

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

**Eightieth Session
May 9, 2019**

The Committee on Education was called to order by Vice Chairman Edgar Flores at 1:38 p.m. on Thursday, May 9, 2019, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/80th2019.

COMMITTEE MEMBERS PRESENT:

Assemblyman Edgar Flores, Vice Chairman
Assemblywoman Bea Duran
Assemblywoman Michelle Gorelow
Assemblywoman Alexis Hansen
Assemblywoman Melissa Hardy
Assemblywoman Lisa Krasner
Assemblywoman Brittney Miller
Assemblywoman Connie Munk
Assemblywoman Sarah Peters
Assemblywoman Jill Tolles
Assemblywoman Selena Torres

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Senator Heidi Seevers Gansert, Senate District No. 15
Senator Marilyn Dondero Loop, Senate District No. 8
Senator Pat Spearman, Senate District No. 1

STAFF MEMBERS PRESENT:

Kelly Richard, Committee Policy Analyst
Victoria Gonzalez, Committee Counsel
Sharon McCallen, Committee Secretary
Trinity Thom, Committee Assistant

OTHERS PRESENT:

Stephen Augspurger, Executive Director, Clark County Association of School Administrators and Professional-Technical Employees
Natha C. Anderson, President, Washoe Education Association; and Member, Board of Directors, Nevada State Education Association
Lindsay Anderson, Director, Government Affairs, Washoe County School District
Bradley Keating, Director, Government Relations, Clark County School District
Mary Pierczynski, representing Nevada Association of School Superintendents
Paige Barnes, representing Nevada Association of School Boards; and Communities in Schools Nevada
Sarah Adler, representing Charter School Association of Nevada; Nevada Coalition to End Domestic and Sexual Violence; and National Alliance on Mental Illness Nevada
Anna Antolick, Books and Buddies Facilitator, Spread the Word Nevada, Henderson, Nevada
Brigid J. Duffy, Director, Juvenile Division, Office of the Clark County District Attorney
Suzanne D. Reed, Private Citizen, Las Vegas, Nevada
Gina Session, Director, Department of Civil Rights Compliance, Washoe County School District
Katie A. Dockweiler, Director, Government and Professional Relations, Nevada Association of School Psychologists
Kristin Barnson, President, Nevada School Counselor Association
Frances McClain, Social Worker, Clark County School District
Meredith Smith, Director of Policy, Nevada Succeeds
Brenda Pearson, Director, Professional Learning Program, Clark County Education Association
Hilda Robles, Member, Clark County Education Association
Heather Gaylord, Occupational Therapist, Clark County School District
Mindy M. Esterson, Occupational Therapist, Clark County School District
Kathleen A. Vokits, Past President, Nevada State Association of School Nurses
Tina Miller, School Nurse, Clark County School District
Danielle Knoeppel, Audiologist, Clark County School District
Carie Hornby-Daniels, Audiologist, Clark County School District
Allen Espelita, Advocacy and Policy Coordinator, American Occupational Therapy Association, Inc.
Linda Jones, Political Field Coordinator, Clark County Education Association

Vikki Courtney, President, Clark County Education Association
Keenan Korth, Communications Specialist, Clark County Education Association
Leo Soo Hoo, Audiologist, Clark County School District
Lynn Chapman, Washoe County Chairman, Independent American Party of Nevada
John Eppolito, President, Protect Nevada Children; and Private Citizen, Incline Village, Nevada
Bob Russo, Private Citizen, Carson City, Nevada
Nancy Jones, Private Citizen, Carson City, Nevada
Janine Hansen, State President, Nevada Families for Freedom
Gloria Campman, Private Citizen, Carson City, Nevada
Linda Buckardt, Private Citizen, Henderson, Nevada
Cyrus Hojjaty, Private Citizen, Las Vegas, Nevada
Janet Quintero, Manager, Community and Government Relations, United Way of Southern Nevada
Alexandra Dominguez, representing College Board
J. Kyle Dalpe, Interim Executive Director, Legislative Affairs, Nevada System of Higher Education
Chris Daly, Deputy Executive Director, Government Relations, Nevada State Education Association
Ray Bacon, representing Nevada Manufacturers Association
David Boire, representing Children's Advocacy Alliance
Lincia Sinclair, Private Citizen, Reno, Nevada

Vice Chairman Flores:

[Roll was called. Committee protocol and rules were explained.] We will take the agenda out of order. We have a work session specifically for these bills where the intent of Chairman Thompson was for these bills to be work-sessioned, and I will honor his wishes. The first bill on work session is Senate Bill 100 (1st Reprint).

Senate Bill 100 (1st Reprint): Revises provisions relating to the licensure and employment of veterans, military personnel and their spouses in the public schools of this State. (BDR 34-388)

Kelly Richard, Committee Policy Analyst:

Senate Bill 100 (1st Reprint) was first heard in Committee on April 25, 2019, and was presented by Senator Joyce Woodhouse ([Exhibit C](#)). The bill requires the Commission on Professional Standards in Education to adopt regulations to expedite a Nevada teaching license application for the spouse of an active duty member of the Armed Forces of the United States. The bill requires school districts to consider certain experience listed on a veteran's Joint Services Transcript, or a similar document, as credit towards training, experience, or licensure requirements for certain positions within the district.

Finally, the bill allows a member or a veteran of the Armed Forces, or the spouse of such a member or veteran, who obtained a license through an equivalent alternative route to

licensure (ARL) program in another state to obtain a Nevada license as if they had completed the ARL program in Nevada.

Vice Chairman Flores:

I will entertain a motion to do pass Senate Bill 100 (1st Reprint).

ASSEMBLYWOMAN MILLER MADE A MOTION TO DO PASS
SENATE BILL 100 (1ST REPRINT).

ASSEMBLYWOMAN PETERS SECONDED THE MOTION.

Is there any discussion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

Assemblywoman Peters will take the floor statement for S.B. 100 (R1). [A letter of support for Senate Bill 100 (1st Reprint) was submitted ([Exhibit D](#)).] The next bill on work session is Senate Bill 126.

Senate Bill 126: Revises provisions relating to education. (BDR 34-906)

Kelly Richard, Committee Policy Analyst:

Senate Bill 126 was sponsored by Senator Moises Denis, and presented to Committee on April 18, 2019 ([Exhibit E](#)). The bill repeals provisions requiring certain postprobationary administrators of a school district to apply every five years for reappointment to his or her position. The measure also removes provisions enabling an administrator not reappointed, who was previously employed by the district, to be assigned to his or her former position.

Vice Chairman Flores:

I will entertain a motion to do pass Senate Bill 126.

ASSEMBLYWOMAN TORRES MADE A MOTION TO DO PASS
SENATE BILL 126.

ASSEMBLYWOMAN TOLLES SECONDED THE MOTION.

Vice Chairman Flores:

Is there any discussion?

Assemblywoman Miller:

I am comfortable voting Senate Bill 126 out of Committee, but I am still not comfortable with the bill itself. I do not feel there is sufficient definition of what "administrators" is, because there is a definition as the bill reads, and then in the hearing it was defined as something else. I also know that this is a practice that has not happened yet, so, like everything else in education, we at least encourage trying it before removing it.

Also, the importance of leadership in a school—we often talk about the teacher's role in a school and the teacher's role in the classroom and the impact on the student. Yet we also know that the administration really sets the tone for everyone in that school when it comes to staff and students and the overall culture of that school and just how important it is to make sure we have the best and most effective administration setting the culture in that school.

I will let you know if I change my vote on the floor, but that is where I stand on this bill.

Vice Chairman Flores:

It may be prudent if we could have our committee counsel offer some insight as to the question brought forth by Assemblywoman Miller regarding exactly who is being captured by this definition. Also, I do not see our stakeholders. Do we have stakeholders for this bill?

Stephen Augspurger, Executive Director, Clark County Association of School Administrators and Professional-Technical Employees:

The question you would like for me to address is, to whom does the bill apply?

Vice Chairman Flores:

Yes, please.

Stephen Augspurger:

The way the bill is constructed, it outlines who it does not apply to—it does not apply to principals and it does not apply to any administrator who has been excluded from bargaining. There are various titles across the state for administrators, but in the Clark County School District (CCSD), which is the district I am familiar with, this would apply to all school-based administrators other than a principal and all central office administrators, other than an administrator who is a high-ranking, at-will administrator who works directly for the superintendent.

Vice Chairman Flores:

Are there any additional questions from the members? Ms. Gonzalez, we could always loop around and confirm whether or not that is, in fact, who we are capturing with this definition, or who we are capturing with this bill.

Victoria Gonzalez, Committee Counsel:

I would be happy to confirm that and I will get back to you before we are finished today.

THE MOTION PASSED UNANIMOUSLY.

Vice Chairman Flores:

I will ask Assemblywoman Hardy to take the floor statement for S.B. 126. The next bill on work session is Senate Bill 147 (1st Reprint).

Senate Bill 147 (1st Reprint): Revises provisions relating to the education of pupils who are experiencing homelessness or who are in foster care. (BDR 34-394)

Kelly Richard, Committee Policy Analyst:

Senate Bill 147 (1st Reprint) was heard in Committee on May 7, 2019, and is sponsored by the Senate Committee on Education on behalf of the Legislative Committee on Education ([Exhibit F](#)). It was presented by Senator Moises Denis and Assemblywomen Tolles and Miller.

The bill requires each public school and charter school that enrolls students at the high school grade level to:

1. Identify whether a student is homeless, unaccompanied, or living in foster care; and
2. Review and adjust such a student's academic plan, as appropriate, to maximize accrual of credits and progress towards graduation.

This measure authorizes a public school to award such students full or partial credit for a course regardless of the student's attendance or hours of classroom instruction received if the student completes the coursework in compliance with procedures adopted by the board of trustees of a school district or the sponsor of a charter school.

A school district or sponsor of a charter school must award the appropriate high school diploma to such students who transfer into a public school during their 11th or 12th grade year and who satisfy graduation requirements prescribed by the State Board of Education. In certain circumstances, the school district or sponsor of a charter school, the student, and the student's parent or legal guardian must agree on a modified course leading to the student receiving a diploma as quickly as possible.

Vice Chairman Flores:

I will entertain a motion to do pass Senate Bill 147 (1st Reprint).

ASSEMBLYWOMAN MUNK MADE A MOTION TO DO PASS
SENATE BILL 147 (1ST REPRINT).

ASSEMBLYWOMAN HANSEN SECONDED THE MOTION.

Is there any discussion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

Assemblywoman Munk will take the floor statement for S.B. 147 (R1). The last bill on work session is Senate Bill 159.

Senate Bill 159: Requires each public school and private school to adopt a policy concerning safe exposure to the sun. (BDR 34-583)

Kelly Richard, Committee Policy Analyst:

Senate Bill 159 was heard in Committee on April 25, 2019, and sponsored by Senators Woodhouse, Denis, Dondero Loop, Harris, and Brooks ([Exhibit G](#)).

Senate Bill 159 requires the board of trustees of each school district and the governing bodies of each charter and private school to adopt a policy concerning safe exposure to the sun. The measure requires the policy to:

- Provide that sunscreen not be considered a medication sold over the counter; and
- Allow a student who participates in certain outdoor activities to wear protective clothing and possess and self-administer sunscreen.

The bill authorizes the policy to include teaching students practices for safe exposure to the sun to reduce the risk of skin cancer. The bill further provides that, whenever possible, a policy requiring students to wear school uniforms be consistent with policies relating to safe exposure to the sun.

Vice Chairman Flores:

I will entertain a motion to do pass Senate Bill 159.

ASSEMBLYWOMAN GORELOW MADE A MOTION TO DO PASS
SENATE BILL 159.

ASSEMBLYWOMAN TOLLES SECONDED THE MOTION.

Is there any discussion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

Assemblywoman Gorelow will take the floor statement for Senate Bill 159.

We will close the work session; however, we will come back to the question that was raised by Assemblywoman Miller regarding who Senate Bill 126 captures.

Victoria Gonzalez, Committee Counsel:

In *Nevada Revised Statutes* (NRS) 391.650, "administrator" is defined for the purpose of this section that we are discussing. It says, "any employee who holds a license as an administrator and who is employed in that capacity by a school district."

That is further defined in regulation and there are three different types of administrative endorsements. *Nevada Administrative Code* (NAC) 391.160 states that the Department of Education will issue the following types of administrative endorsements: professional administrator of a school, professional administrator of a program, and supervisor of curriculum and instruction.

Subsection 2 of NAC 391.160 defines an endorsement as a professional administrator. From my understanding, that is the definition that will apply in this case, but I am trying to reconcile what was testified and what these definitions are in regulation and what the language is here. According to using the term "administrator" here and connecting that to an administrator who holds an administrative endorsement, that is where I would be pointed to. I would be happy to look into this further.

Vice Chairman Flores:

Thank you, Ms. Gonzalez. I will let the Committee know that, should there be any inclination by the Committee to get further clarification, they should make sure to reach out to our committee counsel. I will personally commit to holding the bill if what was testified on the record is inconsistent with what in fact the intent of the bill does. We will get that clarified and I will not refer the bill down to the floor if it is inconsistent. Once everyone is on the same page, we will move it down to the floor. With that, the work session is closed and we have a few bills on the agenda.

I want to remind everyone here in support, opposition, or neutral to please refrain from exceeding the two-minute rule. I will stop you at the two-minute mark and ask that you submit your testimony for the record. We will take the agenda as it appears. The first bill hearing will be Senate Bill 185 (1st Reprint).

Senate Bill 185 (1st Reprint): Revises provisions relating to background checks required to become a volunteer at a school. (BDR 34-14)

Senator Heidi Seevers Gansert, Senate District No. 15:

Senate District No. 15 is in Washoe County and I am here to present Senate Bill 185 (1st Reprint) today. Senate Bill 185 (1st Reprint) is actually a cleanup to a piece of legislation I brought last session, Senate Bill 287 of the 79th Session. I thought it would be helpful to go over that bill before I tell you about the current bill.

Senate Bill 287 of the 79th Session was brought forward last session to address a well-documented problem across the United States and in Nevada called "passing the trash," whereby school personnel and individuals who have regular contact with students take advantage of their position and abuse or have inappropriate sexual relationships with students. These individuals are frequently allowed to resign from their paid positions or as a volunteer, leaving no record of the abuse.

I want to provide a couple of other examples specific to CCSD, but it has happened in Washoe County School District (WCSD) and, again, across the country. A couple of individuals as examples would be teacher Jeremiah Mazo who was first arrested in 2008 and charged with sexually molesting students. When criminal charges were dismissed, that history was erased from his personnel file. He was then allowed to continue teaching, and later had sexually abused multiple students while at Don E. Hayden Elementary School. Eventually, it caught up with him and he was sentenced to 60 years in prison.

Another example was an individual who served as a campus monitor in 2017 and was a coach at Del Sol Academy of the Performing Arts. He was charged with coercion and child abuse, neglect, and endangerment. He was eventually sentenced to 72 months.

