

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

**Eightieth Session
March 5, 2019**

The Committee on Education was called to order by Chairman Tyrone Thompson at 1:35 p.m. on Tuesday, March 5, 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 Tyrone Thompson, Chairman
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:

None

STAFF MEMBERS PRESENT:

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



OTHERS PRESENT:

Jesus F. Jara, Ed.D., Superintendent, Clark County School District
Thom Reilly, D.P.A., Chancellor, Nevada System of Higher Education
Robert Tarter, Executive Director, Department of Adult Education, Education Services Division, Clark County School District
Tammy Malich, Assistant Superintendent, Education Services Division, Clark County School District
Keenan Korth, Communications, Clark County Education Association
Lindsay Anderson, Director, Government Affairs, Washoe County School District
Sarah M. Adler, representing Charter School Association of Nevada
Lisa Morris Hibbler, Director, Youth Development and Social Innovation, City of Las Vegas
Jagada Chambers, Private Citizen, Las Vegas, Nevada
Sylvia R. Lazos, Legislative Advocate, Nevada Immigration Coalition
Brigid J. Duffy, Director, Juvenile Division, Clark County District Attorney's Office
Mary Pierczynski, representing Nevada Association of School Superintendents; and Nevada Association of School Administrators
David Cherry, Communications and Intergovernmental Relations Manager, City of Henderson
Erick Montenegro, Private Citizen, Las Vegas, Nevada
Rex Reed, Outreach Coordinator, American Civil Liberties Union of Nevada
Yvette Williams, Chair, Clark County Black Caucus
Jennifer Jeans, representing Legal Aid Center of Southern Nevada; and Washoe Legal Services
Shaylene Johnson, Private Citizen, Sparks, Nevada
Mackenzie Baysinger, Intern, Human Services Network
David Boire, Intern, Children's Advocacy Alliance
Samuel Song, Associate Professor of School Psychology, University of Nevada, Las Vegas
Chris Daly, Deputy Executive Director, Government Relations, Nevada State Education Association
Alexander Marks, Political Coordinator, Nevada State Education Association
Natha C. Anderson, President, Washoe Education Association; and representing Nevada State Education Association
Ruben R. Murillo, Jr., President, Nevada State Education Association

Chairman Thompson:

[Roll was called. Committee protocol and rules were explained.] It is my understanding that we have students from the University of Nevada, Reno, and specifically students for equity and social justice. We welcome you.

Today we are having a presentation concerning the memorandum of understanding (MOU) between the Clark County School District (CCSD) and the Nevada System of Higher Education (NSHE), which helps to promote college and career readiness. This is the beauty

of committee work. In our last meeting we talked about remediation—what are those needs of a student leaving high school and trying to get into higher education when they have to take some courses before they can start getting into the meat of their work and their discipline. We are excited about that. Then we will have a hearing on Assembly Bill 168. Anybody who would like to come forth for public comment at this time, please come to the table. [There was no public comment at this time.] We will begin with our presentation on The Strategic Partnership to Promote College and Career Readiness.

Jesus F. Jara, Ed.D., Superintendent, Clark County School District:

We will start the conversation around prekindergarten through 20. We are excited about the opportunity to share with you some of our thinking that started from a discussion around a collaboration to build a pipeline for students to impact the economic engine of this community in southern Nevada. The Board of Trustees approved the MOU on January 10, 2019. Immediately the following week the Board of Regents approved a collaboration around three key indicators, which are increasing dual credit opportunity for our students in a way to diversify the offerings for children; increasing our workforce pipeline and career preparation; and one of the big key components that I believe will have huge impact, not only in our community but also on parents, our students, as well as the higher education institution, is decreasing the need for remedial education [page 2, ([Exhibit C](#))].

When you start looking at dual credit, we have shared data with our board and have highlighted in our strategic plan Focus 2024, which was just recently released. I know Brad Keating who is representing CCSD has copies that he would make available to all of you. It is really building the pipeline for dual credit and identifying students who are ready and capable to participate in dual credit opportunities. More importantly, it is looking at ways to eliminate the barriers for students so we can diversify the offerings. For the students who are capable and should be in the classes, we need to look at the location of the classes and build that opportunity—the transportation to and from and the cost of the courses—because we have plenty of students who are capable, but unfortunately, there are financial barriers. There are opportunities for us to create strategies for access as highlighted in the CCSD strategic plan [page 3].

