

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Seventy-ninth Session
March 28, 2017**

The Senate Committee on Education was called to order by Chair Moises Denis at 3:55 p.m. on Tuesday, March 28, 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 Olivia Diaz, Assembly District No. 11

STAFF MEMBERS PRESENT:

Todd Butterworth, Policy Analyst
Asher Killian, Counsel
Linda Hiller, Committee Secretary

OTHERS PRESENT:

Pazargadi, Leila, Ph.D., Assistant Professor, Nevada State College
Andreana Franco
Sondra Cosgrove, Ph.D.
Shantal Marshall, Ph.D., Assistant Professor, Nevada State College
Patrick V. Naranjo, Resource Coordinator, The Intersection, University of Nevada, Las Vegas

Senate Committee on Education
March 28, 2017
Page 2

Alexa Cooper
Katherine Chang
Donald Gallimore, Sr., Reno-Sparks NAACP
Craig M. Stevens, Clark County School District
Lindsay Anderson, Director, Government Affairs, Washoe County School District
Bill Tarbell
Janine Hansen, Nevada Families for Freedom
Lynn Chapman, Nevada Eagle Forum
Brett Barley, Deputy Superintendent for Student Achievement, Department of Education
Fred James, Deputy Director, Chief Financial Officer, Las Vegas-Clark County Library District
Danielle Milam, Development and Planning Director, Las Vegas-Clark County Library District
Phillip Kaiser, Washoe Education Association; Chair, Nevada State Education Association
Andy Piper, President, Uniserv Council of Nevada; President, Nye County Support Staff Organization
Chris Daly, Nevada State Education Association
Ron Lopez, Advocacy and Representation Field Coordinator, Clark County Education Association
Brad Keating, Clark County School District
Mary Pierczynski, Nevada Association of School Superintendents; Nevada Association of School Administrators
Nicole Rourke, Associate Superintendent, Community and Government Relations, Clark County School District

CHAIR DENIS:

I will open the meeting of the Senate Committee on Education with Senate Bill (S.B.) 107.

SENATE BILL 107: Requires ethnic and diversity studies in public high schools.
(BDR 34-116)

SENATOR TICK SEGERBLOM (Senatorial District No. 3):

This bill was brought forth two years ago, but because Assemblyman Mumford had a similar bill at the time, we let this one die. We are back with it now and trying to mesh it with his bill.

American history is more than just Benjamin Franklin and George Washington. There are many ethnic and religious groups and people of different sexual orientation who are part of history, but do not fit into that narrative. Even though today we can say everybody is free and legal, that is not the history of our Country. For this reason, it is important that students be taught the real American history so they can see where they fit in to the big picture. This way, they can appreciate who they are, and they can also appreciate people who have helped them get the freedom they have today.

For example, Native Americans are a big population, but millions of them were decimated when this Country was invaded by the Europeans. Millions of Africans were brought over here involuntarily to be slaves. They could not vote or own property. The segregation of the Deep South happened and the Jim Crow laws enforcing that took place. Today, we could argue that they are free, but it is important that students understand their history. Women could not vote or be citizens. They are now able to vote, and we just passed the Equal Rights Amendment in this State last week.

Latinos have been discriminated against horrendously in this Country. In the 1950s under President Eisenhower, there was a program publically called Operation Wetback, where they took one million Mexicans and pushed them back across the U.S. border. That was a public, U.S. Government-funded program.

The lesbian, gay, bisexual and transsexual (LGBT) community still has people with sex crimes on the books because they made love to someone they were forbidden by law to have that kind of contact with at that time. When we now have marriage equality, it is hard to believe how far we have come. We also need to know the history of how that happened. These freedoms did not happen voluntarily; they were fought for.

Within the Asian community, thousands of Chinese workers were brought to Nevada to help build the railroad. They were then placed in segregated areas of the mining camps. As early as World War II, Japanese Americans were removed from their homes and property to be put into internment camps. After the war, they went back to their homes and properties to find they no longer had ownership of them. These stories need to be told to let people know where they came from. I am not sure that today's students can fully appreciate the struggles that lead to today's freedoms and rights. As we have all heard before,

those who do not understand history are doomed to repeat it. If you look at what is happening right now with the Muslim community, I think it is important that we understand that this is something which has taken place before in the course of U.S. history. Those of us who do not support that kind of action need to stand up and educate people.

LEILA PAZARGADI, PH.D. (Assistant Professor, Nevada State College):

I specialize in Persian literature, ethnic-American literature and post-Colonial studies at Nevada State College (NSC). I can assure you that the teaching of ethnic studies in high schools will create a foundational understanding and appreciation of what it means to be American in our diverse State. This instruction often mirrors historical contributions of national figures with personal experiences of our first generation and minority students.

In my own classroom, I have seen the positive effects of such a curriculum where students report that they are better prepared to engage in difficult conversations and dialogue while asserting their own convictions. By learning about cultural heroes and social struggles, students gain insight about our rich history overcoming adversity and advocating for justice. All students, including minority students, are encouraged to succeed when they see someone who is a model of success and a model for the ways they can empower themselves and impact the world. In 2012, a University of Arizona, Tucson study found that Latino students who attended Mexican-American studies courses graduated high school at a higher rate than those who did not.

In my position at NSC, both as a professor and cofounder of the Nepantla Program, which helps first generation, underrepresented students to succeed and graduate from college, I find that curricular attention to the study of ethnic Americans accomplishes several things. It promotes intragroup and intergroup cultural awareness, fosters peer-to-peer solidarity and boosts achievement among those who identify as ethnic Americans. Ethnic studies also create cultural sensitivity between faculty and students, and it results in better understanding and guidance for English language learners (ELL). This curriculum is important for sensitivity toward race, class, gender and sexual orientation, and it provides a framework and terminology to identify and discuss discrimination. For example, in my college classes, I have seen students use the outdated and racist phrase, "colored people." That was left over from 1950s segregationist America. This may seem like a semantics issue, but it is not. It is a derogatory phrase in today's culture. Those in ethnic studies would not only

foster sensitivity toward these issues, they would possess the correct terminology to discuss our past, present and future.