There were other instances in WCSD where there was abuse of a child who was locked in a bathroom all day under the pretense of trying to teach the child how to use the restroom. That individual was allowed to resign and moved on to another school district in another state.

The purpose of S.B. 287 of the 79th Session was to do a better screening of school personnel and certain volunteers before they began working with children and also to create a cycle of background checks. If you are licensed personnel, you automatically get a background check every six years, but if you are the bus driver, a hall monitor, a janitor, or an aide, you would not necessarily ever get background-checked again. S.B. 287 of the 79th Session made sure personnel were getting background checks. It also expanded the types of background checks. The one we commonly hear about is one that is done through the Central Repository for Nevada Records of Criminal History. That repository is based in the Department of Public Safety in Nevada, but it also has access to the Federal Bureau of Investigation information through the national system called NCIC [National Crime Information Center].

The second background check was something that we were not doing before. Essentially, it checks the statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child. When there is a substantiated report of child abuse or neglect, it is in this other database. Now S.B. 287 of the 79th Session made sure that we were screening people using two methods instead of one. It also required that if someone was found to be abusive, that information was maintained on that second database so that the state of Nevada or another state could actually find that information.

When I put S.B. 287 of the 79th Session together, we used the term "regular contact." We wanted to make sure that volunteers who had regular contact with children were getting background checks. Discretion was left because we felt that school districts would be able to best determine who was at the highest risk of abusing children—not necessarily someone who was coming in to read to a class, but someone who, in most cases would be a coach or an assistant coach or someone who is the head of extracurricular activities. What happened, because we left some ambiguity around that, is that eventually it went to the Department of Education to create the regulations. They capture almost all volunteers. It was very expansive and served to reduce the number of volunteers in schools, which was not the point of the bill. The bill was to make sure that anyone there in regular contact would be checked appropriately.

The overall result of that legislation has been very positive except for this piece around volunteerism. That is why I brought Senate Bill 185 (1st Reprint). It codifies quite a bit of what was passed through an emergency regulation last fall. What I would like to do now is to go through the bill. The bill is lengthy, but most of it is redundant.

There are several provisions that are parallel specifically to the provisions affecting charter schools, achievement charter schools, university schools for profoundly gifted pupils, personnel—people who work in schools—and private educational institutions and establishments.

The first thing I would like to do is go over a couple of definitions in section 1.5 because this is the heart of it. We had "regular contact" and we had to go back and define what "unsupervised contact" was, what "direct supervision" was, and what "volunteer" meant. Under section 1.5, section 1, "'unsupervised contact' means direct contact or interaction with one or more pupils who are not under the direct supervision of an employee of a charter school or other person designated by a charter school as the person responsible for pupils." Section 1.5 is about charter schools, but this language will be duplicated for all of the different categories I just went over.

First, we defined "unsupervised contact." Then in section 1.5 subsection 2, paragraph (a)(1), we defined "direct supervision" as "If indoors, is present in the same room as the pupil or has visual contact with the pupil."

Section 1.5, subsection 2, paragraph (a)(2) continues the definition by stating, "If outdoors, is within 30 yards of the pupil or has visual contact with the pupil."

In section 1.5, subsection 2, paragraph (b), "A person shall not be deemed to have unsupervised contact with pupils if he or she has the potential for only incidental unsupervised contact with pupils in commonly used areas on the grounds of a charter school." If you are in a classroom and the teacher has to go out to bring a child to the water fountain or the restroom and it is incidental unsupervised contact, you do not fall under the category where you have to get the background check because it is just incidental, it is not ongoing.

Section 2 defines volunteers. We were trying to pick up the people in section 2, subsection 1, which talks about coaches, assistant coaches, directors of in-school or extracurricular activities, and chaperones of any overnight trips. Those are the folks who seem most at risk and would need to have background checks.

Understanding those definitions, if you were to look at sections 4, 9, 14, and 18, they remove the requirement and the definition of supervised contact, so only unsupervised volunteers will be required to have a background check under subsection 5 of section 3, 8, 12 and subsection 2 of section 17. That part of the bill authorizes a volunteer to submit his or her fingerprints to another entity authorized to forward fingerprints to the central repository. The original bill was written so that fingerprints had to be submitted to the school district which created a backlog. Now you can go to fingerprintingexpress.com. That is the meaning and the purpose of this part of the bill, to allow folks to get fingerprinting done externally, then turn them in to the school district.

Section 19, subsection 1, declares a regulation that was adopted by the State Board of Education related to background checks for school volunteers to be void and unenforceable because we have fixed that definition. Current regulation allows the governing body of a public school or a board of trustees of that school to exempt a volunteer from a background check if the volunteer submits sufficient evidence, or the entity responsible for conducting the background check otherwise determines that they have already undergone a background check within the past six months or is employed in a position which requires a background check that has been approved to have unsupervised meetings. What this means is that if you are with organizations like AmeriCorps or Foster Grandparents, and you have had a background check in the past six months, they need to sign off that you have received a background check, and the Department of Education has to recognize that their background check was substantially similar to ours, and you are good to go. We were trying to eliminate the redundancy of background checks.

Also, if you are a firefighter, a police officer, a resource officer, or if you work for child protective services, you do not have to get a background check because you already have met the threshold for working with children and have had background checks.

Sections 3, 8, and 12 are further exemptions. Section 13 actually talks about background checks from other entities being at least as stringent as the background check normally conducted for a volunteer at a public school. That is the language that basically matches up to make sure that background checks by other organizations are at least as stringent as the ones we would be requesting.

Sections 3, 8, and 12 speak to the Department of Education creating a list of entities that are assumed to have had background checks as least as stringent, but there is also some discretion so that if an organization is not on the list there is still a way for them to be approved by a school district. Again, these are organizations like AmeriCorps, Rotarians, Seniors in Service, and Foster Grandparents.

Sections 4, 9, and 14 speak to the governing body of a public school or board of trustees not being liable for damages resulting in refusal to accept such a background check from another organization. Section 17 does the same thing for private schools, so if someone provided a background check from another organization, you can still refuse those background checks.

Section 2, 7, 11, and 16 deem that certain students enrolled in institutions of higher education who are taking courses that require them to be present in the classroom are not volunteers. These would be students at the University of Nevada, Reno (UNR), the University of Nevada, Las Vegas (UNLV), and Nevada State College who would be doing their practicums, which requires them to be in the classroom. Because they are always supervised, they are not within the definition of volunteers.

This, again, is a cleanup bill to make sure we request background checks in a very reasonable but safe manner, to provide for less expensive ways to get background checks, and to

grandfather in some folks who have already had background checks. While it is lengthy, it is pretty redundant and I appreciate your consideration of this measure.

Vice Chairman Flores:

Thank you, Senator Seevers Gansert for that presentation. In the past we have heard of the issue with how long it takes to get some of these fingerprints done, and going to the private sector was a great thing. In fact, I am working on something simultaneously on the other side.

Are there any questions from the members?

Assemblywoman Miller:

I remember this bill from last session, and I have also been an eyewitness to the challenges and some of the unintended consequences of it. I do not have a question; I really wanted to tell you that I appreciate your work on this and that it is very thorough and specific. I appreciate your coming back and making those improvements for everybody who genuinely wants to volunteer in the schools.

Assemblywoman Hansen:

I want to make sure that I understand this in a nutshell. I understand the unintended consequences that have occurred, having been a volunteer in schools for many years, and that can really cause an impact to the schools.

Essentially, we are just fixing it. If you are supervised, you do not really need it. If you work in the lunchroom volunteering to help with the lunch program or read in the classroom, because you are supervised, you would be exempt from this.

Senator Seevers Gansert:

Yes, if you are supervised. We were pretty specific about the definition of direct supervision because the school districts and the Department of Education have captured a lot of people who did not need to be background checked. We were looking at folks with a higher risk that something had happened.

Assemblywoman Hansen:

A question occurred when you were mentioning people in law enforcement who have already had extensive background checks—who are perhaps going to be volunteers. Even though I have been fingerprinted and done things for the schools that my kids have attended—because some of their individual standards were pretty strict—if I am a concealed weapons permit holder and I have been background-checked extensively, would that exempt me from having to go through more testing?

Senator Seevers Gansert:

Not necessarily. If that background check was within the past six months of when you began volunteering, potentially. The Department of Education has some discretion and they could create a list; if the threshold was substantially similar—that previous background check may

not have had anything to do with working with children—and the Department of Education rules that it was not about a clearance about working with children, then probably no. However, if it did have that type of threshold or those types of standards or criteria, then it would be as long as it was within the past six months.

Vice Chairman Flores:

Members are there any additional questions? [There were none.] I would like to invite those in support of Senate Bill 185 (1st Reprint).

Natha C. Anderson, President, Washoe Education Association; and Member, Board of Directors, Nevada State Education Association:

This was a bill that caused some concerns with our members last session because we were finding fewer and fewer volunteers were able to come in and help our students who were struggling readers, let us say. We appreciate this cleanup and Senator Seevers Gansert's work on this to try to get it to a point where it will help all educators. The Washoe Education Association is in support of Senate Bill 185 (1st Reprint).

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

We are also here in support today of Senate Bill 185 (1st Reprint). Senator Seevers Gansert and I got to know each other better over the interim as a result of this legislation. We worked really hard on clearing things up, making sure that there is no room for interpretation too far or too narrow.

I would offer that from a background check perspective, it is not a binary thing—you do not get a background check back that says yes or no. It contains information about what is on the background check, and then there is discretion about whether that person would be safe with children or not. Making sure that the standards for those background checks are specifically relating to students is really important for us. We definitely appreciate the clarifying language in this legislation and hopefully we are going to get back a lot of those volunteers into our schools.

Bradley Keating, Director, Government Relations, Clark County School District:

We are here in support of Senate Bill 185 (1st Reprint). Again, I want to echo the sentiments made by my colleague, Ms. Anderson from Washoe County School District. We have worked incredibly closely with Senator Seevers Gansert. She has taken phone calls from me all during the interim on issues and question and help that we have needed and promised that she would work as hard as she could to get a bill that would be amenable to all of the districts in the state. This bill is an incredible help to all of us to make sure that we have volunteers in our schools to help our students increase their achievement.

Mary Pierczynski, representing Nevada Association of School Superintendents:

The legislation last session was so well intentioned and when we got into implementation, it took a lot of discussion and a lot of meetings about what different districts were doing, so we want to thank Senator Seevers Gansert for coming forward and really cleaning this up. Also, Washoe County School District and Clark County School District for working with her.

Paige Barnes, representing Nevada Association of School Boards:

We are here in support of Senate Bill 185 (1st Reprint). We really appreciate Senator Seevers Gansert's work on this bill. We believe this will protect Nevada students while keeping volunteers in our classrooms. We also appreciate the clarity within this language.

Sarah Adler, representing Charter School Association of Nevada:

We want to thank Senator Seevers Gansert and our partner school districts for all of their granular-level work on this bill to enable volunteers to readily access our schools. I am only two years and four months away from volunteering in my oldest grandchild's school, so it is great that we got this fixed; we are in support of the bill.

Anna Antolick, Books and Buddies Facilitator, Spread the Word Nevada:

Good afternoon, Vice Chairman Flores and members of the Committee. My name is Anna Antolick and I am representing Spread the Word Nevada, a nonprofit organization that provides literacy support to 59 Clark County and 2 Washoe County at-risk schools. We will adopt school No. 62 next week.

One of our programs, Books and Buddies, is a mentoring program. Mentors are community volunteers who go through our training and our background check. They are then paired with struggling readers and provide 1-to-1 literacy support and encouragement throughout the school year. This program is in seven Clark County School District schools with over 200 volunteers. I facilitate one of these programs and have the privilege of witnessing firsthand the power of volunteerism and 1-to-1 student support.

Because our mission is about children, we have always supported the intent of the original bill to protect students. However, the initial bill created a policy that was confusing, layered, and required our volunteers to make multiple visits to district offices to complete the process. Because Spread the Word Nevada has been completing fingerprinting background checks that are state and Federal Bureau of Investigation compliant at no cost to our volunteers, the duplication of process was unattractive to some of our volunteers as well as cost prohibitive.

Hence, we support a mandate that is efficient to implement and consistent across the state. We especially support language that recognizes and accepts background checks completed by entities such as Spread the Word Nevada for the purpose of employment and volunteerism. We also support the requirement that the Department of Education compile and keep current a list of all such entities.

Thank you for your attention as we look forward to continuing our efforts to keep volunteerism sustainable.

Brigid J. Duffy, Director, Juvenile Division, Office of the Clark County District Attorney:

I handle cases of child abuse and neglect as well as child delinquency. I had the honor of being part of Senate Bill 287 of the 79th Session with Senator Seevers Gansert last session. It was a significant piece of legislation for child protection.

I want to share a very quick personal story to give you an example of how important these background checks are. I have two children in the Clark County School District public school system. I walked in to pick up my son from intermural basketball and I immediately saw someone that I recognized from prosecution on a child abuse case who was volunteering as a coach. I emailed the principal and asked if this individual had a background check because I was familiar with the passage of the legislation. I wish that predators were easily identifiable. This individual was not somebody I would want around my child or any other child, but he was there volunteering as a coach.

This legislation is making great steps toward that identification and the protection of children. I think the amendments will still assist the schools in encouraging volunteers to be there, but deterring those who should not be around our kids.

Suzanne D. Reed, Private Citizen, Las Vegas, Nevada:

I am an average citizen and I really appreciate when you do good things. On behalf of average citizens, thank you for doing a good thing, thank you for streamlining, thank you for saving money, thank you for doing safety, thank you for looking out for kids, and for helping volunteers. I appreciate you. Thank you.

Vice Chairman Flores:

Is there anyone else in support of Senate Bill 185 (1st Reprint)? [There was no one.] Is there anyone in opposition? [There was no one.] Is there anyone in neutral? [There was no one.] Senator Seevers Gansert, please give any closing remarks you may have.

Senator Seevers Gansert:

I want to thank the school districts and the Department of Public Safety for working with me on this bill and also Brigid Duffy with the Office of the Clark County District Attorney, and the different volunteer organizations. Thank you and I appreciate your consideration of this measure.

Vice Chairman Flores:

We will close the hearing on Senate Bill 185 (1st Reprint). We will open the hearing for Senate Bill 239 (1st Reprint).

Senate Bill 239 (1st Reprint): Revises provisions relating to bullying in schools. (BDR 34-641)

Senator Heidi Seevers Gansert, Senate District No. 15:

I am here to present Senate Bill 239 (1st Reprint). This bill is around bullying and cyberbullying. I would like to talk a bit about the current statute.

When there is a report of bullying, the current statute states administration must take action to immediately stop the bullying and make sure the alleged victim is safe [*Nevada Revised Statutes* (NRS) Chapter 388]. They must investigate the bullying, and they must create a

report in two to three days. If the investigation is deferred because of a criminal investigation, they are still required to have a safety plan.