Thom Reilly, D.P.A., Chancellor, Nevada System of Higher Education:

Part of the MOU calls for exploring these dual credit academies in high-need areas that are aligned with workforce industry—such as heating, ventilation, and air-conditioning (HVAC); manufacturing; information technology and cybersecurity; hospitality and tourism; and health care. Just last Friday, Western High School had its grand opening of their HVAC program to allow students in their junior and senior years to be certified in this very high-demand job. With that certification, they can leave high school making \$60,000 per year in this growing industry in Nevada [page 4].

Jesus Jara:

The MOU is looking at not just the dual credit, but also college readiness courses where students who are taking advanced placement (AP) exams and International Baccalaureate (IB) exams, once they get a qualifying score of a 3 or higher for either exam, immediately

earn college credit. When you look at our data across CCSD, we have some huge equity issues that need to be addressed. Similarly, how do we diversify the courses and how do we provide students the opportunity? I appreciate the University of Nevada, Las Vegas (UNLV) taking immediate action. They created a one-stop shop for an articulation agreement. Our students, instead of going to all of the different places, were transferring credits and now there is a centralized hub for students to get the recognition of the IB credits. As we start moving into this MOU, we are already seeing some of the red tape that has been removed for students [page 5].

Thom Reilly:

If part of this MOU is increasing the workforce and career preparation [page 6 ([Exhibit C](#))], these certificates in the areas previously identified will be stackable certificates that can also lead to two-year degrees. They also focus on soft skills. We continuously hear from industry that young people, not only coming out of high school but coming out of higher education, need soft skills to be successful in the workforce arena.

One of the areas we are excited about in this MOU is the discussion of career pathways that will be targeted in middle school. This is very important because this will inform the high schools and the community colleges and universities of the types of courses that are needed. We are soliciting the assistance of University of Nevada Cooperative Extension to help with this outreach in middle schools.

I would be remiss if I did not comment on the teacher pipeline that is actively being pursued by Nevada State College (NSC), UNLV, and the Department of Education. The dual credit for teacher preparation in general studies and teacher's prep are now in four high schools. It will be expanding to Foothills High School this next academic year.

Jesus Jara:

The decrease of the remediation when they get into higher education is where you look at the alignment. As I talk about remediation and some of the transitional courses that we will be looking into here, I want to make sure we have a clear understanding that obviously we cannot start in high school. This is something that is critical as a Pre-K through 20 because this is a much earlier start in identifying some of the deficiencies that our children experience as they matriculate and move up into our K-12 system.

Here is a conversation around looking at our assessment, looking at how students are demonstrating or not demonstrating some of the deficiencies or the academic gains as they are mastering the standards. For us, in their senior year, to then create transitional courses—college-level courses—they will actually be high school courses that we will look at where we can catch up some of the standards that the students are missing, so that once they graduate from high school, we know that they have mastered their curriculum so they can walk into a two-year or four-year institution and already have some of the mastery of the standards. In partnership with higher education is where our teachers and the professors will be working together saying, Here is what we are requiring—freshman English or college algebra. This is what we are asking our students to be able to demonstrate so we can target

some of the goals to make sure that our children are graduation-ready [page 7]. One of the things that we are looking at already is identifying the pilot in some of our high schools where they have the majority of the students, so that we can start the work we are currently doing.

We are looking at current dollars, so we are not asking for new, just yet, for this program, but it is really about how we reallocate. Instead of focusing on high school credit recovery, how do we focus on accelerating the learning in our funding here locally? It is a way for us to accelerate the opportunity for students. The exciting piece is that it is embedded around our strategic plan that we will have ready for you.

If you look at the goal here in the core of the circle [page 8 ([Exhibit C](#))], student success is our main focus. We all have jobs across the district because we have students sitting in the classroom. I am proud of the board that has placed a target and a goal on how we—everyone in the organization, from teachers, principals, and staff—work together as one. We have to be very clear that this is a team of eight—myself with my seven trustees. We have a governance structure that is focused around children and sound fiscal management. We certainly need to have our financial house in order—and then the entire community.

