertaining to education.

JON SASSER (Legal Aid Center of Southern Nevada; Statewide Advocacy Coordinator, Washoe Legal Services):

Section 13.5 deals with required periodic reviews of the placement of children in foster care. The bill focuses on the report at the review to provide more in-depth information about children's education. Section 13.5, subsection 2, paragraph (c) outlines required information including a copy of an academic plan; the children's grade in school; names of previously attended schools; noncompletion of any course of instruction; a copy of any individualized education program; summary of special education services; request for special education services and if so, the outcome of such requests; and the opinion of the agency whether it is necessary to appoint a surrogate parent to represent the child in all matters relating to the provision of a free and appropriate public education. The section adds required information to assist the court in making a decision in children's best interests.

Mr. McCormick:

Section 14 of A.B. 491 indicates the local government financial administration chapter does not apply to spending under the measure as it relates to transportation of children at their school of origin.

Section 15 repeals outdated sections of statutes that do not comply with the ESSA. Section 16 sets the effective date of July 1.

Fiscal notes outline costs incurred. The ESSA is a federal law, but A.B. 491 gives us a Nevada framework for implementation before a federal agency steps in to dictate the manner of our compliance.

Ms. ANDERSON:

We support A.B. 491. The Washoe County School District and Washoe County Social Services have signed a memo of understanding to execute this type of agreement for our students in foster care. We take extra care of these children to be sure they have the best educational outcomes. We have submitted a fiscal note but continue to support the bill and the policy.

CHAIR DENIS:

Has the bill been heard by the Assembly Committee on Ways and Means?

Ms. ANDERSON:

Yes.

ALEX ORTIZ (Clark County):

Clark County Department of Family Services supports A.B. 491. We have submitted a fiscal note and support policy in the bill. We will work closely with our school district for implementation.

MR. KEATING:

We support A.B. 491. There are more than 1,500 students in foster care in the Clark County School District. We have a memo of understanding with the Clark County Department of Family Services and work closely with it to provide education and care to these students.

Ms. PIERCZYNSKI:

We support A.B. 491. It is important to provide educational stability to children in foster care.

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JUANITA CLARK (Charleston Neighborhood Preservation):
We support A.B. 491.

ASSEMBLYMAN STEVE YEAGER (Assembly District No. 9):
The goal of A.B. 491 is to be certain our foster children have continuity of care and are receiving the best education possible.

SENATOR HAMMOND MOVED TO DO PASS A.B. 491.

SENATOR SPEARMAN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

MR. STEVENS:

Clark High School senior Ezra Yoseph has earned nearly \$6 million in college scholarships. He has accepted a full scholarship with Stanford University. We are proud of all of our graduating students.

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CHAIR DENIS:
I adjourn the meeting at 7:50 p.m.

RESPECTFULLY SUBMITTED:

Jan Brase,
Committee Secretary

APPROVED BY:

Senator Moises Denis, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	21		Attendance Roster
A.B. 49	C	3	Todd Butterworth	Work Session Document
A.B. 348	D	1	Carolyn Edwards / Clark County School District	Letter
A.B. 348	E	2	David R. Rowberry	Letter
A.B. 348	F	8	Senator Moises Denis	Written Testimony
A.B. 348	G	33	Senator Moises Denis	Written Testimony
A.B. 348	H	3	Senator Moises Denis	Written Testimony