The issues that were left outstanding in the realm around bullying were that, when there is cyberbullying, there can be dozens of kids involved, and those students can be from one school or two or more schools. There can be many folks involved. It takes longer to be able to investigate. When you look at federal statute for the investigation of cyberbullying, they give as long as 30 days to conduct that investigation.

There are also concerns that the plans devised as a result of bullying may favor a perpetrator instead of being victim-centered. When you have bullying in a classroom, maybe the person who was the victim ended up having to move to a different classroom versus the perpetrator.

In section 1, subsection 5, this bill extends the time frame for an investigation and report of cyberbullying for up to five days with a victim's or a parent or guardian's consent. Section 1, subsection 6, paragraph (b), and section 2, subsection 3, require that after an investigation is complete, any plan devised in response to bullying must cause the least possible disruption for the victim—in other words, it must be a victim-centered response.

In section 2, subsection 1, paragraph (a), if there is an investigation—because there could be criminal activity—a plan will be devised. But what this says is that after it is devised it must be carried out immediately. That was the last point that we added.

This bill is short, but it does make some improvements around cyberbullying and making sure that there is a victim-centered response, as well as making sure that if there is a criminal investigation, whatever plan was devised, that it is immediately carried out instead of put on hold.

Vice Chairman Flores:

Members, are there any questions? Seeing none, I will invite those wishing to speak in support of Senate Bill 239 (1st Reprint).

Sarah Adler, representing Nevada Coalition to End Domestic and Sexual Violence:

We very much appreciate Senator Seevers Gansert's bringing forward this bill. We had the opportunity to speak with her about a specific and unfortunately growing group of victims of bullying who are students suffering sexual harassment and worse, and many of them are our LGBTQ [lesbian, gay, bisexual, transgender, questioning/queer] community. We very much appreciate the victim-centered approach in this bill. Of course, unfortunately, a lot of that shaming and bullying goes on in the online community, so the additional time to address that with more sensitivity is much appreciated, as proposed in this bill.

Gina Session, Director, Department of Civil Rights Compliance, Washoe County School District:

I am speaking in favor of this bill. I also appreciate Senator Seevers Gansert's work on this. We have worked closely with her on this bill. I oversee all of the bullying investigations in

our school district, so I can speak from personal experience that the two-day time period, while prompt, certainly a prompt investigation is not always enough time to do a proper investigation. We appreciate the ability to work with the victims in these circumstances to ensure we are doing a proper job of investigating their concerns.

Mary Pierczynski, representing Nevada Association of School Superintendents:

These investigations are very important, and it is important that things are done right. We appreciate the additional time that this piece of legislation allows.

Vice Chairman Flores:

Are there any questions from the members? [There were none.] Is there anyone else to speak in support of Senate Bill 239 (1st Reprint)? [There was no one.] Is there anyone in opposition? [There was no one.] Is there anyone wishing to speak in neutral? [There was no one.] Senator Seevers Gansert, please give any closing remarks you may have.

Senator Seevers Gansert:

I appreciate your consideration of Senate Bill 239 (1st Reprint).

Vice Chairman Flores:

We will close the hearing on Senate Bill 239 (1st Reprint). We will push Senate Bill 267 (1st Reprint) to later in the meeting. We will open the hearing on Senate Bill 319 (1st Reprint).

Senate Bill 319 (1st Reprint): Revises provisions relating to education. (BDR 34-1063)

Senator Marilyn Dondero Loop, Senate District No. 8:

I am pleased to present Senate Bill 319 (1st Reprint) for your consideration today. This bill proposes to take steps to address a serious personnel situation in our public schools. The personnel to whom I am referring are behavioral and mental health professionals who work in our schools—counselors, psychologists, and social workers. These professionals bring to their positions years of education and training. In each profession they are dedicated to ensuring that all students in Nevada have access to quality education and the support they need to grow, learn, and feel safe. Yet, they are often subject to working conditions that limit their opportunity to provide services to Nevada's public school children.

Counselors are trained to assist students with academic and career planning and personal and social development. However, their duties are often dictated by principals who assign them to administer standardized tests, including counting test booklets and proctoring test administrations; supervising lunchrooms; covering classes when no substitute teachers are available; and making attendance phone calls.

Similarly, school psychologists are experts in education and psychology. They are qualified mental health professionals who could work with students in crisis. They have training to improve the school climate as a prevention measure and they understand child development and adolescent psychology. Best practices and school psychology recommend that these

professionals develop prevention strategies in mental health—substance abuse, bullying, and delinquency. However, they are most often assigned, once again, to test and assist children for special education services, and develop individualized education plans.

School social workers are licensed by the Board of Examiners for Social Workers and are trained to implement small-group intervention strategies and identify more intensive interventions for individual students. They target multiple risk factors in home, school, and community settings, and identify warning signs of violent behavior. They work to provide support after a crisis.

Counselors, school psychologists, and school social workers have in common that they are qualified mental health professionals who are underutilized in our public schools. In addition, Nevada's public schools are understaffed in these professions. Even the United States Department of Education listed all three areas as experiencing shortages in personnel. We do not mandate ratios of these professionals to students. However, the American School Counselor Association (ASCA) recommends a ratio of 250 students per counselor. In recent school years the ASCA reported there were 517 students per counselor on average in Nevada.

In 2017, the Nevada Association of School Psychologists reported to the Teachers and Leaders Council of Nevada that the national recommendation is 500 to 700 students per psychologist. In Clark County School District and Washoe County School District the average is 2,000 to 2,500 students per psychologist. Some rural districts reported one psychologist for all schools in the county.

In 2018 the National Association of Social Workers recommended a ratio of 250 students per social worker, yet the Student Well-Being Workgroup [of the Statewide School Safety Task Force] last year estimated that the current ratio in Nevada is one school social worker to 1,500 students. All of our ratios of school-based mental health professionals to students are four to five times greater than the nationally recommended ratios. I am bringing for your consideration Senate Bill 319 (1st Reprint) to address these concerns.

Sections 3, 4, and 5 establish in statute the duties of a counselor, psychologist, and social worker employed by a school district. My purpose is to create an environment in which these professionals spend most of their time on services to students. I hope they will no longer be diverted to lunch duties and supervising playgrounds. To the extent that money is available, each public school, including charter schools, must employ a school counselor on a full-time basis and provide for a comprehensive school counseling program.

In addition, section 6 provides that any of the professionals who present satisfactory evidence of national certification will be eligible for a 5 percent increase in the salary that he or she would have otherwise received, unless the applicable collective bargaining agreement provides for a greater increase. Similar provisions are included in section 6.5 for audiologists, occupational therapists, and physical therapists.

Several years ago, we did this for teachers who achieve national board certification. It is time we do this for our mental health providers as well. I am hopeful that with the change in work expectations and a potential salary increase, Nevada school districts will be able to recruit and retain more mental health professionals. It is time we recognize that our K-12 students face many social-emotional and situational pressures that affect their school performance.

Unfortunately, actual violence has also increased in our schools in the past decades, and even in the past year. We should have mental health professionals available in our schools who can work individually and collectively to create school environments that encourage growth and enable children to feel that school is a safe place for them.

Working conditions and salary are two areas where we, the Legislature, can act to foster that environment both for the children and the professionals our schools need so desperately. I ask for your support for Senate Bill 319 (1st Reprint).

Vice Chairman Flores:

Members, we will open for questions.

Senator Dondero Loop:

Vice Chairman Flores, I have Katie Dockweiler behind me if we have specific questions to school psychologists.

Assemblywoman Peters:

Thank you for bringing this bill forward. I always love a good reason and a good utility for collecting data. I have received some concerns around what kind of data we collect and how we use it. I was hoping you could give us an idea of what the purpose of data collection and the utility of that would look like in a school.

Senator Dondero Loop:

I am going to call a friend and ask if Dr. Katie Dockweiler would come forward so that we can have that discussion, and mostly because she would be the person who has the overview of what that would be doing. I can tell you the things that we are doing are for the safety and well-being of our children, and we are not asking anyone to do anything without parent consent.

Katie A. Dockweiler, Director, Government and Professional Relations, Nevada Association of School Psychologists:

In terms of collecting data, the language in the bill just states the qualifications that we have to do such efforts. That may look different on different campuses depending on what the needs are of the individual schools.

Kristin Barnson, President, Nevada School Counselor Association:

As data pertains to school counselors, we are looking at data in attendance, behavior, and academics. We are focusing on what the needs of our students are and what activities,

lessons, and programming we need to put together to impact student achievement, making sure that all students are behaving, attending, and achieving as well as all.

Assemblywoman Peters:

Are we aggregating data, then making general decisions for the school? Or are we trying to collect data to make pupil-specific decisions?

Katie Dockweiler:

That is a good question, and it can be both. At the student level, for example, school psychologists will collect data on individual students who, for example, may be receiving an evaluation for special education. At the school level, we may be collecting information regarding multitiered systems of support for either academic or social-emotional behavioral functioning. We can use that data then to inform the overall programming available at the school to improve it. It can be both at the individual student or group level.

Assemblywoman Peters:

It sounds to me like you are using the time you spend with a student and their aggregated information from how they are doing in their classes to bring together some information for the best way to help that student. Then looking at that data in a holistic view of the school, and potentially seeing where there are gaps in the programs in the school, so that can better address the health and wellbeing holistically for the school as it pertains to each individual student. Does that sound right?

Katie Dockweiler:

Yes, that is correct.

Assemblywoman Torres:

I thank you, Senator Dondero Loop, for bring forth this legislation. I am working in a school and I think it is something that really it is about time we had. Before this presentation, it seems like there was a lot of misinformation being spread. I want it to be abundantly clear. Can you confirm for me that this does not change the scope of consent for assessment? For example, I have heard of students whose school worker had that first interaction, then that social worker took a note home to the parents. All of those types of things in my understanding would continue to stay the same.

Senator Dondero Loop:

That is absolutely correct. I can tell you on a personal level that, many times, when things happen with students, you need to have conversations with students to ascertain exactly what happened. You, as a teacher, know that. I, as a teacher, know that as well. Nobody is trying to invade anybody's privacy, but we are trying to help our children who are most vulnerable. Many times it could be something that I reflect on that happened. One time in one of my classrooms I had a whole family killed in a car crash except one child who was in another grade level who happened to be in my daughter's classroom. Having that information, being able to talk to the family, and being able to talk to the students and the parents may mitigate

that kind of a situation. It could be something as tragic as that, or it could just be a student who really needs some help on a whole different level with their interaction with their peers.

Assemblywoman Miller:

When it comes to the part about the national board certification, and this might be a question for Katie Dockweiler, I am assuming it is similar to what teachers go through which is basically another two years to complete. It is four components or sections of intense work and study and reflection. I hear from many people just how tough it is and not everyone makes it through. I am assuming that would be the same for counselors and that this bill is actually trying to—just like we do with teachers—enable those counselors to receive an additional \$5,000 in their salary when it comes to recruitment and retention. Is that the case?

Senator Dondero Loop:

Absolutely. That national board certification does not come without a lot of hard work, time, and money. We are actually very fortunate in Nevada because we have, if not the highest, we are maybe number two in the entire nation of national board certified-teachers, and almost all of our school counselors and school social workers have been teachers at one time. Then they achieve this status in their new position as the social workers, psychologists, or counselors.

Katie Dockweiler:

Yes, it is a rigorous process beyond graduation. That is not enough to obtain national board certification. It is a rigorous process established by standards set by our national association. In that sense, it does align with the National Board for Professional Teaching Standards (NBPTS) that are specific to teachers.

Kristin Barnson:

I will reiterate what Dr. Dockweiler said, it is the same with school counselors, and very similar to school psychologists for the National Board for School Counseling as well.

Assemblywoman Hansen:

You mentioned the parental consent part, and I am sure that is the intent. I have learned through doing one of my bills that what I thought was intended needed to be spelled out. I had to put some language regarding parental notification in one of my bills. Is that something that we need to spell out about parental consent when we are talking about specifically in section 5, subsection 1, paragraph (i) what a biopsychosocial assessment is? I am curious, is parental consent just a given? I do not know if that is the case, so do we need to put that into the language to get comfort where there might be some discomfort?

Senator Dondero Loop:

That is probably above my pay grade. I have been out of the schools for a few years.

Katie Dockweiler:

Regarding school psychologists, we do need informed parental consent for the work that we do with students. What we do, we pull students individually and we need to get that consent

from parents prior to working with the students at all. That is in current law regarding special education evaluations. That is how that piece of the bill pertains to school psychologists.

Kristin Barnson:

As you mentioned, psychosocial assessment would not be part of a school counselor's role or function. That is one of the reasons why we wanted to work with Senator Dondero Loop to get those definitions, rules, and functions of each of our professions spelled out and understood for the sake of what we do for our students in our schools.

Assemblywoman Hansen:

Section 5, subsection 1, paragraph (i) is under social worker, correct? What is the definition of "biopsychosocial"?

Katie Dockweiler:

I am not a licensed school social worker, so I do not feel comfortable addressing that, but I also had to look that up. We have someone here who is a social worker who can answer that question, should Vice Chairman Flores permit it.

Frances McClain, Social Worker, Clark County School District:

Social workers work with persons in situations. When we assess, we are looking at the medical factors, family factors, and the environmental factors that make up this child, and we use a strength-based approach. We are looking at the positives, but we also have to look at where the gaps are and where the needs are in order to completely assess what the family and child need and what the barriers are to their education.

Assemblywoman Hansen:

Thank you, my vocabulary has now grown.

Assemblywoman Krasner:

I have received so many emails from concerned parents who are talking about what type of data is going to be collected on their children, how is the data going to be used, is there going to be parental consent in writing before a school psychologist delivers any mental or behavioral health services or before a school social worker administers a biopsychosocial assessment to the pupils. The parents who are writing to me want to be assured that their consent in writing will be requested before these mental health services are administered to their children. Could you address that please?

Senator Dondero Loop:

Let me assure you, parental notification and their okay for all of these things has been addressed. That will be done. Dr. Dockweiler and Ms. Barnson all addressed that. Ms. McClain addressed the psychosocial question that Assemblywoman Hansen asked. We are not collecting data on kids, we are helping kids. This is a serious mental and social health issue that these kids are facing in our schools. We are trying to keep kids safe. We are trying to educate kids at the most quality level and the most effective level that we can as teachers.

Believe me, there is probably something to be said if these ladies and gentlemen who have these jobs did not have to do these jobs, it would probably be a good day in America—but we are not there. I will be forever grateful for these psychologists, school social workers, and school counselors who have to deal with children every day on every campus in America, and specifically in our state of Nevada, to make sure that not only are we safe, but these children have a good solid foundation to come to school with.

Vice Chairman Flores:

I think we have clarified some of these points on the record throughout the hearing. I do not think we have to repeat ourselves. Members, are there any additional questions? [There were none.] Again, thank you for the clarification and the presentation. I would like to invite those wishing to speak in support of Senate Bill 319 (1st Reprint) to please come forward.