We are looking at addressing our remediation rate for students, increasing and diversifying our course offerings—not only the curriculum, but also who has access because I believe all of our 49 high schools should have similar programs. Again, diversifying our enrollment: When we look at our data, it is staggering that we do not have the same offerings across all of our high schools around career and technical education programs. We are also looking at increasing our level one, two, and three offerings of high-skill, high-demand courses. One of the challenges we have is that there are financial barriers where, currently, students will have to pay for the courses. Students will have to pay for the certification. Part of what we are already starting is bringing in the business community to help us eliminate some of the barriers.

Thom Reilly:

We recognize that not every student needs a college degree. You do need something beyond high school [page 9]. What the Assembly Committee on Education is focused on is dealing with all of the youth in our K-12 as they move forward, whether that is for college or career readiness. The academies and the pathways have certificates that can lead toward degrees through remedial education. Addressing the remedial issue that we have that is staggering in Nevada, is pushing the remedial education back to the high school by doing earlier assessment at the higher education level.

At our last meeting with the Board of Regents, we began a process of adopting a new policy by June which will basically eliminate remedial education and move toward a more corequisite model. What we do know about remedial education is that it is a failure. It is overpopulated with African-American, Hispanic, and poor kids. Once you start remediation at the college level, you never move forward. There is no pathway to moving forward to get a degree. Individuals come to us at our community college level or university level that will

be placed in a course that is for credit that is a gateway toward a degree with a corequisite mandating tutoring. It has proven to be successful nationally and elsewhere. We are excited about this partnership with K-12. Clark County is the largest school district that we have in Nevada. If we can make significant gains there, then we can look forward to actually beginning to work with each of the other superintendents to develop similar models.

Chairman Thompson:

We will open for any questions from our Committee members.

Assemblywoman Torres:

I am a high school educator, and you talked a lot about the work that NSHE is doing to work with high schools. How is that information getting to the teachers? Besides creating more standards, we do not necessarily see that trickling down.

Thom Reilly:

That is twofold. One is in going back to the MOU very specifically and generally about communication, which I think we need to increase and work on. As part of the MOU, there is a component on remediation that our faculty at the College of Southern Nevada, Nevada State College, and UNLV work with the high schools to actually align the curriculum. When we are looking at the math and English classes, we ensure that this is what the expectation is when they move on to higher education. That alignment and that face-to-face meeting between our faculty and teachers at CCSD is critical. Regarding the advising piece and moving more into the high schools, part of the MOU is to look at starting that in the middle schools, with help from the Cooperative Extension.

To your other point, we need to actually increase the amount and coordination between our three systems of higher education down south in communication in targeting advisors, which I think we would get the most bang for the buck if we also had individuals that could speak to the three institutions.

Jesus Jara:

Here is where we need to really look at the standards. As a classroom teacher, you are teaching to the standards identified by the Department of Education. This is where we need to look at that collaboration because when we have adopted standards, are they aligned to college readiness? Is this collaboration between what the professors are asking in the two-year and four-year institutions and what we are doing between ninth through twelfth grades completely aligned to the college readiness standards? If there are holes in it, we need to find ways to collaborate to make sure that we address those holes. This, for us, is more of a professional development exercise, but then it can make a difference within the classroom. That is where we do not want to frustrate our teachers, if there is or if there is not an alignment, to ultimately help our students.

Assemblywoman Torres:

A crucial part of this that maybe we are not talking about is the professional development so that teachers have the resources they need to prepare students to enter NSHE. That needs to be a part of this discussion as well.

Assemblywoman Peters:

In looking through your presentation, we talked about IB a little bit and its connection to NSHE requirements. I am thinking about how in northern Nevada we only have one IB program. You mentioned quite a lot about the IB program in your presentation. How many students are actually enrolled in your IB programs? How is that different from an AP class? Do they take AP classes? Is that how they get credits? Can you explain more about that?

Jesus Jara:

We currently have five high schools that offer the IB diploma program. I do not have the exact number of students, but I know we can get that to you through Brad Keating, Director of Government Relations, Clark County School District. The IB is very similar to AP. It is a little more structured curriculum, but it is a college-level course. We do have high schools that offer both AP and IB within the same high school. Obviously, the IB program is more rigid, if you will, because of the diploma component at the end. So a more rigid diploma track than the AP, but when you look at it from the higher education institution, it is my understanding that it is equally accepted as a college-level course. It is very similar to a dual credit. We do have high schools that offer both AP and IB. Our goal is to have all 49 high schools in Clark County offer at least 15 of the AP courses that the College Board provides.