The future of Nevada will be even more diverse than it is today. In fact, Nevada is the second fastest diversifying state. There are reports that Nevada will flip in 2019 to have ethnic minorities become the majority, while the U.S. Census reports that this will not occur nationwide until the year 2044. In the Clark County School District (CCSD) in southern Nevada, 74 percent of kindergartners are ethnic Americans. They are our future, and it is important to create inclusive policies and curriculums that will prepare all of us for a better tomorrow. It is my hope that in light of current National divisions, Nevada will signal its awareness of, and commitment to, civil rights issues across our diverse Nation and approve S.B. 107. As an Iranian American, I am proud to be part of the changing face of America.

ANDREANA FRANCO:

I graduated from NSC in 2015 majoring in English and graduating with an honor's distinction and a minor in ethnic studies. I started elementary school in a primarily Latino school in a small city barrio in Hawaiian Gardens, California. In the 12 years of my education there, I learned the linear history of the U.S. I learned about the pilgrims, Thomas Edison and Benjamin Franklin, along with all the founding fathers that made this Country the great land it was. Columbus Day was a proud holiday for me. I felt very American for understanding the people who founded this Country. My exposure to culture was limited to a speech by Martin Luther King, the right to ride a bus because of Rosa Parks and the mere mention of Cesar Chavez, who worked and organized in the hot fields of California. I support S.B. 107 because I believe it will promote confidence and motivate students to learn more about the resourcefulness, courage and heart of the ancestors upon whose shoulders they stand. I have submitted my written testimony ([Exhibit C](#)).

SONDRA COSGROVE, PH.D.:

I support SB107. I am a history professor at the College of Southern Nevada (CSN), and in addition to teaching U.S. and Nevada history, I teach Native-American and Latin-American studies. Over the past ten years, I have seen a strong increase in the number of students taking my diversity courses. These students report to me that their enrollment is directly tied to jobs, because Nevada employers want diversity-competent employees.

The MGM Grand Las Vegas Hotel and Casino opened its new location on Tropicana and Las Vegas Boulevard in 1993. The front entrance of the new location was a huge, gold lion's head. After the casino opened, tourism agencies began reporting that Chinese visitors would not enter through the mouth of the lion, because in their culture it would cause bad luck. So the company did a major remodel in 1998 to completely change the front entrance. Just think of how much money they would have saved if someone on staff could have raised the cultural issue associated with the design before construction. Today, the MGM leads the way in promoting diversity among its employees and properties. I work with the company through the CSN Women's Alliance, so I am familiar with their policies of having employees who are aware of all the different populations that visit Nevada.

SHANTAL MARSHALL, PH.D.:

I support S.B. 107. As an assistant professor of psychology at NSC, my experiences teaching Nevada's future leaders have definitely informed my testimony and support of this bill, as well as my experiences as a Latina, and being the first in my family to go to college. While I am incredibly proud of my degrees, a bachelor's from University of California, Los Angeles and a Ph.D. from Stanford, I must say that the fish-out-of-water feeling for me was overwhelming at times. I believe this bill could address this feeling for many high school students. I have submitted a presentation that is my supporting testimony ([Exhibit D](#)).

PATRICK V. NARANJO (Resource Coordinator, The Intersection, University of Nevada, Las Vegas):

I support S.B. 107. I am the resource coordinator for The Intersection at University of Nevada, Las Vegas (UNLV). We are a new initiative, having just received our Nevada System of Higher Education (NSHE) Board of Regents approval on March 4. The Intersection is an academic multicultural resource center designed to cultivate success toward the first-generation student experience. I have submitted my written testimony as well as curriculum requirements at UNLV ([Exhibit E](#)).

ASSEMBLYWOMAN OLIVIA DIAZ (Assembly District No. 11):

When I was in school, there were very few instances when we were given role models to aspire to and to make us dream big. It was not until I got into postsecondary education at UNLV that I sought out courses like

Native-American literature, African-American literature and Chicano history, because I was not exposed to the different cultures.

We are Americans, but we are also Iranian, African, Latino and Latina and many other ethnicities. One day when I was teaching, I was walking through a first grade classroom when I heard two teachers talking to a student, saying "Marella, Marella" to this little girl who did not seem to be responding. I went to her and asked if she was named Marella and if that was how they called her at home. She shook her head and said she was called "Meraya." I went to the teachers after class and let them know that in Spanish, the double "ll" makes a "y" sound. I knew that as a first grade student, Marella would not challenge authority and tell these beautiful teachers how to correctly say her name.

From the get-go, when we enter an educational setting, the moment we feel we are not being validated, it creates a world of instability for us. We are being shown one universe in the classroom and another one at home. Many times, second grade parents have come to me saying their child did not want to speak Spanish to them anymore. That happens because everything outside their home is not validating them and not saying their cultural heritage is important and precious and needs to be preserved. I think this is because we have not had courses in ethnic studies. It is not the fault of the teachers, but had we been more knowledgeable, we could have made sure our students felt embraced and empowered and that they are not living in a state of chaos.

A March 7, 2016 article in *The Atlantic* by Melinda Anderson cited Stanford University research that found the ethnic studies curriculum at San Francisco high schools, which was a pilot program from 2010 to 2014, showed a 21 percent increase student attendance and a grade point average increase of 1.4 points among participating students identified as being at high risk for dropping out. Students in ethnic studies courses covering discrimination, stereotypes and social justice movements earned 23 more credits toward graduation compared to classmates who were not enrolled in such classes. Overall, the largest gains were found among boys and Hispanic students and in the subjects of math and science.

Thomas Dee, the study's coauthor and professor at the Stanford School of Education, said the notable growth attributed to ethnic studies is important, especially because of the age group study. This is because when we are young teens, transitioning from middle school to high school can be very difficult,

especially for disadvantaged students and children. Dee said that low grades, poor attendance and the failure to accumulate credits could derail these students in their freshman year. Taking ethnic studies not only improved the academic performance of students, but also promoted their academic engagement and discouraged them from dropping out of school.

Other experts who were referenced in the article reported that the self-esteem and critical thinking skills that students develop in ethnic studies helps them advance in their education, communities and careers. They also report that the shift in knowledge is equally important for white students because ethnic studies courses dispel myths and build connections among students instead of division. Culturally relevant courses allow white students to not only learn about people of color but also about white people's roles as oppressors as well as activists fighting for racial change. This is important because we often feel there is nothing we can do to change racism.