Natha C. Anderson, President, Washoe Education Association; and Member, Board of Directors, Nevada State Education Association:

I am speaking in support of this bill. There are a few reasons why, and the first reason has to do with the fact that all three roles are incredibly important to our school environment. The fact that it is now defined and clarified how each is used differently as opposed to being interchangeable how some people think it is. They are not. Each allows for different ways to help the mental health of our students.

Another thing that I want to bring forward as well is that I greatly appreciate the amount of work Senator Dondero Loop put into both clarifying how important our mental health services are for our students and also how different each of these items go into.

Finally, I want to go into the national board certification process. It is a very important item for our counselors as well as for our school psychologists. Although I do not represent the school psychologists in Washoe County, I am part of an education coalition with them.

For our counselors, we have been able to actually get them that board certification bump in pay in Washoe County School District, and it would be wonderful to be able to have that across the state. I will ask for your support.

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

I am here in support because of how much work was done over the interim to define these things with the collaboration of our different employees in these different roles. We want to validate that work and support this legislation.

Mary Pierczynski, representing Nevada Association of School Superintendents:

We certainly understand the importance of these folks and these professionals in our school districts and we are in support of the legislation.

Bradley Keating, Director, Government Relations, Clark County School District:

I echo the comments that have been made here today. We appreciate Senator Dondero Loop and the stakeholders coming together to ensure that we are able to better work with our school counselors and provide them the services that they need.

Frances McClain:

I have been a licensed clinical social worker for the past 32 years and have been employed with Clark County School District (CCSD) since 2011. A strict code of ethics regulates licensed social workers and licensed clinical social workers. As "other licensed professionals" in CCSD, we work consistently, often behind the scenes, with students through graduation. Licensed social workers assist in improving the graduation rate by providing direct support to students and families and eliminating the barriers to school success.

Licensed social workers identify mental health issues by providing individual assessments and community resources to families. We work directly with students and families in crises. Licensed social workers provide 1-to-1 and small support group sessions with students and parents. We collaborate with our administration, school counselors, and psychologists to identify factors in a student's home, school, and community that may negatively influence their education.

Licensed social workers focus on improving students' social and emotional well-being. We provide training and education to school personnel and families on mental health issues such as "Youth Mental Health First Aid," which identifies signs and symptoms of depression and suicidal ideation. We complete reentry plans with school counselors and school psychologists when a student transitions from a mental health facility to home and school.

The Clark County School District emphasizes student achievement, academic success, graduation, college and career readiness, and the importance of social-emotional wellbeing. Licensed social workers, through their direct work with students and families, assess each student as an individual, putting supports in place so students can thrive at home, in school, and in their community. Senate Bill 319 (1st Reprint) recognizes licensed social workers and licensed clinical social workers for the quality work we do in CCSD.

We appreciate this bill aligning with the standards for a certified social worker specialist as outlined by our National Association of Social Workers with a 5 percent increase in salary. I respectfully request that this bill be passed.

Meredith Smith, Director of Policy, Nevada Succeeds:

I am here to speak in favor of Senate Bill 319 (1st Reprint) as we think this bill helps to recognize and clarify the professionalism of the mental health and other specialized licensed practitioners mentioned in the bill.

The importance of understanding professional scopes of practice within the education profession is imperative. This starts with establishing definitions. Nevada Succeeds believes

that better understanding the full scope of expertise required in our schools to meet the day in and day out needs of our students will ultimately lead to even better outcomes for students.

Additionally, better aligning compensation with the expertise needed is a good step in ensuring equitable outcomes we all want for our students.

Brenda Pearson, Director, Professional Learning Program, Clark County Education Association:

For the record, I am reading for a member. [Read excerpts from a written letter not provided as an exhibit.]

My name is Megan Karpp and I am a CCEA [Clark County Education Association] member and a licensed clinical social worker (LCSW) at Crestwood Elementary School. In order to become an LCSW I needed to complete a two-year master's program, which included intensive coursework and 21 hours a week of supervised internship. I am speaking in support of S.B. 319 ((R1)).

Before being able to become a social worker, I needed to take an intensive licensing exam through the Association of Social Work Boards (ASWB). In order to get my additional clinical license, I had to complete 3000 post-master's supervised clinical hours and take a second licensing exam.

I have always wanted to be a school social worker as I care deeply about education and children's mental health. I feel that the school district is not giving social workers salaries that are in line with our education and market rate. Las Vegas is in dire need of mental health professionals. The starting salary for social workers at mental health agencies and hospitals is \$20,000 to \$40,000 over what CCSD is paying. While CCSD will match teachers' salaries coming into the district, I was not able to get my salary matched because I came from a government agency and not a school district. Social workers come from diverse settings and have experience with children and families not just in schools. However when I moved to Las Vegas to work for CCSD, I took a \$20,000 pay cut per year.

Furthermore, since social workers are assigned to schools by an outside department and not hired by the school directly, they do not qualify for extra funding and bonuses that teachers can get throughout the year.

I love my job, but I do not feel there is enough room for growth and that I am not being paid a fair salary based on my education and experience. I am not sure at this point how long I can afford to stay at this job unless there are changes. I know several MSWs [master of social work] who will not work for the school district because the salary is not what they deserve.

Senate Bill 319 (1st Reprint) will aid social workers in getting a needed salary that is more in line with the market rate.

Hilda Robles, Member, Clark County Education Association:

I am a national board-certified school counselor under the National Board for Professional Teaching Standards (NBPTS) and a Clark County Education Association member. I am here today to speak in support of Senate Bill 319 (1st Reprint). I would like to thank the sponsors of this bill for acknowledging the importance of the support services in our schools. Senate Bill 319 (1st Reprint) gives school counselors and other licensed professionals the respect they deserve. This bill removes the disparity and the void that other bills have created because it provides the same incentive to NBPTS school counselors by including us in the 5 percent incentive ([Exhibit H](#)).

My only concern is in section 6, subsection 1 and subsection 2, which gives the deadline to submit evidence as September 15. The reason the date is a concern is because it does not align with *Nevada Revised Statutes* (NRS) 391.161 which provides the deadline to submit evidence of certification as January 31. January 31 is a deadline because NBPTS releases the scores in December for the components submitted the school year prior.

If the deadline to submit evidence of certification for S.B. 319 (R1) is September 15, national board-certified professionals would lose out on one year of incentive pay every time they renew, which is currently every five years.

I am requesting that you please consider revising the deadline to coincide with what is in place for teachers under NRS 391.161, January 31. I can tell you that because of the process to complete the components for national board certification, I am well prepared—more so than if I had not—to support students in what is being proposed in legislation to ensure student safety.

If we want to encourage school counselors to become national board-certified, I ask that you pass Senate Bill 319 (1st Reprint) with the revision requested.

Vice Chairman Flores:

Please make sure you speak to the sponsor. At this point we are not considering what you are saying to be friendly, but give yourself an opportunity to reach out to Senator Dondero Loop and, should she consider that to be a friendly amendment, then this Committee will work with you.

Heather Gaylord, Occupational Therapist, Clark County School District:

First, I want to express my condolences to the Committee on the loss of your colleague and friend, Assemblyman Tyrone Thompson.

I work in the Clark County School District providing occupational therapy services to students with disabilities. Like teachers, speech therapists, and other groups of licensed professionals, I work directly with students to support their education through participation

and success. Occupational therapy is a mandated service under the Individuals with Disabilities Education Act and amendments, and psychosocial skill evaluation and intervention is part of our scope of practice.

I am speaking in support of Senate Bill 319 (1st Reprint) section 6, subsection 1, to include occupational therapy (OT) and physical therapy (PT) practitioners to receive a 5 percent salary increase in recognition of national board certification. Both OT and PT are critical shortage positions in Nevada ([Exhibit I](#)).

When public school districts cannot attract and retain practitioners as employees, those positions are filled by outside agency staff via contract, which can be two to three times the cost of employing a practitioner. It makes sense to reward practitioners who are board-certified to help attract and retain OT and PT staff, therefore more effectively competing with these outside agencies.

In addition, S.B. 319 (R1) as amended [pages 4-8, ([Exhibit I](#))] to include OT and PT practitioners eliminates the disparity OT and PT practitioners have been trying to address for several years. Even though practitioners work directly with students and can be board-certified, we were left off of the initial piece of legislation. Senate Bill 319 (1st Reprint), as amended, is an opportunity to correct that oversight.

Finally, you will note I have been using the word "practitioners," instead of the word "therapist" to describe OT and PT workers. It is important to make this update to S.B. 319 (R1) so we do not exclude groups of therapy workers who have board certification but do not use the title of therapist.

Mindy M. Esterson, Occupational Therapist, Clark County School District:

I work for the Clark County School District (CCSD) providing occupational therapy services to students with various disabilities. It is noted that I have been an OT practitioner for 39-plus years and have been with CCSD for 11 years. I work directly, and at times indirectly, with students, parents, and teaching staff to support and facilitate our students' optimal participation and success in both the general and special education settings. Occupational therapy is a federally mandated service under the Individuals with Disabilities Education Act and amendments.

I wish to speak to you in support of Senate Bill 319 (1st Reprint) as amended [page 4-8, ([Exhibit I](#))] to include occupational therapy and physical therapy practitioners to receive a 5 percent salary increase in recognition of their national board certification. Please be aware that both occupational therapy and physical therapy are in critical shortage now within the school district and have been so for some time in Nevada. Our public school districts are currently unable to attract and retain practitioners as employees. These positions are currently contracted by outside agency staff, which is much more costly than employing a CCSD staff employee. Rewarding OT and PT practitioners who are national board certified would certainly help attract and retain our school district therapy staff and more effectively compete with outside agencies' salaries.

Additionally, please note that S.B. 319 (R1) as amended addresses the present inequity for OT and PT school-based practitioners in not currently receiving this 5 percent salary increase when we, too, have national board certification. It seems that we were initially omitted from this legislation and passing S.B. 319 (R1) as amended would correct this apparent oversight ([Exhibit J](#)).

Kathleen A. Vokits, Past President, Nevada State Association of School Nurses:

I am a Nationally Certified School Nurse. I am the past president of the Nevada State Association of School Nurses and a member of a coalition of other licensed educational personnel (OLEPs) to address the shortage of OLEPs in the state.

School nurses are an integral part of the school team. We support the mental and physical health of all students on our campuses, not just special education students, although those students may require more of our time.

School nurses support Senate Bill 319 (1st Reprint). As an OLEP group, we would like to put on notice that we are not included in this bill. There is a pending bill in the Assembly Committee on Ways and Means, Assembly Bill 341, that would fit right in with everyone else to include us. We have worked with the rest of the OLEPs over many years to educate everyone as to our separate roles. We have worked together to develop our separate but equal protocols within the Nevada Educator Performance Framework that reflects our standards of practice.

Nurses also have a certification. They become the leaders and mentors in the schools because of the well-rounded knowledge that certification requires. School nurses, along with the rest of the OLEPs, have been chronically listed as critical shortage. Studies have shown recognition of certification leads to a higher retention.

At this time only 10 percent of school nurses are nationally certified. Some of this is due to the difficulty with hiring nurses eligible to take the test in the rural areas. If you look at Elko County School District where the school nurses are included in the 5 percent bonus, 50 percent of their nurses are nationally certified. The remainder are working toward that requirement.

Vice Chairman Flores:

I do not have clarity as to whether you are in support. Right now my interpretation is that your testimony was neutral, that you are offering additional information that was not being captured by the bill. I do not know that you said you, in fact, support the bill. I just want to make sure that we properly categorize your testimony. Are you in support?

Kathleen Vokits:

We are in support, but we are offering additional information.

Tina Miller, School Nurse, Clark County School District:

I am a school nurse here in CCSD at the very busy, inner-city Western High School. At the completion of a bachelor of science degree in nursing, we take the national board licensure exam, which demonstrates a baseline knowledge required to practice as a nurse. When a school nurse passes her national certification of school nurses exam, she has demonstrated the rigorous knowledge required in a specialty field of nursing. The school nurses' professional organization, the National Association of School Nurses (NASN), has a mission to keep students healthy, safe, and ready to learn. I currently sit on the board of directors representing Nevada for NASN.

While working at Western High School, I have been able to demonstrate that I can decrease dropout rates among our severe mental health students by doing some case management for these students. I have been able to decrease dropout rates from 56 percent down to 13 percent this year.

In addition, I have been able to provide more than 150 students with glasses. With that, I looked at their grade point averages (GPAs), and for those students who did not have glasses the prior year, I was able to increase their GPA by 0.5 points on a 4.0 scale.

Also, by changing my health model in my health office, I was able to increase instructional time—put the students back into the classrooms instead of hanging out in the health office—by an additional 36 hours of instruction.

Vice Chairman Flores:

If you have written testimony, could you please provide that to our committee assistant, and I will make sure it gets uploaded to NELIS [Nevada Electronic Legislative Information System] so that we have it for the record.

I am going to make a request so the record will be abundantly clear. After you state your name, if you would then immediately say whether you are testifying in support, neutral, or opposition, and then go on to your written remarks, that would make it very clear for us.

Danielle Knoepfel, Audiologist, Clark County School District:

I am here to demonstrate my support for Senate Bill 319 (1st Reprint). I have been an audiologist for 27 years and for the past 12 years in the schools. I am also a member of the Clark County Education Association and participate on their licensed professionals council, which is why I am participating today.

I am here on behalf of other licensed professionals named in the bill, including social workers, school psychologists, counselors, and occupational and physical therapy practitioners. Many important things unite us, including our mission to improve the outcomes and success of the school children with whom we work; to increase access to their curriculum by reducing obstacles—physical or mental; to provide safe and secure environments for the students; and to support the classroom teachers as they educate children. While we are not licensed teachers except for the counselors, OLEPs are licensed

educators who hold a state license to practice and/or a Department of Education license to work in the schools.

As audiologists, we were not recognized by the Legislature many years ago in the final bill that provided a 5 percent increase to the salary base for our colleagues—the speech-language pathologists with whom we share not just a state board, but the national certifying organization.

Similarly to teachers who pursue national board certification, which represents a standard of quality of a licensed educator's practice, certification for OLEPs first required intensive coursework and clinical rigor prior to passing a national examination to earn certification. A certified educator works to advance the cause of every child to experience a quality education despite whatever supports may be needed, to promote physical and emotional well-being for children in general, and special education.

Because of the level of highly specialized expertise OLEPs bring to the education system, we are asking that the Legislature recognize the ten state educational audiologists, and the psychologists, counselors, and social workers, OTs and PTs warranting the 5 percent increase as described in S.B. 319 (R1). I ask that you please pass your bill. Thank you for your consideration.

Carie Hornby-Daniels, Audiologist, Clark County School District:

I am in support of this bill. I encourage you to pass the initiative. Entry level for an audiologist is a doctoral degree. This far surpasses the requirements of a teacher, and yet we are paid as teachers. We are governed by two national organizations—the American Academy of Audiology and the American Speech-Language-Hearing Association. We had to successfully pass a Praxis exam and complete practicums to become nationally certified. This certification requires that we adhere to our scope of practice, code of ethics, and meet continuing educational requirements.