Assemblywoman Peters:

To clarify, do the IB programs have college credits associated with them?

Jesus Jara:

Yes.

Assemblywoman Peters:

So is it a test at the end of their senior year that gets them credit?

Jesus Jara:

If they get a qualifying score—3, 4, or 5—for the IB after it is scored by the organization, they are eligible for a college credit in the higher education institution, very similar to AP.

Assemblywoman Hansen:

Thank you for your presentation. This makes me happy in addressing a lot of the concerns I have had. Regarding the goals and ideas in the strategic partnership, particularly on page 7 decreasing the need for remedial education—but I also love the career and workforce preparation as well—when can we hope to see an implementation of the strategic partnership? I know that is always the harder lift to go from paper to actual implementation.

Jesus Jara:

As of last Thursday, Focus 2024, which is my strategic plan with my board here in Clark County, was released, so we have already started to work on the implementation, because we certainly need to change the trajectory of the numbers. Behind every number there is a face and there is a child, so we are certainly already starting to work on the entire MOU. It has been embedded within the strategic plan of the CCSD.

Thom Reilly:

As far as the specific partnering around the high schools, we are looking at targeting that in the fall. We will target the high schools to begin the early assessment for remedial education and begin the exchange with our faculty and their teachers. Likewise, by June, the Nevada System of Higher Education is adopting new policies around the issue of remedial education and corequisite.

Assemblywoman Hansen:

It seems we have reached the critical point. I made a comment on the record last week that back in 2011 or 2013 about 40 percent of students needed remediation at the college level coming out of the K-12 system in Nevada. Am I correct that it is about 65 percent in Clark County?

Jesus Jara:

The number for Clark County, according to our current data, is 65 percent of our students who graduate are in need of remediation when they get into two-year or four-year institutions. To be honest with you, that is the sense of urgency that I have. Those numbers need to change drastically, and my effort is highlighted within the strategic plan. My goal is to get to 25 percent in five years.

Thom Reilly:

The statewide percentage is about 50 percent. It is 65 percent in Clark County and about 50 percent statewide.

Assemblywoman Hansen:

I do not envy the job that you have. I appreciate the strategic partnership and that we are recognizing what the problem is and that you are trying your best to implement. This is a big problem and it has been here for a while, so I do not expect it to change overnight. Thank you for your efforts and your presentation.

Assemblywoman Tolles:

This is something I am very passionate about and I have seen some very promising results out of this partnership. I am curious if you have a list of any certifications specific to workforce development that students can receive upon graduation in addition to their diploma?

Jesus Jara:

We have a variety. Within the presentation we talked about the HVAC. We have certain programs—auto mechanics, welding, electrician, and cybersecurity, there are many of these certifications. The challenge that we are facing is that we do not have enough for the need in the economy and the workforce. I was in a conversation and presenting this morning with a workforce connection here in southern Nevada, and that is the challenge. When we started this conversation in my office, if you are lucky and you are zoned to Western High School, you have the HVAC opportunity. We just do not have enough of them. This is the start of where we begin addressing some of these gaps to provide the opportunities for more kids. Looking at our data, we do not have enough students who are going into some of these programs that are representative of the community that we serve. We have to find ways to eliminate the financial barriers and then build that pipeline in the middle schools. It is the start of where we need to go. We can get you the entire list from cybersecurity, HVAC, welding, and electrician, but it is just not available for all students.

Thom Reilly:

I can also provide that statewide as far as what certificates we offer throughout the state.

Assemblywoman Tolles:

Thank you. It would be beneficial to see that posted for the public as well, but also for the benefit of this Committee to see which certifications are an option for students by the time they graduate. What income earnings would be attached to that? Also, how might that be stackable toward additional certifications or additional diplomas? In health care, we have seen in other states that there is a pathway for students who can get their certified nursing assistant certification while they are pursuing their high school diploma, and that they have a higher percentage of likelihood of moving up in the field of health care into a registered nurse position, for example. Each of those graduations from one certification to the next can lead them to higher income brackets. It would be great to have a chart for us to see as well as the public to see.