Experts in the study said that all students need ethnic studies to, "unlearn watered-down versions of historical events and learn America's inconvenient and necessary truths." The way we teach our history and culture, and the way we exclude or minimize certain groups and their experiences while giving privilege to others, feeds prejudice and negative stereotypes. Ethnic studies classes and rethinking traditional courses to be more accurate and inclusive is the path to countering centuries of misinformation.

In today's unrest, students are feeling the racial tensions, and this type of education is important so we are all educated about our strengths and our history, and how we do not need to be doomed to repeat it.

SENATOR HARRIS:

I was fascinated by your testimony, particularly the reference to how ethnic studies help boys. In the data you looked at, were there any insights into why it was boys?

ASSEMBLYWOMAN DIAZ:

I did not see anything in the article explaining that, but I will go back and look again. Thinking about it as a Latina, I think females are stronger and more perseverant, and we are taught from a younger age to work harder. Our male counterparts are a little more immature, and we have to help lift them a little bit

more. Of course, that is just personal, not research-based. Maybe the psychologists here can comment.

MS. PAZARGADI:

Looking at our NSC students who were first generation college students, we felt that the more students felt understood, especially boys of color who have in some ways been perceived wrongfully as predatory, the more they could see themselves and engage with others in a way that, I think, suggests they will not be as distrustful of the system. I have personally found that some of the students are skeptical of the help and support we want to provide, but then as they enter through these classes, they feel more comfortable and realize that it is a safe space. I think it may be that men are more identified as predatory targets more so than women might be. That might account for the difference, and we have found it to be the case anecdotally. We could provide further information if needed.

MS. MARSHALL:

Research has shown that stereotypes of minority racial groups tend to be gendered. For the black and Latino communities, the stereotypes that go along with that race tend to be more strongly tied to men than they are to women. For East Asian Americans, the stereotypes go more toward the women than the men. In the San Francisco Unified School District, the black and Latino minority groups bear the brunt of the stereotypes. When you are able to give them a different way to understand their own identities and experiences, they will benefit the most because they have the most to gain.

SENATOR HAMMOND:

This conversation is fascinating. I am raising a Latino boy and in his classes, including Advanced Placement (AP) English and others, he has been given diverse literature by Hispanics, usually female. We talk about this a lot and every time, the males in the book are stereotyped as someone who leaves his family, drinks a lot and is abusive. I have had to explain to him many times that, while this does occur in certain cultures, it is not prevalent or the only way it is. I am perplexed at how many authors continue to drive that narrative about young men, both the white authors and the Latino authors. I would like some better books with good role models to have him read.

MS. PAZARGADI:

It is important to note that in literature, we are looking at representations. Even in autobiographical material, the writing stems from an author's subjective viewpoint, so it is not representative of a whole. Some of the books might be looking at issues of intersectionalities, with both race and gender and also some of the ways in which women fight to assert themselves within a certain cultural context. In a lot of ethnic-American literature and post-Colonial studies, there will typically be a span of representations or stereotypes. Then there might be other characters who defy those stereotypes and who are being overlooked. Latin-American author, Gabrielle Garcia Marquez and post-Colonial writer, Franz Benon from Martinique, are both looking at interesting intersections of race, gender and class and thinking about how to navigate those stereotypes and defy them. Whoever is being read in literary studies and classes, do not limit to just those writers. Think of the nuanced representation. Look for those narratives where an author is trying to assert his or her agency and where those moments of power are being created.

ASSEMBLYWOMAN DIAZ:

Senator Hammond, I do not know your son's interests, but sometimes this is where nonfiction books can help.

SENATOR SPEARMAN:

My grandmother's parents lived during slavery times and my grandmother was the first generation born free. She asked us one time why the Emancipation Proclamation was important. We answered that it was because they freed the slaves. She said that was part of it, but the other thing the Emancipation Proclamation did was that it also freed the slaveholders.

When we talk about cultural diversity and role models, there is a certain pedagogical process that exists when people are in a vacuum and do not learn history in its totality, so those characteristic traits that are not true are somehow reinforced by the absence of that truth. Part of what we are trying to do is to untangle the whole narcissistic mentality that exists in a patriarchal, heteronormative society. In that type of community or society, without cultural diversity as part of the educational process, stereotypes are reinforced. I am often mistaken for something other than African American, but I tell people I am. The Emancipation Proclamation freed the slaves, but it also freed the slaveholders.

CHAIR DENIS:

Also, as I think about this, sometimes we tend to get a certain perspective, which is not to say there are or are not people who fit the stereotypes. The purpose of this type of study is to get the bigger picture.

ASSEMBLYWOMAN DIAZ:

Yes, we are a beautiful, vibrant salad bowl. We are not all just one thing.

CHAIR DENIS:

That is an interesting point, because as I look at even my own family, my cousin Marco Rubio and I have the same grandfather, and yet everybody has their own story, whether they are a U.S. Senator or a great carpenter.

ALEXA COOPER:

I support S.B. 107. I have lived in Nevada all my life and this class would have benefitted me greatly. I am a Latina, but when I was five-years-old, I told my mom to stop speaking to me in Spanish. Today, I regret it with every fiber of my being. I graduated in 2013 from a tiny high school at Lake Tahoe that did not have much to offer in the way of something like this class. I wish I had this class, because it would have benefitted not only me, but my classmates. This bill supports the growth, understanding, awareness and achievement that students need.

KATHERINE CHANG:

I support S.B. 107, not only as a hyphenated American whose parents fled communist Chinese persecution in the 1970s to settle in America, but as a high school teacher who has worked with students of all backgrounds. I support this bill because I believe ethnic and diversity studies are critical to the health of our Nation, now more than ever. I also support S.B. 107 because it is about time our social studies curriculum reflected the background of the students in our classrooms. I have submitted my written testimony ([Exhibit F](#)).