Audiologists were left out of the legislation that granted this 5 percent stipend to other licensed educator professionals. In fact, I was given this stipend when I was providing services as a speech-language pathologist, but then it was taken away when I moved over to the audiology department.

As audiologists, we provide a very specialized skill set to support and advocate for students with hearing loss and deafness, a breadth of experience and training that is exclusive to the students we serve which is above and beyond what a teacher can provide.

There are seven audiologists practicing in the state. The fiscal impact is minimal. We should have been included in the original legislation, and now I am encouraging you to add our discipline to S.B. 319 (R1) so that we, along with other disciplines, receive the 5 percent stipend that others like speech-language pathology currently receive.

Again, I urge you to include audiology on S.B. 319 (R1) and move forward toward its acceptance and implementation.

Allen Espelita, Advocacy and Policy Coordinator, American Occupational Therapy Association, Inc.:

I am a member of the Nevada Occupational Therapy Association. I am happy to see that there is support and an amendment for Senate Bill 319 (1st Reprint) including occupational therapy practitioners as part of the 5 percent salary increase in recognition of our national board certification [pages 4-8, ([Exhibit I](#))]. Occupational therapists are recognized and registered nationally through the National Board for Certification in Occupational Therapy—both the OT and the OT assistants. We hope this will push through and move on as a bill and this will support our practitioners to be retained and encourage more practitioners to come here to Nevada. Thank you.

Linda Jones, Political Field Coordinator, Clark County Education Association:

I am here to read a statement on behalf of one of the members.

Good afternoon. My name is Phoebe Lei, I am a physical therapist with CCSD. I would like to take this opportunity to express my support for S.B. 319 (R1), which includes occupational and physical therapy practitioners with a 5 percent salary increase.

All of the occupational and physical therapy practitioners in CCSD obtain national board certifications. As one of the practitioners, I can attest that we all work very hard each and every school day to maximize our students' functional capacities to assist them with access to their school environment and educational materials. Our hard work improves their overall activity and assists with the betterment of their daily skills. As you can imagine, a person's life is dramatically changed when they graduate from sitting in a wheelchair, to requiring assistance from others, to walking independently and eventually caring for themselves.

Even though I am a physical therapist with a doctorate degree, I need two jobs to support myself and my son. Therapists often have a very high amount of student loan debt due to the extensive schooling. I often wonder how a new graduate with more than \$300,000 student loan debt can afford to live with only a \$40,900 starting salary. The yearly 5 percent increase will not only help me and my family, but also assist newly hired.

By having a competitive salary, our industry will continue to attract young talent, which will be needed as others retire.

Please pass S.B. 319 (R1).

Vikki Courtney, President, Clark County Education Association:

I am here today reading a letter on behalf of one of our members.

Good afternoon. My name is Jessica Killingsworth and I am currently a counselor at a high school and a CCEA [Clark County Education Association] member. I am speaking in support of S.B. 319 (R1). This is my 13th year as a high school counselor. Before working at my current school, I worked at an alternative high school in the district. I have also participated on leadership cadres with the district guidance department and have been an Other Licensed Professional (OLP) representative with the CCEA.

I apologize that I am not at this meeting in person. I am currently at my school proctoring an exam.

Thank you for all of the work that was put into S.B. 319 (R1) and defining what it is to be a counselor, a psychologist and a social worker in the district. There has been work across the country under the leadership of the national counselor professional organization, the American School Counselor Association, to help counselors advocate for and present comprehensive counseling programs in schools. Research has shown that comprehensive programs can have a profound impact on the school community, the mental health of students, and ultimately, student academic performance, which is what all we want.

Still, the notion of a comprehensive counseling program has required changing the hearts and minds of administration and some counselors. Having the expectations laid out plainly, as they are in S.B. 319 (R1), will certainly help those of us who are working as change agents in the district. We cannot ignore the impact that the mental health has on student performance.

I would also argue—well, hope might be a better word—that with the expectations and definitions of what being a counselor entails, the counselor preparation programs will improve to ensure that future counselors are aware of these expectations, including providing a comprehensive counseling program.

And, additionally, I hope that these clear expectations of the role of the counselor, the psychologist and the social worker, will lead to a better understanding as to why we need to work to improve the ratio of students.

[Chair Flores indicated that the allotted two minutes were up and ended the testimony. The remainder of the letter was not read.]

Kristen Barnson:

I was called up earlier to clarify, but I do have a statement in support of Senate Bill 319 (1st Reprint).

The Nevada School Counselor Association is the professional organization dedicated to developing Nevada's school counselors and advocating for the school counseling profession.

The Nevada School Counselor Association wholeheartedly supports S.B. 319 (R1). This bill provides clarity in the definitions, roles, functions, and supervisions of school counselors, school psychologists, and school social workers. We are all school-based professionals trained to work collaboratively on school campuses. Senate Bill 319 (1st Reprint) assists lawmakers, districts, parents, and community partners in understanding the critical ways in which these school-based professionals' skill sets overlap, are unique, and support students with academic, mental, social, and behavioral supports. This bill also ensures greater access and equity for all students.

School counselors implement and build comprehensive school counseling programs that are collaborative efforts benefiting students, parents, teachers, administrators, and the overall community. School counseling programs should be an integral part of every student's daily educational environment, and school counselors should be partners in student achievement. The language in S.B. 319 (R1) allows school counselors to use their master's-level trained knowledge and experience.

Currently, our large student-to-counselor ratio, other duties as assigned such as being testing coordinators, test proctors, 504 case managers, and providing general school supervision duty—which can be double that of a regular teacher—hinders our work with students.

Senate Bill 319 (1st Reprint) also addresses the 5 percent salary increase for receiving national board certification. This is critical in the value of our work as we are aligned to other educators within the schools.

In closing, we want to extend our extreme gratitude and thanks to Senator Dondero Loop for actively reaching out to our state associations, collaborating with us on a regular basis, especially through all our phone calls, texts, and emails, in recognizing the value of school counselors. We are so appreciative to all of you and the amazing work you do every day for the students of Nevada.

Katie Dockweiler:

I am here to speak in support of Senate Bill 319 (1st Reprint). Currently there is ambiguity surrounding the basic definition, role, function, and supervision structure for school counselors, psychologists, and social workers, specifically as it relates to the work that we already do in schools. This leads to confusion regarding the various ways these three school-based mental health professions are trained and licensed to engage on school campuses. This foundational bill will not only assist school districts in better differentiating their human capital expertise, but districts will be better positioned to identify ways in which

the three professions overlap and are unique to support students and school improvement efforts and to align service delivery.

The incentive for the 5 percent salary increase aligns with the existing practice for national board-certified teachers. Hopefully, this will also provide a draw for new hires to come to Nevada. We are currently experiencing a significant shortage of school-based mental health professionals, and this provision is a huge step in alleviating the shortage.

Keenan Korth, Communications Specialist, Clark County Education Association:

I will also be reading testimony from a member in support of Senate Bill 319 (1st Reprint).

My name is Dr. Cynthia Rapazzini. I am a counselor, and I have worked at a public middle school for the past thirteen years. I am also a member of CCEA and have been for my entire time with the school district. Clark County Education Association supports S.B. 319 (R1), OLPs support S.B. 319 (R1), and so do I.

I became a school counselor because I wanted to be in a position to support young people; our students, and help prepare them to succeed in life. Success however, does not pertain to academics only. The work I do as well as other OLPs is necessary for our students to succeed.

I believe continued education, and obtaining additional knowledge and best practices, to become more effective is the next step. The national board certification program would accomplish the next step for me. The program is an investment, and as such, a monetary return on investment should be offered upon completion of the program.

Unfortunately, all monetary consideration for program completion is not equal or fair. The national board certification requirements are just as rigorous as the teacher's certification program. Teachers are rewarded with a 5 percent salary increase upon completion of the program. Clark County Education Association has lobbied in the last two legislative sessions to include OLPs, but to date we are not eligible to receive the 5 percent salary increase after completion of the program.

I ask that this bill be passed and become law. It will truly be a win for our students. They will ultimately receive the benefit of our additional knowledge and expertise gained from completing the national board certification program. It is the right thing to do for OLPs who dedicate their careers to helping students reach their potential. Please pass S.B. 319 (R1).

Leo Soo Hoo, Audiologist, Clark County School District:

I have been an audiologist for the Clark County School District for 22 years. I would like to read some excerpts from my coworker who unfortunately could not be here. This is from Clarissa Jones:

Audiologists require a professional doctorate to enter the profession and practice. This involves considerable education and training. I believe we should be included with Other Licensed Professionals in the increase stated in S.B. 319 (R1).

I would like to personally add that audiologists, as well as other OLPs, were inadvertently omitted from previous legislation. I believe it is a matter of equity, respect, and fairness that audiologists are treated as valued professionals. I urge you to support the passage of Senate Bill 319 (1st Reprint).

[[\(Exhibit K\)](#) is a packet of letters in support of Senate Bill 319 (1st Reprint).]

Vice Chairman Flores:

Is there anyone else wishing to speak in support of Senate Bill 319 (1st Reprint)? [There was no one.] Is there anyone in opposition?

Lynn Chapman, Washoe County Chairman, Independent American Party of Nevada:

I am representing the Independent American Party. We would like for you to vote no on Senate Bill 319 (1st Reprint). Our children belong to us—not to the schools, not to anyone else—they belong to us. We are concerned with this bill. I did go through it, and it did talk about family therapy once, and it did talk about parents being involved five times, but two of the times were about special education.

This bill brings to mind what a president said years and years ago. He was using a quote and he said this was the problem. The quote was that we are from the government and we are here to help you. Government is not the solution—sometimes it is the problem. We need less intrusion in our families and in our family life. We also need more parents to be involved with consent on all aspects at the schools and their children. After all, the schools belong to the taxpayers and the parents. Thank you.

John Eppolito, President, Protect Nevada Children:

I am the president of Protect Nevada's Children, a former K-12 teacher, and I still have three kids left in the school district.

Three years ago, Washoe County School District gave a psychological assessment to all of the students in four schools without parental consent. That assessment was called the Devereux Elementary Student Strengths Assessment (DESSA). Back then they said on their website that it is a psychological assessment, now they have changed it to social-emotional. That was not done by any of these professionals. That was done in the classroom by the teachers online. The teachers were the ones giving this assessment. Really, it was a

third-party vendor to whom the kids were replying through the computer. That is not covered in this bill and it should be.

Once these psychological assessments are done, records are kept without parental consent or knowledge. These records are probably stored in two places forever—Infinite Campus and the Student Accountability Information Network (SAIN). Six or seven years ago, we did not have SAIN, and we did not have Infinite Campus for every kid in the state. Now we do. This is what is most problematic. In the case of DESSA, there was a third-party vendor that now also had these psychological records on these kids—again, without parental consent.

On September 12, 2017, twelve of us marched into the Washoe County School District office and asked why they gave this assessment without parental consent. Two and a half hours later, the superintendent said that they were not going to do that anymore. They never told the parents that they had done it. I am concerned that this bill is going to make it even more likely that it is going to continue to happen.

Specifically, in this bill, section 4, subsection 1, paragraphs (a), (d), (e), (f), and (l)—if it at least said parental consent prior to any of that, and then also, section 5, subsection 1, paragraphs (b) and (i)—parental consent.

We at Protect Nevada's Children do not believe these assessments should be given without parental consent anytime. The records kept will be forever.

Here is what you asked for, and I will give you a copy of the biopsychosocial assessment ([Exhibit L](#)).

Bob Russo, Private Citizen, Carson City, Nevada:

I oppose Senate Bill 319 (1st Reprint). I went on the opinion page, and I counted for and against regarding this bill—6 in favor, 86 against—that is a 14-to-1 ratio against the bill. Again, the concerns around the lack of any language in the bill regarding parental consent—I really believe that needs to be strictly included so that there is no question one way or another. It is right there, clear to see.

Another thing to go along with that is that parents need to be directly involved in any type of counseling or psychological assessment of their children.

Another concern is that if you have a young kid who is having a rough time—15- or 16-year-olds and they go to a school counselor—they may be feeling vulnerable, going through a period of feeling a lack of self-worth, low self-esteem, and so forth. These kids are extremely vulnerable to what they are going to be told by a counselor. I have a concern that they could be ripe for receiving some type of indoctrination. They could be given certain beliefs or behaviors to adopt that may very well be against what they deep-down inside really believe. That needs to be addressed.

Nancy Jones, Private Citizen, Carson City, Nevada:

I am the mother of four and three-quarters girls. I have had a very positive experience with the school counselor at my daughters' school. However, there was no explicit sense of what was going to be happening, what my role would be, and what would the consent be.

I also had the disturbing experience where the counselor told me that as long as my daughter was okay with her sharing with me what my daughter had shared with the counselor, then the counselor could share with me. That was concerning to me. I have a good relationship with my child, but I am concerned about the language in this bill.

I am fine with professionals getting paid what they need. That part of the bill does not concern me at all. Hooray, go for it! The parts of the bill that do concern me are that the schools would be delivering mental and behavioral health services, and providing prevention and intervention services. When you say intervention, that starts to look like someone is guilty before they have even done something.

I believe this is an overreach and that the data collection and the use of this bill as far as what school psychologists and school social workers can do with our children is scary. There is no mental behavioral health or assessment that should take place without the prior written consent of parents, and without providing express opportunity for the parent to observe and accompany the child during such an assessment and treatment.

Please amend the bill so that it includes explicitly, and not implicitly, that parents and parental involvement are included.

Janine Hansen, State President, Nevada Families for Freedom:

The other day I dropped off to all of you a copy of a biopsychosocial assessment for adolescents and children ([Exhibit M](#)). In looking online under the Protection of Pupil Rights Amendment contained in the Family Educational Rights and Privacy Act, certainly every part of this assessment falls under its guidelines. It governs the administration to elementary and secondary school students. A survey analysis of evaluation that concerns one or more of the following eight protected areas—I brought copies of this for the table—political affiliations covers that; mental or psychological problems of the student or the student's family; sex behavior or attitudes; illegal, anti-social, self-incriminating, or demeaning behavior; critical appraisals of others with whom respondents have close relationships; legally recognized privileged or analogous relationships, such as those of lawyers, physicians, or ministers; religious practices, affiliations, or beliefs of the student or student's parent; or income [pages 3-4, ([Exhibit N](#))]. This particular practice which is outlined in the bill is of particular concern. We are not assured by assurances of a policy that parents will be involved. We have been involved too long as parents to rest assured on assurances.

We want, in the bill directly, that it says that parents will have the opportunity for consent. After all, it is good to have parents involved. We want to have parents involved. If they are, it will be better for the child. We object to the fact that parents are essentially left out of this bill, and we want to see it in the bill not as an assurance.

It should be alarming to think that we would be doing this without including the consent of parents. We thank you for your consideration.

Gloria Campman, Private Citizen, Carson City, Nevada:

I have ten grandchildren and two great-grandchildren, and I am not against anyone getting a raise. The professionals should be accommodated and get raises. I also have concerns about being in the bill that the parents are involved. The parents not only have consent, but they are involved in the process. I ask you to amend the bill to make sure that is included.