I did receive ethnic studies as a student and that professional training prepared me to teach students that are not necessarily reflected in the curriculum. As a minority teaching minorities, I am allowed to teach to a diverse student population. We did have ethnic studies in our high school, and I saw the research where students reacted positively to seeing a wide variety of role models from different ethnicities and lifestyles. Incorporating ethnic and diversity studies in Nevada would serve this changing population. Being a

teacher, as well as someone who has gone through the K-12 system in America, I would have benefitted from having ethnic studies to show me people like me who have contributed to society. We learn about the Chinese-Americans who built the railroads, but that is not really connected to me. That was several generations before me. We do not have a lot of strong Chinese-American role models. In Clark County, there is an evolving population of Asian-Americans. As a Chinese-American, I went through the same issue that the speaker before me referenced. I did not want to speak Chinese or engage in my culture. It is a loss to the fabric of society when we want to be more homogenous, and yet we have all this rich background in culture and language inherent in our student body.

SENATOR HAMMOND:
Are you teaching in Nevada?

MS. CHANG:
No, but I am transferring my credentials, and I hope to teach in the fall.

SENATOR HAMMOND:
One of the things we will deal with if this is going to be a mandate is that we will have to make room for it and that means we will have to either take something away or increase the amount of time a student has to be in school in a day.

We now have standards designed to give more flexibility. I have one person on staff who is Native American and she infuses her culture into her lessons while still aiming to meet the standards. Without the mandates, she can do that. For example, she does Colonial Days in her fifth grade classroom, and while she talks about the settlers on the east coast, she also talks about the Native-American influence there. Those kids eat it up. One lady brought a papoose carrier into the classroom with a baby in it, showing the kids how it worked. The mandate always worries me. I think we can still infuse a lot more culture in as teachers by bringing more of ourselves into the classroom. Kids learn more when they are interested in you as a teacher and when you bring something to the table.

MS. CHANG:
I agree there is a lot of flexibility for teachers to incorporate their own culture within a curriculum. After reading the bill, I saw that there is support for

professional development so teachers can learn skills to create thematic, culturally relevant, sensitive and impactful curriculum to resonate with the students. You cannot just expect to have every teacher be able to talk about his or her own culture, especially if a teacher went through professional development many years ago when the demographics were different than they are now.

We can look to master teachers, because teachers learn best when they have mentors and model classrooms they can learn from. The mandate would cause everyone to actually step up their game and incorporate these ethnic and diverse voices in an interesting and fascinating way. These topics open the floor for a lot of discussion and for an evolution of a teacher's craft, because when you see students engaged, it empowers you as an educator. When students enter the virtuous cycle and they feel ownership of their classrooms, it evolves into creating more culturally diverse teachers. Integrating professional development will help everyone across the board and hopefully, as time goes on, there will be a diversification of the teaching population. Even in California, I was the only Asian-American teacher in my school. That can be very isolating for teachers as well as students.

DONALD GALLIMORE, Sr. (Reno-Sparks NAACP):

Thank you, Ms. Chang, for that clarification. This feels like déjà vu, because I was here last Session for Harvey Mumford's A.B. No. 234 of the 78th Session in 2015. We were able to pass that bill with some of the same parameters that S.B. 107 is seeking, and we should be able to bring this type of curriculum into the schools more promptly.

One of the earlier speakers talked about Nevada having a majority of minority students here faster than the rest of the Country. That stuck with me, because it means we have to get ready and prepare ourselves for a change in our curriculum. Senator Spearman brought up all the prescient points about unlearning. When we talk about things that have been done in industry in this Country, the cotton gin was one of the biggest things that changed and revolutionized our economy. That was stolen from the black man, as was the telephone. Many other inventions, concepts and governmental methods have been stolen from blacks. That has to be unlearned by society in general. I do have questions about the mandate for graduation, but it may be a necessary step in ensuring that this type of bill is passed. I believe A.B. No. 234 of the

78th Session goes very far in that it involves all classes from first grade to twelfth grade. I would like to see S.B. 107 passed as an addendum.

CRAIG M. STEVENS (Clark County School District):

We appreciate everything Senator Segerblom brought forward with this bill and we believe the issues here are very important, but we oppose section 3 in the bill, which is the graduation requirement. To accommodate that, we would have to eliminate an existing course such as U.S. government or history. If we did not do that, we would have to increase the current requirement for three social studies credits. We would love to support S.B. 107, but the predicament we are in lies in section 3 of the bill.

We understand it would start in 2018, but we do not know if it would start with freshmen or seniors that year. We have seniors who already have academic plans in order to graduate, and we would have to redo those academic plans if there was the graduation mandate. Of course, the cost to create the course and professional development should also be considered. We spoke to the sponsor and asked that perhaps it be considered as an elective. I also want to encourage the Committee to investigate the current work going on regarding the new social studies standards. This is the work of Assemblyman Mumford's bill, A.B. No. 234 of the 78th Session. I am hoping that when the Department of Education (NDE) is represented today, they will speak to where we are with the social studies standards. Our understanding is that multicultural education and ethnic studies will be woven into every social studies course from the moment they are delivered. To Senator Hammond, that will provide flexibility for teachers to provide that instruction and do it from the very first social studies course to the very end at graduation.

LINDSAY ANDERSON (Director, Government Affairs, Washoe County School District):

I will ditto what Mr. Stevens said. Adding one additional full credit to the requirement to graduate is the part we cannot get past at this time, but we will work with the sponsor to see if there is a way to get around that.

BILL TARBELL:

I have worked with youth in a variety of capacities for 50 years. In that time, a great deal of my study and observation has been directed toward the development of identity in the child. I have worked with a variety of ethnic groups. Among native Americans, I grew up with my Suquamish friends; that is

Chief Seattle's people. I also worked with the Lakota, Umatilla, Umpqua, Shoshone and Bannock people in my profession. I have also had close association with African-American people and served a small black congregation as a Presbyterian minister before retiring. The concerns I have about ethnic understanding goes down to the depth of my soul. I think I understand, as much as any white person can, the difficulties of being an ethnic person.

If this becomes a mandated course, are there ways to deal with negative features that exist in every culture? We may champion a culture and point out its good side, but young people come with a lot of burdens from different places and communities. Can we help them see the positives in their culture, while dealing with the negative sides?

When I listened to the folks supporting this bill, it sounded like they were really after helping young people develop a clearer picture of who they are individually based on the culture and the ethnic group from which they come. I have found it is extremely difficult for a young person to simply rely only on culture and ethnicity, although those are important. Is the object of this coursework intended to develop tolerance toward other people? I noticed it is solely dedicated to American groups. Is there going to be a clear understanding developed of the importance of boundaries within social groups and boundaries that a person acquires?

One final note, it seems a little peculiar to suggest that the LGBT group of people are equivalent to a culture or ethnic group, because they are actually transcultural and transethnic. There are persons from that group in every culture and every ethnic identity, so it seems odd they would be considered as a package alongside the others.

JANINE HANSEN (Nevada Families for Freedom):

We are concerned about the mandate for graduation, because unfortunately, Nevada ranks next to last in education compared with other states. We should be spending our time improving academic achievement for lifelong success of students, not on indoctrinating them in politically correct philosophies, often undermining the religious beliefs of students regarding gender. When colleges like Stanford University decline to require Western Civilization classes or high schools propose changing their curriculum so history is taught only from 1877 onward, it is merely a blip on the news cycle. For one thing, how do we tell Martin Luther King's story without telling the story of the founding fathers, the

U.S. Constitution or Abraham Lincoln? Martin Luther King's protests were effective because they were grounded in the idea that America was supposed to be something specific, that the U.S. Constitution said so, and that we were not living up to those ideals. It is becoming the norm to erase parts of history that we find uncomfortable. It is not difficult to teach children that the Pilgrims or Thomas Jefferson were imperfect, yet still responsible for most of the good in America. We oppose the mandate of S.B. 107.

LYNN CHAPMAN (Nevada Eagle Forum):

My great-great grandfather came to America from Scotland, taking the place of a rich man during the Civil War. He received his citizenship that way, by fighting in the Union Army. I had great aunts who came from Scotland as indentured servants. The Irish were treated poorly, and a lot of people do not realize that a lot of the Irish people were brought here as slaves.

Many people do not know our American history. As a home school consultant, I used to tell people to have their children read biographies. They need to learn about character and heroes. I read about American heroes like George Washington Carver, Booker T. Washington and George Washington. I loved every one of those people; they were great to learn about. This is something I am really worried about, because people just do not know American history, let alone any other history around the world.

We are concerned about the problem of not receiving a certificate or diploma of graduation if you do not pass or at least take this class. I do not think this is the right thing to do.

SENATOR SPEARMAN:

To the Presbyterian minister, my dad was a Presbyterian, too. You asked the question of how we teach cultural diversity without teaching the negatives. What negatives are you referring to?

MR. TARBELL:

I am talking about negatives that might be found in terms of historical domination of other groups, for example. If you are going to be clear about the history of any given group, even among Native Americans, for example, there were groups that moved in and took over land like the Lakota did to other groups. This was after they acquired horses, by the way, and could move rapidly. We want to be honest about the history of any particular group, just like

we would want to be honest about our involvement as white settlers moving west, and the kinds of things we did to displace people. I am just pointing out that when you look at a cultural setting, you might find that a particular group has patterns of behavior which create conflict. You need to be able to work with those elements. I think you need to be able to say, here are the ways in which the culture reinforces solid human community.

SENATOR SPEARMAN:

That is what history is all about. We are not talking about the fairy tale. When we talk about some of the negatives like the whole history of America with respect to racism and sexism, we only have to look back a couple weeks here in this very chamber when we were trying to talk about equality for women and a number of things that were not necessarily true were stated. When we talk about negatives, that is all a part of history. Someone mentioned tolerance. One of the things that cultural diversity does is that it teaches us to understand and move toward acceptance. Someone mentioned the founding fathers, and I am sorry they left. They said that Dr. King's whole history of talking about "we shall overcome," was all based on what the founding fathers did. I reject that notion, because the founding fathers were slaveholders. What Dr. King was talking about was moving from slavery. Yes, the shackles were off our bodies, but the shackles were not off our minds. So I reject that wholeheartedly.

We ask what cultural diversity does, and how it impacts our students' learning. Do you know who Benjamin Banneker was?

MR. TARBELL:

The name is familiar, but I cannot picture the content.

SENATOR SPEARMAN:

Thomas Jefferson hired an architect from France to design Washington, D.C., but after about a week he walked off the job. An African-American man stepped up and from memory redrew the plans. We talk about George Washington Carver and all the other Washingtons, but there are some other things that go along with this. I understand about the mandate, and if the mandate is what is causing the hesitancy here, I am pretty sure the sponsor of the bill would be willing to work on that.

Do you know who Madame C.J. Walker was? She was the first African-American millionaire, designing hair care products. We do not even need

to go back that far, because we recently learned within the last six months that John Glenn would not have gone into space had it not been for an African-American woman. So I get offended when people say they know about African-American history and then cite all the things we have seen. In my generation coming up, we did not see black people doing what I am doing now. I was one of the first African-American women to be branched into the military police force.

I am very passionate about this because one of the things we are trying to do with cultural diversity education is to, as my grandmother said, free the slaveholders, and offer them an opportunity to see people as human beings. We talk about what the Native Americans did. As American civilization moved west, what happened then? We only have to look at the Dakota pipeline to see what is going on with respect to not understanding what happens in history. So I see this as an opportunity for us as Americans to grow up and to understand that this Country is great, not because of one particular ethnicity, but this Country is great because of all ethnicities.

If we had more education with respect to cultural diversity, we would not have people talking about Hispanics making this Country bad, and we would not have people running all over the Country talking about building a wall in Mexico to keep people out when you have more people coming in from Canada than we do from the south. So when I look at cultural diversity and why we need this, it is because we have a lot of nonsense going around like it is real truth, and it is fake news.

MS. TARBELL:

Diversity does not necessarily work for cooperation if it points us toward simply acting out our own identity. Identity needs to be strengthened individually and as groups. They also need, at the same time, to be able to converse with and cooperate with persons of other identities. That is the difficulty I see all the time.

SENATOR SPEARMAN:

You are exactly right. As an African-American woman, I had to grow up accepting everybody else's culture, and then pleading with people to accept mine. So when we talk about diversity, we are talking about equality and leveling the playing field. It is not about one culture being better than another culture; it is about all cultures being equal in the sight of God. When I hear

people say that if we infuse cultural diversity and start teaching about other ethnicities and races, we water it down, I just wholeheartedly disagree.