Linda Buckardt, Private Citizen, Henderson, Nevada:

I represent NevadansCAN, a citizen action network that is 70,000 strong. I have master's degrees in teaching and learning and in English language learners (ELL), a Spanish minor, and I am a first-generation American. I have worked with people from other cultures for 34-plus years. I taught elementary ELLs exclusively for 16 years. I taught kids from refugee camps and prisoner of war camps.

I oppose Senate Bill 319 (1st Reprint) as a slap in the face to those who are classroom teachers. There is no money. Classroom teachers are not going to be able to get a raise, and we do not want to eliminate classroom teachers. The mentioned positions are auxiliary and could be provided outside of the school setting and outside private money. There is no evidence of their effectiveness in Nevada as of yet. All of those in favor of increased salaries are those who want these jobs. Teachers could be added instead.

Parents and guardians need to have the right to approve their children before these services are initiated, and in their home language. Counselors can prey on the illiterate, the poor, blacks, Latinos, Pacific Islanders, those whose parents cannot understand data breaches nor why their student is being targeted for counseling. Those ethnic groups are not represented here whatsoever—so I am.

Family data is included and there can be fear of deportations, revealing sexual predators, exposing those who have criminal histories, et cetera. There is no limit on topics for counseling.

This body also needs to approve Senate Bill 403, which would protect student data. Since Edmodo has been sold to China, all of this student data could be shared with the world and data can be hacked and changed. Our children do not belong to the government, and social-emotional learning is another cash cow.

Cyrus Hojjaty, Private Citizen, Las Vegas, Nevada:

I would like to share my high school experience. There were administrators and there were psychologists who were harassing many students like myself. This bill gives psychologists more power. These individuals, from what I have seen, are not helping us. They are giving us false, exaggerated reports about myself. When I was in high school, like I am now, I was a very out-of-the-box thinker. I asked questions that were outside the range. I would do campus protests outside of the area.

The psychologist and the administrators would make false and unnecessary reports about me and give me a hard time. As a matter of fact, I got a lot of pressure and a lot of negative feelings from these people. Given the fact that it was a high-ranking high school, my grades plummeted from the previous high school. It was putting me and my mom in a lot of frustration. By the way, that experience is one of the reasons why they pressured me to move to Clark County. A lot of people know me as the guy who wanted to improve this area.

This is the issue. I do not want to give school psychologists more power based on what I had and what has happened in the Aliso Niguel High School in Orange County, California. I believe that there are other programs where we can help students.

I might be wrong about this bill, but based on my experience I am very suspicious. I believe the problems that are facing a lot of children are because they are not raised properly in nuclear households. How many children nowadays are raised with one parent and both of them are in charge? Of course you have to look into the economy, they cannot pay their bills, they are not able to meet their needs, so I believe we should take our resources and give teachers more raises and put parents first.

By the way, if I ever have children—I do not know if I will, given the dating market—I do not know if I really should put my children in even a public or a private school. I just want to work at home and raise my own children.

Vice Chairman Flores:

Is there anyone else in opposition to Senate Bill 319 (1st Reprint)? [There was no one.] Is there anyone wishing to speak in neutral? [There was no one.]

Assemblywoman Tolles:

I apologize for missing the presentation. I was presenting a bill downstairs in your house, Senator Dondero Loop. It is nice to see you. I certainly caught the questions and concerns in regard to two things—assessments and the parental consent piece. I know that we have a member of the Department of Education here who might be able to answer some questions in terms of clarifications of what kinds of assessments we are talking about.

Then I would like to ask our committee counsel if we could cite some references to federal law, state law, and any other regulatory code that may address or deal with the consent piece. With your permission may I ask Amber Reid to come up?

Senator Dondero Loop:

Yes. We went over this during the testimony, so it is the Vice Chairman's purview. I do not know if you want to rehear the bill, or if you want the questions answered. You will have to make that determination, I cannot. The person from the Department of Education was not necessarily here for my bill. I am sure she can answer the questions, but it is your purview.

Vice Chairman Flores:

No, we will not rehear the bill. What we will do is allow Assemblywoman Tolles to ask her questions, then we will have the proper stakeholders answer those via email so that we can move on, as we have two more hearings and other individuals have another committee after this. Do you have any closing remarks, Senator Dondero Loop?

Senator Dondero Loop:

I will just thank you all for your time. I know that these hearings and bill after bill take a lot of listening and research. With that, I thank you very much for your time and look forward to your support on Senate Bill 319 (1st Reprint).

Vice Chairman Flores:

Thank you, Senator Dondero Loop, and thank you all in Las Vegas. I know it has been a long day and you came out and I appreciate your doing that. We are going to close the hearing on Senate Bill 319 (1st Reprint). We will open the hearing for Senate Bill 320 (1st Reprint).

Senate Bill 320 (1st Reprint): Makes various changes concerning the placement of pupils in certain more rigorous courses. (BDR 34-681)

Senator Marilyn Dondero Loop, Senate District No. 8:

It is always a pleasure to be here. I am here to present Senate Bill 320 (1st Reprint) for your consideration.

Advocates for advanced courses often cite the benefits of such programs for reasons such as preparing students for college-level expectations, saving students both time and money by earning college credit in high school, and increasing postsecondary enrollment and completion. Many students take advantage of these opportunities. However, according to the Education Commission of the States, access to advanced coursework, including advanced placement and International Baccalaureate programs, honors classes, and other advanced curriculum is uneven. Oftentimes, students of color, low-income students, and students in smaller or rural districts are less likely to have access to such courses.

A report published in October 2018 by the United States Government Accountability Office identified disparities in advanced coursework offerings as the school poverty level increased. The report also showed that smaller schools and certain types of schools like charter schools are less likely to offer such courses. Senate Bill 320 (1st Reprint) ensures equitable access to advanced coursework for all of Nevada's students.

Section 1, subsection 1 of the bill requires the State Board of Education to adopt regulations that provide for the identification of public school students in Grades 3 to 12 for placement in advanced coursework in mathematics, English language arts, and social studies.

Section 1, subsection 2 requires the school to place the student in such a course unless the student's parent or guardian submits written notice of his or her objection to the placement.

If financial resources are available, section 1, subsection 3 requires the board of trustees of a school district or the governing body of a charter school to establish advanced courses in these subjects in certain circumstances.

I urge your support of this important legislation, and I am happy to answer questions of any of the Committee members. I have Meredith Smith with Nevada Succeeds in Las Vegas as part of the presentation.

Vice Chairman Flores:

Before we continue with the second half of the presentation, is there anyone else in Las Vegas who will be testifying either in support, opposition, or neutral to Senate Bill 320 (1st Reprint)? If you could please stand up and/or raise your hand. I just want to know how many people are there. The reason I am asking this question is that at 4 p.m. we will lose the feed. I want to make sure that we give everybody in Las Vegas an opportunity to speak. We will go to the second half of the presentation and then we will immediately refrain from asking questions. We will go to support, opposition, and neutral just so we can get everyone on the record. We will go to Las Vegas, please.

Meredith Smith, Director of Policy, Nevada Succeeds:

I am here today with Senator Dondero Loop to provide you with some context, perspective, and information on Senate Bill 320 (1st Reprint).

At the end of 2017, I met a seventh-grade English teacher who was participating in the Public Education Foundation's Teacher Leader Academy. His name is Matt Friedman, and his capstone project through the Public Education Foundation's fellowship was research and a corresponding proposal to his principal based on an observation and initial data review in his school.

Matt observed that the demographics of his classroom and the demographics of his school did not align. He specifically saw that there were not many young African-American boys in his class, so he decided to ask questions. When he was able to get the standardized test score data from his school, he saw that, in fact, per the test data, there were significantly more minority students who should have been in his class.

When I found out about Matt's research and subsequent pilot program to address the disparity he saw in his school, I asked him how he thought we could scale the impact. That leads us to today—to Senate Bill 320 (1st Reprint).

Senate Bill 320 (1st Reprint) is a proposal to ensure that every student who shows academic proficiency, capability, and aptitude is, by default, placed in the most rigorous coursework available to them.

When I talk to teachers and other people who work in public education, they all acknowledge that they have seen anecdotal evidence of this issue of minority students not being academically challenged with advanced coursework placement. The data supports this.

Nationally, for the general student population, 9.7 percent of students have an individualized education program (IEP), while about 25 percent are in honors classes; but for African-American male students specifically, those numbers look quite different—14.7 percent have an IEP, while only 14.5 percent are in honors classes. Additionally, white and Asian-American students are more than twice as likely to take classes considered academically rigorous compared to Hispanic and African-American students.

Senate Bill 320 (1st Reprint) would substantively support efforts across the state that are already in place to help ensure Nevada's students are given the opportunity to make the most of their time in our public school system. Clark County School District (CCSD) has a new and ambitious strategic plan to expand Advanced Placement (AP) and International Baccalaureate (IB) course enrollment, and Washoe County School District already tests all second graders for Gifted and Talented placement.

These and other efforts are wonderful. That said, when looking at the data for CCSD for eighth-grade students in particular, only 69.3 percent of Hispanic students who exceed standards on Smarter Balanced Assessment Consortium (SBAC) mathematics were enrolled in accelerated math. That means that 31 percent of eighth-grade Hispanic students in CCSD who scored as high as they could in math were not in the most rigorous coursework available. Compare that to 79.3 percent of Asian students, 75.1 percent for African-American students, and 76.1 percent for Caucasian students. While the numbers of these students are better than Hispanic students' percentages, this still shows that, even among Asian students, 20 percent who scored the highest one could be not in the most rigorous coursework available in the district. I would be happy to share additional statistics with you as well.

In most of the country, decisions about academic student placement are made based primarily off of teacher recommendations. This makes sense given that teachers and school counselors have the most proximate knowledge of students and standardized test scores and are often not available at the time of course selection. That said, the process can negatively and disproportionately impact students who might be deemed to "not be ready" or to have "behavior problems" from being selected.

Teachers—and I would argue society at large—often connect behavior with ability, thinking that accelerated students should act a certain way. However, this is clearly not the case. Additionally, students who are not challenged in class are less likely to "behave." In many cases this can become a vicious cycle that eliminates a student from being considered for the higher-level classes that might keep him or her from misbehaving in the first place.

The obvious question after looking at all of this data is, why do accelerated classes matter? Studies show that students who take AP classes, for example, and perform well in that coursework are more likely to graduate high school. Senate Bill 320 (1st Reprint) would help ensure students are actually equipped and prepared to even be able to take this type of coursework once they reach high school.

Other states are also beginning to address ensuring rigorous coursework is the default for students who show they are capable. As an example, last year North Carolina passed House Bill 986, which states:

- a) When practicable, local boards of education shall offer advanced courses in mathematics in all grades three and higher.
- b) When advanced courses are offered in mathematics, any student scoring a level five [which is the highest level] on the end-of-grade or end-of-course test for the mathematics course in which the student was most recently enrolled shall be enrolled in the advanced course for the next mathematics course in which the student is enrolled. A student in seventh grade scoring a level five on the seventh grade mathematics end-of-grade test shall be enrolled in a high school level mathematics course in eighth grade.

This bill also contained a parental or guardian opt-out component as well.

In 2013, Washington State passed a piece of legislation that began an automatic accelerated enrollment policy, with district oversight, for students who exceeded standards on the statewide assessment. There is also currently an effort in Washington during their legislative session right now to further strengthen the efforts of 2013 and ensure students have more access to dual-placement coursework in high school.

One of the concerns I had when initially thinking about the implications of a policy like this, specifically related to professional development needs, was around the additional teacher training needs in order to implement something like S.B. 320 (R1). After speaking with both teachers and administrative leadership, I have been told that, aside from AP and IB courses specifically, teaching accelerated coursework should not require additional training, merely a scaffolding of instruction, which already falls in the scope of practice or expertise of teachers.

I know you all know the remediation rate for the Nevada System of Higher Education (NSHE), but I think it is important to highlight it again here in the context of this bill. More than 50 percent of students, on average, across all seven institutions within NSHE, are placed in remedial math, English, or both once they arrive at a college or university. If the K-12 public education system is failing to ensure even our students who demonstrate that they are exceeding standards are not given the opportunity to access more rigorous coursework, especially in middle school, how will we ensure that they are ready for the advanced coursework they need in high school to set them up for higher education—without remediation?

Senate Bill 320 (1st Reprint) will help ensure Nevada's students are given the opportunity to access the most opportunity out of the time they have in our K-12 public school system. Additionally, it will send a signal that we are serious about not leaving potential

underleveraged because that certainly has implications for individual lives as well as the state's overall well-being.

On a personal note, and I debated whether or not to share this on the Senate side and again here today, but Senator Dondero Loop has assured me that personal stories are good. I am going to share how a piece of legislation like this could have helped a student like me 17 years ago with the hope that it will provide some additional context here. When I was 14 years old, my family and I moved from Mississippi to Tennessee. When I transferred to the school in Tennessee, I had to take placement exams and standardized tests that I was missing. Before I took the tests, my guidance counselor told me not to worry about the tests because girls do not typically do well in math and science. I passed the placement test easily—and later was told they had never had anyone score so well in the school's history—yet my guidance counselor and the honors math teacher would not place me in advanced math. What this meant for me was that, per our school's block schedule, I was unable to take more rigorous math to set me up for calculus my senior year, instead, having to take trigonometry my senior year. My guidance counselor came to me after my first year in the new school and apologized to me for effectively underestimating me. I am fine, and to my knowledge, this is the extent of being "written off" in my K-12 academic career, but it highlights what can happen when we do not use data to make decisions about students' capabilities and the rigor they need to set them up for success.

Vice Chairman Flores, I will pause here and ask for your preference. I have a statement from the teacher who worked on this bill with me. Would you like for me to read his remarks into the record at this point, or when you call for support?

Vice Chairman Flores:

We will do that when we call for support, although I am about to call for support. I am going to invite those wishing to speak in support, please come forward.

Janet Quintero, Manager, Community and Government Relations, United Way of Southern Nevada:

I am here to speak in support of Senate Bill 320 (1st Reprint). In the interest of time, I would just like to say this bill is very close to our president and CEO Ms. Kyle Rahn's heart, as she was formerly with the National Society of Black Engineers and she has experienced firsthand the effect that the lack of equity frameworks has on minority students. That is why we urge you to support S.B. 320 (R1).

Katie A. Dockweiler, Director, Government and Professional Relations, Nevada Association of School Psychologists:

I am speaking in support of Senate Bill 320 (First Reprint), and I am speaking as a parent. Briefly, I think this bill goes a long way toward addressing the issues of equity and access that we have in our schools and could better support outcomes for students. Thank you.

Meredith Smith:

I am going to read a statement from Matthew Friedman.

Hello. My name is Matthew Friedman and I teach 7th grade English at Brown Academy of International Studies in Henderson, part of the Clark County School District. The initial seeds of this bill came out of a capstone project that I worked on as part of the Teacher Leader Academy through the Public Education Foundation here in Clark County, but the concern that it seeks to address came about in a very different context, while I was breaking up a fight at my school.

As the students calmed down and the fight was dissipating, I noticed two things. I noticed that the participants were all African-American males, but more importantly I noticed that even though I had taught at my school for years, I did not know any of these students. I teach all accelerated classes, also known as honors classes. This led me to compare my accelerated classes to the general school population, and I realized that the diversity of my school was not represented in my classes. As I dug through the data, it became clear to me that there were many students capable of being challenged at a high academic level, but who were not placed in those higher level classes, and this problem was particularly acute among our students of color. Too often, when students are not challenged in their classes they become bored, which can lead to slacking off and misbehaving. This only exacerbates the perception that these students are less academically capable, when the opposite is actually true. All of this led me to create a pilot program at my school with 6th grade boys whose test scores told us should be in accelerated classes, but had previously been overlooked.

After the success of the pilot program last year, my administration made the decision this year to apply objective measures to determine students' class placement, relying primarily on standardized test scores, and the result is that my accelerated classes are more diverse than they have ever been. I am proud to work at a school that is striving to make sure that every student is given the opportunity to succeed at their highest level of capability, but this is not a problem that can be addressed one school at a time. Through the various standardized tests that our state and districts give, we have more than enough data to properly place students in classes that would challenge them at the appropriate level. With your help, we can ensure that every student is given the opportunity not just to pass, but to achieve their full potential.

Vice Chairman Flores:

Is there anyone else wishing to speak in support of Senate Bill 320 (1st Reprint) in Las Vegas? [There was no one.] For those in Las Vegas, is there anyone wishing to speak in opposition? [There was no one.] Is there anyone wishing to speak in neutral? [There was no one.] I want to keep you in Las Vegas for as long as possible, as I know there may be questions that you want to answer directly in Las Vegas. At this time, I would like to open for any questions members may have for Las Vegas. [There were none.]

Senator Dondero Loop:

I would like to call Alexandra Dominguez to the table, and I would also like to put on the record for Brad Keating from Clark County School District and Lindsay Anderson from Washoe County School District that they are in support of Senate Bill 320 (1st Reprint). They had to leave to go to another meeting.

Vice Chairman Flores:

Before we go to support, opposition, or neutral here in Carson City, I want to make sure that I gave the members the opportunity to ask questions. Do you have any questions, again, in the interest of time for losing the feed in Las Vegas? I apologize for breaking it up this way. Members, any questions for Senator Dondero Loop? [There were none.] We will now go to support here in Carson City.

Alexandra Dominguez, representing College Board:

I am here in support of Senate Bill 320 (1st Reprint) by Senator Dondero Loop. At the College Board we are the national nonprofit organization that administers the SAT and AP exams. Success for us is measured by the opportunities that we deliver to students, including exposing all students—especially those who are minorities and low-income students—to rigorous, college-level coursework like AP classes.

Research consistently shows that AP students are more likely to enroll in college, stay in college, do well in their classes, and graduate on time, even if they do not earn a passing score. Students who succeed on AP exams can earn college credit on college courses, saving money on college tuition and potentially graduating with less student debt over time.

Demonstrating proficiency on exams as outlined in the bill is one good way to identify students who can succeed in these courses. For example, specific performance on the PSAT, which is the preliminary SAT exam, determines their AP potential and matches them with appropriate AP classes according to their strengths. However, there are many other indicators that school leaders can use to identify AP-ready students, including improvement in grade point average over time, students expressing interest but needing a little more encouragement to enroll, and teacher nominations as was mentioned prior.

I would be remiss if I did not emphasize a critical role the state's funding also plays on expanding access to these courses. Unfortunately, the exams cost money and that cost remains the hurdle for a lot of students coming from low-income households. Providing a dedicated funding stream to cover this cost and removing the barrier to entry is critical to ensuring equitable access. [Written testimony was also submitted ([Exhibit O](#)).]

Paige Barnes, representing Nevada Association of School Boards:

We are here in support of Senate Bill 320 (1st Reprint). We really appreciate the permissive language within this bill. We believe this will help all of our students succeed and achieve their highest potential.

J. Kyle Dalpe, Interim Executive Director, Legislative Affairs, Nevada System of Higher Education:

We support Senate Bill 320 (1st Reprint). We support students maintaining a rigorous curriculum through high school to continue their momentum into higher education as college-ready students. Also, to the extent that we can help by offering dual-credit courses within the high school programs to provide that instruction, we are happy to work with the districts to do that.

Sarah Adler, representing Charter School Association of Nevada:

To use a technical term, I think this bill is super cool. What I also really appreciate about this bill is the emphasis on schools being financially capable of offering the advanced classes. We appreciate that flexibility. I am sure that flexibility extends to some of our charter schools. For example, we have an all-star career and technical education charter school where their math is going to be applied math and not a typical, perhaps, honors math.

We support this bill. We think it recognizes school's needs for flexibility in regard to the resources we have, but we really like the aspiration and the equity that is embedded in this bill. Thank you.

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

We support Senate Bill 320 (1st Reprint). It is a good bill, you should pass it.

Vice Chairman Flores:

Is there anyone else wishing to speak in support of S.B. 320 (R1)? [There was no one.] Is there anyone wishing to speak in opposition?

John Eppolito, Private Citizen, Incline Village, Nevada:

I have four kids—three still in school. I am speaking as a parent right now. First of all, I think more kids should take advanced classes. Everybody I think is in favor of that. The problem I have is that they must take this test—whatever test it is going to be, and whatever other mysterious methods the State Board of Education decides to okay. For example, I have a child who did not take the SBAC when he was in middle school when it came around; did not take the MAP [measures of academic progress] test once it changed to a computer adaptive test—so no standardized tests in middle school. He graduated high school with 12 AP classes, and 4 college classes. I think the way this bill is, he would not have been able to take those classes if he did not take those tests. That is what concerns me about this bill. He went on to get into Columbia University, got into the Columbia Debate Society as a freshman, got a really good internship this year, but he did not take any of these tests that are required. What are you going to do with those kids if this bill passes? I worry that it is a roundabout way to force kids to take the SBAC test.

I know we had a bill to let kids opt out of the SBAC test—that the school districts not penalize schools so harshly if they had over 5 percent opt-out. We never got a hearing on

that bill. Is this a roundabout way to force kids to take the SBAC? What are you going to do with the kids who do not take it? Are they still going to be able to take the advanced classes?

Vice Chairman Flores:

Is there anyone else wishing to speak in opposition to S.B. 320 (R1)? [There was no one.] Is there anyone wishing to speak as neutral to S.B. 320 (R1)?

Ray Bacon, representing Nevada Manufacturers Association:

Last night, rereading the bill, I saw what may be a technical drafting error. I figured the proper place to testify is as neutral.

If you look at section 1, subsection 1, line 6 talks about rigorous courses in math, English language arts, and social studies. If you look at the reference on the first page of the bill, it is *Nevada Revised Statutes* 389.018. When Senator Dondero Loop and I looked at that today, it did what I thought it did—science should be included in that. I would suggest that technical correction be made in the drafting of adding science into that one sentence. Other than that, I like the bill.

Vice Chairman Flores:

Thank you, sir. I think because you are offering an amendment and you are saying that the bill should not move "as is," I am going to mark your testimony as opposition, which is perfectly okay. Please speak to the Senator and, should she be comfortable with that, then we will do it. Otherwise, we will not entertain it. Is there anyone else as neutral? [There was no one.] Senator Dondero Loop, please give any closing remarks you may have.

Senator Dondero Loop:

I have not spoken to the Legal Division of the Legislative Counsel Bureau about that suggestion from Mr. Bacon. Until I do, I cannot comment on that on the record.

I did hear from Mary Pierczynski, who represents the Nevada Association of School Superintendents, and I have her permission to say that they are also in favor of and in support of the bill. I would like to put that on the record.

Other than that, I would thank you for your time this afternoon. I appreciate it and loved serving in this body as well. I look forward to partnering together, and thank you.

Vice Chairman Flores:

With that, we will close the hearing on Senate Bill 320 (1st Reprint). I will open the hearing for Senate Bill 267 (1st Reprint).

Senate Bill 267 (1st Reprint): Makes revisions concerning the effect of social and environmental factors on education. (BDR 34-578)

Senator Pat Spearman, Senate District No. 1:

I really want to start by saying this is rather sobering being present and testifying in this Committee. I appreciate you all for hearing the bill and honoring Chairman Thompson. Thank you.

Thank you, Vice Chairman Flores. For the record, I am Patricia Spearman, representing Senate District No. 1 in Clark County. I am here to present Senate Bill 267 (1st Reprint), which makes revisions concerning the effect of social and environmental factors on education.

I want to begin with some statistics. According to the Annie E. Casey Foundation's KIDS Count Data Center:

- As of 2015, more than one in five children in Nevada live in poverty;
- In 2016, more than one in five of Nevada's children were food insecure at some point during the year;
- Between 2015 and 2016, almost one in ten of Nevada's children lived in an unsafe community; and
- As of 2016, approximately one in four low-income children in Nevada has at least one parent working 50 or more hours per week.

These numbers give a glimpse of some of the social and environmental factors that some of our children face every single day. We have focused a lot of our efforts and resources over the years on improving test scores and student performance, reducing class sizes, building better and safer schools, and improving teacher recruitment and retention. Yes, these are all important pieces of Nevada's education system, but what about the more intangible or hard-to-reach pieces of a child's overall educational experience?

In some circumstances, it does not matter how much money a school receives for what some people call an "at-risk" student—and what I call someone who is just struggling to "get it"—a student who is experiencing trauma such as sexual assault, substance abuse in the home, food insecurity, high crime in the area, and a host of other things that many of our children have to face every day. Many times, these students are not able to master an exam because they have no food at home. It does not matter if you have a master teacher in the classroom if you have a child who shows up and has not eaten in the past 24 hours—it does not matter what their IQ is, they are not ready to take a test. They are not even ready to learn. It is not that they cannot learn, but there are some circumstances beyond their control that inhibit that.

We look at some of the students who are acting out, and maybe they are acting out because their parents are working multiple jobs just to keep their families afloat, and they cannot spend as much time together as a family at home. In some ways, were it not so tragic, it

might even be laughable when I hear people say, Well people ought to spend more time with their kids. They ought to read to them. They ought to help them with their homework. At the same time, many people in that camp are the same ones who balk against pay equity, or are the same ones who refuse to put social workers and other support systems in schools. I just want to say, you cannot have it both ways. Parents are doing the best they can. I represent a district that is fueled with a lot of hard-working, low- to moderate-income families, and none of them are lazy and trying to game the system. They are trying to find a way to keep their homes, find a way to make sure they make their car payment, and take care of other financial responsibilities.

The children we are trying to help with this bill have the ability to learn, but there are neurological and psychological inhibitors. I am not sure how many of you are familiar with the acronym ACE [adverse childhood experience]. I am not a doctor, but let me try to explain it to you like a neurologist explained it to me. When a child experiences some kind of traumatic event, there is something in the brain called the amygdala. What happens is the amygdala causes that traumatic event to loop over and over and over again. It is like pushing a rewind button and then the fast-forward button on a movie. It is very difficult for them to escape the effects or the trauma of that experience because it always loops. Even when it stops, there are some things that happen that cause that child to regress because it is a trigger. It is very much like post-traumatic stress disorder for many of our military members.

Last session, Assemblywoman Ellen Spiegel sponsored Assembly Bill 275 of the 79th Session, which provided a state framework for integrated student supports. The Legislature ultimately passed this bill because we recognize that some students face nonacademic factors outside of their control which affect their ability to learn and do well in school. *Nevada Revised Statutes* 388.885 provides that among other things, the framework includes a protocol for providing and coordinating integrated student supports. This session, S.B. 267 (R1) takes this concept a step further. It does this to help better identify what supports are specifically needed for students at each school. Students in Elko may have different needs than students in Las Vegas, and this bill will help identify those unique conditions.

This is what S.B. 267 (R1) does. It lays a foundation for the identification and consideration of social and environmental factors affecting students.

Section 1, subsection 1 requires the State Board of Education to adopt regulations requiring the board of trustees of each school district and the governing body of each charter school to identify the social and environmental factors that affect the educational experience of students for each school. These entities must report these factors to Nevada's Department of Education.

Section 1, subsection 2 also requires that all of the entities and the staff of a school consider those factors when interacting with or making decisions concerning the school and the allocation of money and resources and integrated student supports. They must also consider that in staff evaluations and salaries and student discipline among others.

Because of these social determinates—we have all known about them, but they have been invisible—many times we have blamed teachers for the low success rate of the students in their classrooms, when there is absolutely nothing they can do about that if they have a classroom that has a number of students in it who have experienced some type of adverse childhood experience. Teachers who are doing their best get penalized for something that is beyond their control.

I want to look at some things that I pulled off of the Centers for Disease Control and Prevention (CDC) and the Nevada Medical Center website. Our state rankings are C and D. We look at the Nevada Medical Center and we do not have anything that is above a C—most of them are Ds and Fs.

In food security, Nevada ranks at or below average in food insecurity and food environment—meaning Nevada has room for improvement in making sure people have enough food and the right foods. For those who might never have experienced food insecurity, what that means is that you usually have to walk a mile or more just to find a grocery store. The only thing that is in your community that looks anything like being able to purchase food is usually a fast food place or another 7-Eleven or something like that. Food insecurity is a big problem here in Nevada. As we move forward, those are things we should also think about. We have been talking a lot about that this session, as a matter of fact, ever since I have been in the Legislature, we have been talking about mental health and how that impacts people. Well, in Nevada we have made some strides and it is still one of the highest rates of suicide in the country—Nevada—one of the highest in the country. There are something like 44,000 students who have at one time or another considered suicide. There are statistics that show that of that number there were 24,000 who made a plan. Of that number there were upwards of 10,000 who actually tried to complete suicide here in Nevada.

I also want to share with you some information that comes from the CDC that talks about some of the effects of adverse childhood experiences. Adverse childhood experiences is a term used to describe all types of abuse, neglect, and other potentially traumatic experiences that occur to people who are under the age of 18 years. It is important to address these conditions that put children and families at risk so ACE can be prevented before it even happens. The CDC promotes lifelong health and wellbeing through essentials for childhood. Early adversity has lasting effects.

Adverse childhood experiences have been linked to risky health behaviors, chronic health conditions, low life potential, and early death. As the number of ACEs increase, so do these factors, increasing their outcomes. We stop and look at everything that our teachers and administrators are trying to do to make sure that we prepare the next generation for success; I believe it is also important for us to take into consideration the factors that are beyond the student's control and beyond the teacher's control.