BRETT BARLEY (Deputy Superintendent for Student Achievement, Department of Education):

The NDE is neutral on S.B. 107. We are working on Nevada's social studies program as a result of A.B. No. 234 of the 78th Session. We are excited about this work. We now have multicultural standards included as one of the six strands within Nevada's social studies standards. Previously, we had civics, geography, economics, financial literacy and history. Through our Office of Standards and Instructional Support, we are in the process of adding in multicultural standards. Three key pieces are underway. The first is to explore individual and social movements for racial, ethnic and social justice. The second is analyzing how racism and discriminatory practices lead to oppression of diverse groups. The third piece is to understand the individual's role and contribution in developing a community of respect, equity and diversity. We would love to invite the speakers at today's meeting to be critical friends and provide feedback to the work that is underway. The work is on track for review by the Nevada Academics Standards Council and approval at its June meeting, so the timeline is short.

SENATOR SEGERBLOM:

I have not seen a legislative hearing quite this dramatic in my 10 years, so this is exciting. You can see we touched a nerve.

CHAIR DENIS:

I will close the hearing on S.B. 107, open the hearing on S.B. 313 and turn the gavel over to Vice Chair Woodhouse so I can present the bill.

SENATE BILL 313: Revises provisions relating to local public libraries.
(BDR 33-804)

SENATOR MOISES DENIS (Senatorial District No. 2):

Speaking of passion, one of the most important things of my childhood was being able to go to public libraries. I could go there and be anything I wanted to be and be anywhere I wanted to be. I remember going to the library as a child in Las Vegas, which was by the old city hall. When we had our kids, we took them there to do the lap sit and we would get 30 books for each one of them, and we would have these huge bags. The only public service I ever wanted to

do was to be a library trustee, and I did get to do that for eight years. To be able to see the changes that happened in that period was an amazing time in my life.

Senate Bill 313 was crafted for two purposes. The first purpose is to give a library board the ability to transfer money from a gift fund to a tax-exempt library foundation which is organized and operated primarily for support of the library. Sections of the law require that money transferred to a library foundation from a gift fund be used solely for the support of the library for which the gift fund was established. As I was serving as a trustee in the Las Vegas-Clark County Library District (LVCCLD), we created the foundation that is there now. The purpose of the foundation is to raise funds and do things to help the library.

This first part of the bill mirrors two similar legislative acts that gave two other types of foundations statutory authority to be public entities. For example, in *Nevada Revised Statutes* (NRS) 396.405, "university foundations" were given the ability to fundraise in support of a university, state college, or community college. Also, in NRS 388.750, "educational foundations" were given the ability to support kindergartens, elementary schools, junior high schools, middle schools or high schools.

The second purpose of the bill is to expand the authority of public library entities to establish a gift fund, to supplement or match a gift fund or to transfer money from a gift fund to a tax-exempt library foundation organized and operated primarily for the support of the library. The bill also expands the library authority to enter into a lease or lease-purchase agreement respecting real or personal property, conveying property for that purpose. Sections of the bill require compliance with prevailing wage requirements with respect to any improvement project.

Libraries are community hubs for lifelong learning. They are home to families with young children and critical to getting young children ready for kindergarten. Libraries are popular places for homework help and student support, and as active community centers. New library facilities can bring stability and even revitalization to deteriorating neighborhoods as strong economic generators for employment, social gatherings, and civic engagement.

This bill would open new doors for public libraries to seek sources of funding to augment support for facilities and programs that contribute to the economic, educational and social well-being of individuals and communities in Nevada. This second piece of the bill that allows for libraries to do a lease or lease-purchase agreement is especially important. I know the LVCCLD is ready to build a new library in the heart of my district, and this provision would allow them to work with the City of Las Vegas and others to make that happen. They are limited in the various ways they can do that, but this will give the community an opportunity to have a library.

FRED JAMES (Deputy Director, Chief Financial Officer, Las Vegas-Clark County Library District):

The second part of this bill is the expansion of our ability to enter into the New Markets Tax Credit Program. It allows businesses to invest in communities like the central Las Vegas area that are low-income neighborhoods. We do not have the ability to do this unless we have this function of the bill to authorize and give us the ability to participate in the new market tax credit. The reason we have never been able to do anything in the last 20 to 30 years, is because we were going out for a bond that was never voted in. We tried it more than once, and apparently, we will never be able to get a bond to build the libraries we need to build, so we had to come up with different funding. The new market tax credit allows us to get anywhere from \$2 million to \$8 million back on the construction of our project, which helps us to fund the construction of this library in the east Las Vegas area.

DANIELLE MILAM (Development and Planning Director, Las Vegas-Clark County Library District):

I am also involved with the LVCCLD Foundation that was formed in 2003. It has been closely aligned with the mission at the LVCCLD to contribute to the social, educational and economic well-being of individuals and communities in Clark County. We support S.B. 313 and appreciate Senator Denis's efforts to support our libraries. This bill would expand the LVCCLD's ability to transfer requests given to the Foundation or to the District for the sole purpose of supporting it. This is a relationship that many library foundation districts in the Country have, especially in large communities and urban areas where the district is not a fundraising body. The Foundation serves that role in those areas. We have precedent in our State for this function. For example, the University of Nevada, Las Vegas (UNLV) Foundation has this relationship with UNLV, and the Public Education Foundation has a similar relationship with the Clark County

School District (CCSD). The bill requires the library foundations to operate within the Nevada Open Meeting Law and the Nevada Public Records Act, so it does provide protections for those important public dollars funneled through the LVCCLD Foundation for various purposes, including establishing endowments, creating buildings, increasing the number of services and the reach of the library. It also expands the library district's ability to use the foundation as an instrument for library development. I am passionate about finding new and innovative ways, as well as non-taxpayer ways, to fund library expansion. This will accomplish that goal. There is no fiscal impact to the State.

SENATOR SPEARMAN:

Can you accept all kinds of gifts, like land, for example?

MS. MILAM:

Yes, our LVCCLD worked closely with the Naming Libraries Policy Committee of the Whole of the library Board of Trustees to put a naming policy in place.

SENATOR DENIS:

This does not just benefit one library in the State, but all the others could take advantage of this also.