Let me address a concern—this does not affect the star rating of a school. We have worked really hard to get that in place. It does not affect the star rating, but there must be, in

consultation with all of the other stakeholders—a list of those things that would inhibit a child's learning. You must list the social determinants, so when people look at a school and say, Here is a 2-Star school, we are going to send a principal over there and it is going to turn around. If the principal does not turn it around in three years, then we are going to make it a charter school—we are going to close a well. We all know that the substance abuse numbers here in Nevada are going up. If those students who are coming from homes where there is extensive substance abuse, if those students are coming from homes where they have to walk through some high crime areas, if those students are some of the ones we have happened to have rescued from sex trafficking—I do not care what that principal does, it is going to be difficult to turn that school around unless we address the social determinants.

What Senate Bill 267 (1st Reprint) does is say, Push the pause button. Before you lambaste teachers, the public education system, or education as it stands now, we need to consider some of the things that are beyond a student's control and beyond a teacher's control.

Vice Chairman Flores:

Thank you for that presentation, Senator Spearman. Members, are there any questions?

Assemblywoman Peters:

Thank you Senator Spearman for your passion and for bringing this very important topic into legislation. Could I be a cosponsor on the bill? [Senator Spearman nodded in the affirmative.]

Assemblywoman Miller:

You and I have had these discussions endlessly, so I want to thank you for bringing this bill forward. Of course, I have always been very vocal about making sure that when we are measuring and rating our schools and our state that we are looking at the right categories and criteria and the things that are within control of the schools and the staff and the students. As many people know, we get ranked a certain way nationally based on so many things that are not in the control of the schools.

My question is regarding the items that you have listed under section 1, subsection 2, including allocations and evaluations of staff, as well as discipline and so on. Are these things that you imagine that there would be further policy development from the Department of Education, or are you envisioning that this just gives more autonomy to the individual school to administer? It is very permissive language, so I am wondering how you envision this being administered.

Senator Spearman:

This basically is building on what Assemblywoman Spiegel had last session, that schools, both public and charter, are supposed to be developing support systems. Building on that, whatever decisions are made, there is nothing that changes about the way people make decisions in the schools. What does change includes these factors and also reaching out to some of the community members who may be close by that can help with these issues. This is something that I worked on with about 16 other stakeholders from the Moonridge Group,

the University of Nevada, Las Vegas, behavioral counselors, psychiatrists, and psychologists. We worked on that and looked at how we could help the students. We have something in place right now that mandates support systems be developed. What it does not do is identify those social determinants as factors.

Whenever you are making a decision with stakeholders, staff, administration, teachers, and parents, you have to include that, because, in many cases, that will determine whether you can actually get 16 students in the classroom, or maybe 10—if you have an opportunity—because of the social and environmental factors that those children face. That is all it is. It is permissive. I wish that we could go further with it, but with this including reaching out to community partners and others, I think we can get there.

I would also say that working very diligently with the Department of Health and Human Services, there are some students who fall into those categories that I mentioned, and other traumas, depending upon how they are classified as victims. We are also looking at leveraging some of the victims compensation dollars to help in these instances. We are really trying to look at this comprehensively instead of being just laser-focused on one thing, because we know that not only does it take a whole village to raise a child, it takes a whole child to raise another village.

Assemblywoman Hansen:

I have a question, but is this somewhat a response to perhaps some of the discomfort we had with Assembly Bill 448 of the 78th Session in taking over some low-performing schools? I actually have a sister-in-law who teaches in one of the most at-risk middle schools in the Clark County School District, and I know this bill would really help her school. We have had some really frank discussions, and I learned a lot. Originally, I understood and really supported a lot of the ideas behind some of the reforms in 2015, but as I lived through what she has lived through, there are factors that are difficult to take into consideration, and I appreciate that we would take those into consideration. I, myself, would probably fit exactly into what you described as an at-risk youth. In my upbringing, I had many of the things and I could check every box. I fortunately had a lot of other good supports through school and good families in the community that helped me get through. I do believe that some of these factors these kids are up against do keep them from advancing, and then the schools, therefore, are not performing maybe as we would like them to—or their classes.

I am still trying to understand exactly what this would accomplish. It might not go as far as you would like, but what could we take in a nutshell that this might do?

Senator Spearman:

I guess the best way for me to explain this is when you look in the dictionary and there is a word you may not necessarily understand. If there is a picture, then you begin to understand the word. The picture, if you will, would show that many of the students here are not just below the poverty level, but some of the students come from environments that would even challenge an adult. When someone is looking at the school, anybody outside the school,

even those inside, when you are looking at the school and you have to take these factors into consideration, you say, Oh, this is why some of this is happening.

I will tell you that the genesis of this came as a result of getting a report during the interim Legislative Committee on Health Care when the Southern Nevada Health District gave a presentation that showed that there is indeed a correlation between food deserts and the schools that are in those areas that are low-performing. That showed a correlation between the low-performing schools and the areas where it is either single parent, or two parents, but they are working 40, 50, 60 hours and there is not a lot of family time. I asked the question, Why are we not using some of this data when we start talking about improving school performance? Crickets. So we went to work on this. Looking at these factors means that not only for the Department of Education, but I would envision community organizations, jumping in and rolling up their sleeves and saying, What else can we do? Parent-teacher associations, What else can we do? There may be some faith-based organizations close that ask what they can do. What can we do if we start thinking about some grant opportunities that are available? What can we do?

This is designed to say these are some of the things that are beyond our control. Help us get it done.

Vice Chairman Flores:

Is there anyone wishing to speak in support of Senate Bill 267 (1st Reprint)?

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

The Nevada State Education Association (NSEA) has been the voice of Nevada educators for over 100 years. First, let me thank Senator Spearman for bringing this bill. I consider Senator Spearman to be the social conscience of the Nevada State Senate.

The NSEA supports Senate Bill 267 (1st Reprint) and the identification of social and environmental factors that impact the educational experience of students at every school site and takes these factors into consideration when making decisions on funding, providing student supports, staff evaluations, salaries, and student discipline.

Over the last several legislative sessions, Nevada has taken significant steps to deliver more equity in public education by providing additional resources and services to students and communities with greater need.

Zoom and Victory schools and the new Nevada Plan are models to address the education needs of English learners, students in poverty, and students with individualized education plans. In all of our schools, there has been a focus on social-emotional learning, to continue to build safe and respectful learning environments. However, poverty is still prevalent across Nevada as most Nevada students qualify for free and reduced-price lunch.

Racism, sexism, and homophobia in our communities intersect with crime, violence, and addiction and with a lack of economic opportunity, homelessness, poor health, and trauma. Schools and communities that are beset with these social environmental factors often struggle despite the best efforts of very capable administrators, teachers and education support professionals, and students and their families. Senate Bill 267 (1st Reprint) is an important step to continue our path at identifying and addressing these issues.

Paige Barnes, representing Communities in Schools Nevada:

We are here in support of Senate Bill 267 (1st Reprint). We really appreciate Senator Spearman's dedication and advocacy for our at-risk students. We believe this piece of legislation will help us to better understand the barriers in front of our students and help them to address their needs.

Sarah Adler, representing Charter School Association of Nevada; and National Alliance on Mental Illness Nevada:

Right now I am representing both the National Alliance on Mental Illness and the Charter School Association of Nevada. Both are in big support of this bill. I do not think there is any risk of this being an amorphous discussion of social and emotional factors. Everybody knows the framework of Maslow's hierarchy of needs. That is a frame on which this discussion can be put. Further, it has been very interesting this afternoon to hear from so many different members of the school community—nurses, occupational therapists, social workers—and they all have data. To speak to Assemblywoman Peters' point, they have data that they can bring to this whole group discussion to really elucidate who the children in our school are, and what are the conditions that they bring with them. We think this will be a very positive discussion. In our perfect world this would warrant another funded day for all of our school community. This really deserves a day's work.

To your question about outcomes, Assemblywoman Hansen, there are many places for this group discussion and its recommendations to go. Schools have school operating teams; they have other integrated bodies; they have school safety committees; they have to create crisis and emergency response plans. There are a lot of places where this discussion could inform and produce informed outcomes. I am a big believer in spending time to make time. I think if schools spend this time, it will save them time as they go forward.

David Boire, representing Children's Advocacy Alliance:

We strongly support this bill. I would like to especially thank Senator Spearman for all of your hard work on this and that is from someone in the social work field. I really appreciate everything you have done for this bill.

John Eppolito, Private Citizen, Incline Village, Nevada:

I am a parent and president of Protect Nevada Children. I support the bill. I think Protect Nevada Children will support this bill. Ever since we formed this entity, our board has always been 50 percent Democrat, 50 percent Republican. That is the way I want it and that is the way we do things. I think our board would support this bill. Senator Spearman made a

believer out of me. I have seen it. I have been there personally. It sounds like a really good bill. I hope she can pull off what she is trying to pull off. Good luck, Senator Spearman.

Lincia Sinclair, Private Citizen, Reno, Nevada:

I just wanted to share with you that when I arrived here 20 years ago from Colorado, I was told that Nevada was last in the nation. I got into a school and I could not see it. The teachers worked harder and smarter than anything I had ever seen. I did not quite understand it. As I continued, I then transferred to a middle school teaching algebra, and half of my class gets it—they understand everything that I have to say. About a fourth of my class do not get it, but they ask for help, and then I have another bunch of students who do not ask for help; they do not come in before school. I cannot get to them. I could not figure out why. I kept trying to figure it out, because education is incredibly complex. I suddenly realized that these were the students of poverty. I am teaching them slope, and they are wondering where their next meal is coming from. They do not know when they go home if their rent has just been raised. That happened many times. I would lose students because their rent had been raised, and they had to move. They could not get variances. It was terrible.

One of the worst things that ever happened was, one day I got a note from a student telling me that they had no food this weekend. They were going to run out of food tonight. We got food together and the counselors and I got food over to them and helped them out. I am feeling pretty much like a disaster. Then I retire. As I am going around the community, I have people come up to me to tell me that they had just gotten accepted at medical school, I just got accepted at law school, I am a pilot for United Airlines. I am thinking, wait a minute. Maybe I was okay. Maybe the message was getting through.

What I want to say is what Senator Spearman is saying: our problem is poverty. That is what we need to address. We also need to address anger. The kids are quite angry.

I want to share one other thing with you. We feed the homeless once a month, so I always ask my classes if anyone wants to help out. If you want to, you can help me feed the homeless. It was kids on free and reduced-price lunch who volunteered.

Vice Chairman Flores:

Is there anyone else wishing to speak in support of Senate Bill 267 (1st Reprint)? [There was no one.] Is there anyone wishing to speak in opposition? [There was no one.] Is there anyone wishing to speak in neutral? [There was no one.] Senator Spearman, please give any closing remarks you may have.

Senator Spearman:

I am not going to be able to do this by myself. It is going to take a lot of us. This interim, Assemblywoman Tolles worked on a bill that dealt with some of the anger and some of the violence. This session, we have a suite of bills that are designed to really provide that web of support for our children.

I want to read this from *Nevada Revised Statutes*, and this is how we are building on what Assemblywoman Spiegel started last session. *Nevada Revised Statutes* (NRS) 388.885, subsection 1, paragraph (b) states, "Establish a protocol for providing and coordinating integrated student supports. Such a protocol must be designed to: (1) Support a school-based approach to promoting success of all pupils by establishing a means to identify barriers to academic achievement." That is already in the statute. What this bill is simply doing is saying these are some other barriers that we have to make sure we consider.

Soon after the 1 October tragedy, I called Mr. Whitley and said that we have a real problem now. It is not just this day. We know that many times it takes a year, two, or sometimes ten for the full effects of a tragedy such as that to really sink in. We have students who are children of some of those who were at the concert. Some of those are friends with other family members that may have been there. We have not even touched the tip of the iceberg of the psychological results that are just waiting and will explode in the next few years. This is another attempt to say these are real-life instances and we have to take some real-life approaches to this and have some very frank conversations.

Master teachers are not going to turn it around if the child has no food, if they are homeless—it is not going to happen. I would urge your support.

[Written testimony was submitted but not discussed ([Exhibit P](#)).]

Vice Chairman Flores:

Thank you Senator Spearman. I will close the hearing on Senate Bill 267 (1st Reprint) and invite those for public comment to please come forward.

Janine Hansen, State President, Nevada Families for Freedom:

I did not have time to mention it in my earlier testimony, but I want to say how much I appreciated Assemblyman Tyrone Thompson, how much we will all miss him, how he was always fair and always friendly. I just feel it was such a shock for all of us. I have known him all of the time he has been here, of course, and I just wanted to express my concern and my appreciation of him. We all share that loss, some of us more than others. Thank you for taking his place.

Vice Chairman Flores:

Is there anyone else for public comment? [There was no one.] We had quite a heavy agenda and I appreciate everyone powering through it. We will be back in this Committee on Tuesday. This meeting is adjourned [4:38 p.m.].

RESPECTFULLY SUBMITTED:

Nancy Davis
Recording Secretary

Sharon McCallen
Transcribing Secretary

APPROVED BY:

Assemblyman Edgar Flores, Vice Chairman

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is the Work Session Document for [Senate Bill 100 \(1st Reprint\)](#), presented by Kelly Richard, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit D](#) is a letter dated May 1, 2019, to Chairman Thompson and members of the Assembly Committee on Education, authored by Kelli May Douglas, Southwest Regional Liaison, Office of the Assistant Secretary of Defense, in support of [Senate Bill 100 \(1st Reprint\)](#).

[Exhibit E](#) is the Work Session Document for [Senate Bill 126](#), presented by Kelly Richard, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit F](#) is the Work Session Document for [Senate Bill 147 \(1st Reprint\)](#), presented by Kelly Richard, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit G](#) is the Work Session Document for [Senate Bill 159](#), presented by Kelly Richard, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit H](#) is written testimony presented by Hilda Robles, Member, Clark County Education Association, in support of [Senate Bill 319 \(1st Reprint\)](#).

[Exhibit I](#) is materials submitted by Heather Gaylord, Occupational Therapist, Clark County School District, regarding [Senate Bill 319 \(1st Reprint\)](#).

[Exhibit J](#) is written testimony submitted by Mindy Esterson, Occupational Therapist, Clark County School District, regarding [Senate Bill 319 \(1st Reprint\)](#).

[Exhibit K](#) is a packet of letters in support of [Senate Bill 319 \(1st Reprint\)](#).

[Exhibit L](#) is a document titled "Biopsychosocial Assessment," submitted by John Eppolito, President, Protect Nevada Children, regarding [Senate Bill 319 \(1st Reprint\)](#).

[Exhibit M](#) is a document titled "Child/Adolescent Biopsychosocial Assessment," submitted by Janine Hansen, State President, Nevada Families for Freedom, regarding [Senate Bill 319 \(1st Reprint\)](#).

[Exhibit N](#) is a document titled "The Family Educational Rights and Privacy Act (FERPA), submitted by Janine Hansen, State President, Nevada Families for Freedom, regarding [Senate Bill 319 \(1st Reprint\)](#).

[Exhibit O](#) is written testimony in support of Senate Bill 320 (1st Reprint), submitted by Alexandra Dominguez, representing The College Board.

[Exhibit P](#) is written testimony authored by Kristy Keller, Project Director, Nevada Medical Center, in support of Senate Bill 267 (1st Reprint).