VICE CHAIR WOODHOUSE:

Do we have others wishing to speak in support, opposition or in neutral regarding S. B. 313?

SENATOR DENIS:

Growing up as a little boy, libraries were important to me. This bill can make a difference in many people's lives, because I believe having access to books and materials changes people and enables them to get a greater view of the world.

SENATOR HARRIS:

In the last hearing, Sherman Alexie, a Native American author, was referenced. I want to close this hearing with his quote that I find endearing in my own life. He said, "The quality of one's life is directly related to the number of books they've read."

VICE CHAIR WOODHOUSE:

I will close the hearing on S.B. 313 and turn the gavel back to Chair Denis.

CHAIR DENIS:

I will open S.B. 386.

SENATE BILL 386: Revises provisions relating to progressive discipline and on-site review of disciplinary decisions. (BDR 34-1137)

SENATOR WOODHOUSE:

I am pleased to introduce S.B. 386, which improves upon the statutes governing school plans for the progressive discipline of students. This bill requires a public school's progressive discipline plan to include the names of each member of a school's committee to review the temporary alternative placement of students. It also provides for the temporary removal of a student from "other premises" of a school, beyond just a classroom, and it provides for the temporary exclusion of a student from any school transportation, though not during the same trip in which the student engaged in behavior causing the temporary exclusion.

These provisions are intended to improve transparency and the safety of both students and staff. Senate Bill 386 also includes minor adjustments to the administrative requirements for progressive discipline plans. On or before September 15 of each year, the principal of each school must distribute a copy of the plan to all educational personnel at the school and submit the plan to the school district superintendent.

The bill also moves up, by approximately 15 days, the various annual deadlines for action by the district superintendents, district school boards, and the State Superintendent. This bill improves upon the existing progressive discipline statute and increases safety in our schools.

PHILLIP KAISER (Nevada State Education Association):

I am a high school teacher in the Washoe County School District (WCSD) and I support this bill. Most students show up on time and do what they need to do, and most students ride their bus to and from school every day without problems or incidents. Most students respect their teachers and bus drivers, their custodians, and paraprofessionals, but a few students are disruptive and distracting to the point of putting the academic success and even the safety of other students and staff at risk.

In classrooms, these few students seriously interfere with the ability of other pupils to learn. In other settings, including transportation, in cafeterias, and on playing fields these few students' behaviors can end with injury or worse. This bad behavior is the target of this bill. This legislation is a reasonable response to a persistent and sometimes dangerous situation.

Picture for a moment a bus driving down a major road. The driver is watching for jaywalkers, pizza delivery cars, angry road ragers and other folks texting while they drink their morning coffee and change lanes without looking. Then from the back of the bus the habitual offender is threatening another child. He will not stop, he will not sit down. Everyone on that bus is at risk of not making it to school safely.

This student needs a time-out. He needs a temporary alternative placement until his behavior can be addressed. This legislation provides an explanation to the student and parent. It calls for a conference to address the problems, and provides a cooling-off period of several days while the conference is scheduled with the parents, pupil, principal, and staff. It provides a breathing space that could forestall bullying, and it provides an opportunity to address issues that may be of concern to everyone involved.

ANDY PIPER (President, Uniserv Council of Nevada; President, Nye County Support Staff Organization):

I transport the most precious cargo and have been doing it proudly without incident for 14 years as a school bus driver. In those years, I have noticed, along with a justified emphasis on keeping students in school, at times there has been a loss of focus on the safety of every student. Recently in Nye County, I attended a training for bus drivers and aides that was disappointing and frustrating.

As president of the Nye County Support Staff Organization (NCSSO), I have been working with the school district to address these chronic student discipline issues on the school bus. There has not been much progress. As we addressed our concerns, our superintendent told us, "We will discipline as we see fit. You document, you do your job; it is out of your hands, then." The district's primary concern is keeping these kids in school and educating them. Well, NCSSO also wants to keep struggling students in school. This cannot be done in a way that compromises other students and employees their safety. That is why we support this bill to expand Nevada's system of progressive student discipline

from the classroom to all other school facilities, including transportation. We appreciate that in the classroom a teacher is the responsible party for implementing a system of progressive discipline so every student can learn and be safe. This logic should apply to other school facilities.

On a school bus, the driver is responsible for getting these students to and from school safely. We school bus drivers take this very seriously. It should follow that the driver should have the tools available to get this job done. In transportation, distractions can have grave consequences. It only takes a driver being distracted for a split second for tragedy to strike. This can be a serious situation.

For example, a student that repeatedly stands up and engages in horseplay, ignoring the bus driver's warnings, puts everyone at risk, including the public at large. We need the tools to effectively deal with this far too common situation. I support S.B. 386.

CHRIS DALY (Nevada State Education Association):

At Nevada State Education Association (NSEA), we represent 40,000 teachers and support professionals, including school bus drivers. We believe every student in Nevada deserves a high quality education. I have submitted a letter of support from NSEA ([Exhibit G](#)).

SENATOR HARRIS:

In section 9 of S.B. 386, are the members of a committee to review the temporary alternative placement of pupils appointed? If so, for how long, and can they bow out if they reject the appointment?

MR. KAISER:

Typically, the principal would ask for volunteers and then appoint them for that year.

SENATOR HARRIS:

What if a teacher does not want to volunteer?

MR. DALY:

These committees were created in the 1999 Legislative Session. There is a question as to whether these committees are active at every school, and if not, the change in language in the bill is not to create the committees, but to require

they be appointed early in the school year, and that the member names be distributed to everyone on the school staff.

SENATOR HARRIS:

I like the transparency, but I have concerns about who gets notice of the members of the committee. I can imagine a scenario where a teacher might be reluctant to serve if all the students know who they are, because there may be some unhappy parents and students. I am reluctant to require a teacher to have to do this.

MR. DALY:

The thinking behind requiring the names on the committee is to ensure that the committee exists and that the stakeholders know it exists. The issue of concern you mentioned is a fair concern.

SENATOR HARRIS:

I would like to see that the committee is reconstituted every year, or every other year, so if teachers give up their valuable time to serve, they know they are not stuck on a committee for too long. Also, it would be good to give everyone a chance to serve in that committee.

In section 11, subsection 5, it says that when a student will be excluded from school transportation,

The pupil and the pupil's parent or legal guardian must be granted an opportunity to respond to the explanation of the pupil's behavior and to indicate whether the removal of the pupil from the classroom or other premises or the exclusion of the pupil from school transportation was appropriate in their opinion based upon the behavior of the pupil.

As I read that, the pupil and the parent get to come in and say they do not think the punishment was appropriate, but I do not see anything that gives an option for if they come in and say they think the behavior the pupil exhibited was completely appropriate and should not have led to the exclusion of the pupil from school transportation. What do we do if a pupil and parent contest the committee's decision?

MR. KAISER:

The whole point of having that conference is for the parents and the pupil to have an opportunity to contest that temporary exclusion. If, in the analysis by the committee, the student should still be excluded, then they have to find a new placement for the student.

SENATOR HARRIS:

What would that temporary placement be? Within the school, in a different school, or are we looking at suspension?

MR. KAISER:

Suspension or expulsion are separate categories. In the context of transportation, a variety of options could be available for the school that might depend on the age of the student, the availability of public transportation in the community or the parents' availability.

SENATOR HARRIS:

Okay, now I would like clarity on what would happen to the student if parents do not agree with the committee's decision. That is not apparent to me in the bill. If I had a child in that situation, I would want to know how to proceed.

Also, does the effective date of July 1, 2017 allow enough time for schools to get on board with these committees?

MR. KAISER:

These committees are supposed to be in place already.

SENATOR SPEARMAN:

What is the impact on classroom behavior of not having enough counselors? Have you given thought to working with a group like Communities in Schools (CIS) for a capacity building? Sometimes, the behavior is acting, but it may have nothing to do with them riding on the school bus. There could be other things going on in their lives. There was a news article about a young lady on a cell phone who would not get off, and she was on the cell phone because she was looking at pictures of her Grandmother who had recently died. Should this pass, how do we ensure that if a student is going to be removed, they can have someone collaborate with outside resources to ensure the student is getting the additional help he or she needs.

MR. DALY:

That is an excellent suggestion. Since 1999, NSEA has come a long way supporting CIS. That probably was not as developed when this legislation was initially passed. It would now be a smart addition to include that during the alternative placement for there to be some counseling services.

SENATOR WOODHOUSE:

One of the critical pieces of the conference between the school personnel and the student is that hopefully, an issue the student is dealing with might come out in the conference. If there is a counselor on staff, the issue could be addressed, or they could reach out to other agencies for help. It would be good for the classroom teacher to know what is going on, especially pertaining to disruptive behavior that occurs in the classroom. The conference can be a way to not only find a punishment, but to also find a positive approach to addressing what is going on in the life of that child.

RON LOPEZ (Advocacy and Representation Field Coordinator, Clark County Education Association):

The Clark County Education Association (CCEA) represents 18,000 licensed personnel in the CCSD. I am speaking in strong support of S.B. 386. I have been working with teachers for almost 30 years, and far too often I have counseled teachers whose careers are negatively impacted by, oftentimes, one student with chronic discipline issues. It is not that the curriculum is difficult. They know their stuff but it is because they have done everything they can with a disruptive student, and they have received little assistance with progressive discipline, including removal of the student. In addition, teachers are charged with the responsibility of maintaining order in the classroom while meeting the requirements established by the Nevada Educator Performance Framework. A teacher's rating can make or break his or her rating professionally. The impact of this lack of support has caused many teachers to leave the CCSD and sometimes the teaching profession.

The bill S.B. 386 would amend is A.B. No. 521 of the 70th Session. It provided teachers with a recourse to assist them in working with a seriously destructive student and to ensure a positive learning environment for other students. Teachers depend on the site administrator to assist with correcting a student's behavior when needed. Teachers know there are times when they will disagree with the action taken by their administration. This bill expands on a good law that addressed a needed process.

There are three areas in S.B. 386 that strengthen the 1999 statute. First, the requirement that the principal establish the review committee on or before September 15 of each school year. Second, all education personnel will be able to request a review when they refer a student to the administration. Third, all education personnel employed at the school must receive a copy of the progressive discipline plan for that school on or before September 15. We support the mandatory timelines established in this bill. We also support its expansion of coverage beyond the classroom to include all education personnel and public school premises. Teachers know that all education personnel are involved with students, and that there are times when it is necessary to exclude a student from a non-classroom setting and place that student in an alternative setting.

BRAD KEATING (Clark County School District):

We are neutral on S.B. 386, but we support the intent. Our number one priority in the CCSD is student achievement, so we want students in the classroom as much as possible. We are working with the sponsor to figure out where in the bill we can ensure that our kids are in the classroom as much as possible.

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

We are neutral on this bill and look forward to working with the sponsor. I had some questions about the composition of the committee and would like some clarification. It is a major deal when you take students off a school bus, but from personal experience and having done discipline in middle school and high school, there were several times when students were taken off the bus. In my naiveté, I thought that wherever you are in school—whether on the bus, playground, classroom, gym or auditorium—if you are disobeying the rules, you are going to get disciplined. This puts it a little more strongly.

CHAIR DENIS:

I will close the hearing on S.B. 386 and open public comment

NICOLE ROURKE (Associate Superintendent, Community and Government Relations, Clark County School District):

The Southwest Career and Technical Academy won three first place awards from the National Federation of Press Women in the high school journalism at large competition for 2017. The first place winners were: Cassie Valdez for

Senate Committee on Education
March 28, 2017
Page 30

columns and blogs, Julia Cox for news feature photo and Jack Rourke for cartooning.

CHAIR DENIS:

Seeing no one else wanting to make public comment, I will adjourn the meeting of the Senate Committee on Education at 6:18 p.m.

RESPECTFULLY SUBMITTED:

Linda Hiller,
Committee Secretary

APPROVED BY:

Senator Moises Denis, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	6		Attendance Roster
S.B. 107	C	2	Andreana Franco	Written Testimony
S.B. 107	D	8	Shantal Marshall	Supporting Testimony
S.B. 107	E	2	Patrick V. Naranjo / The Intersection at UNLV	Support Testimony
S.B. 107	F	3	Katherine Chang	Written Testimony
S.B. 386	G	1	Chris Daly / NSEA	Letter of Support