Thom Reilly:

We also put together a list of entry-level salaries for a host of certificates—more than 100,000—that we offer in the community college. Your point about the stackable certificates is something we are moving toward in the community college. When individuals move their certificate, that is leading toward a two-year degree if they so choose. We can get that information to you.

[Assemblywoman Miller assumed the Chair.]

Acting Chairwoman Miller:

Before I open the hearing on Assembly Bill 168, we have been asked to go over some reminders of when you come up to testify on a bill.

If you come to testify in support, according to Rule No. 54 of the Assembly Standing Rules, support of a bill or resolution shall be construed as (1) approval of the measure as written; or

(2) approval of the measure as written along with proposed amendments that have been approved by the sponsor of the measure. On the other hand, if you are in opposition to the bill or resolution, it will be construed as (1) not supporting the measure as written; or (2) opposing the measure as revised by an amendment that has not been approved by the sponsor of the measure.

If you are testifying as neutral, that means that you are a person who is offering a particular insight into or perspective of the measure, but expressing no position on the measure.

I will now open the hearing for Assembly Bill 168.

Assembly Bill 168: Revises provisions governing the discipline of pupils. (BDR 34-539)

Assemblyman Tyrone Thompson, Assembly District No. 17:

I am proud to say that I was born and raised in North Las Vegas. Today I am glad to present a very important piece of legislation, Assembly Bill 168, which revises provisions governing the discipline of pupils. I see that it is so fitting that today we are having this discussion because last night, as we all know as a Committee, and joining with the Senate Committee on Education, we had a discussion around school safety. We know that the safety part does not just deal with physical safety. We are dealing with some emotional issues that our students face.

Also, it is fitting because we have our students here from the University of Nevada, Reno. Lastly, we just had a presentation where it was depicted on page 8 (Exhibit C) that, in that partnership, student success was at the center. If we do not have students in school, it is very difficult for them to succeed.

Joining me today in southern Nevada is Dr. Tammy Malich, Assistant Superintendent of the Education Services Division for the Clark County School District (CCSD). She is the previous principal of Legacy High School, which is in Assembly District 17. We also have Robert Tarter, Executive Director, Department of Adult Education, Education Services Division. They are both with the Clark County School District, which as we know, is the largest school district in the state with more than 321,000 students.

We are proud members of the Las Vegas My Brother's Keeper Alliance, which was established in 2012 to ensure that all youth, especially boys and young men of color, have opportunities to improve their life outcomes and overcome barriers to success. As most of you know, and many of you may not know, that is our subpopulation that is always at the bottom and needs many supports.

Following the 2018 annual My Brother's Keeper conference titled "Eliminating School Pathways to the Juvenile Justice System," attendees learned about the school justice partnership which had shown great success in over 50 communities and school districts. The Las Vegas My Brother's Keeper Alliance leadership team partnered with the CCSD, the Office of the District Attorney, Division of Juvenile Justice Services, the Family Division of

Clark County District Court, University of Nevada, Las Vegas, and community interest groups to implement what we call a Clark County School Justice Partnership.

This partnership provides for restorative outcomes for low-level offenses and a multitiered behavior system that allows for repetitive, proactive, and preventive responses over progressive, reactive, and punitive responses to student behaviors.

[Document ([Exhibit D](#)) titled "Fact Sheet: Assembly Bill 168" was submitted but not discussed and will become part of the record.]

Robert Tarter, Executive Director, Department of Adult Education, Education Services Division, Clark County School District:

Talking about school safety, talking about the school justice partnership, and talking about the idea of overall restorative justice is a key component to what the work is that we have been trying to do over the past several years. As we go through this bill, that is the backdrop of the conversation that we have had on multiple occasions.

Restorative justice, to me, is a way to give appropriate support and resources to students in need [page 2, ([Exhibit E](#))]. When we are talking about bringing restorative justice activities to schools for students, we are trying to build on relationships. Those relationships are wide-ranging—student and student, student and staff, student and schools, and student and districts. The idea of building our relationships through restorative justice not only helps the individual student to learn the proper behaviors, but it also helps the entire school climate.

We teach and we reteach curriculum when necessary, and such an important piece of behavior is trying to make sure that we teach the appropriate behaviors, not through punishment—we call that teaching, but there are better ways to teach behaviors and that is to have students and children recognize when their behaviors interact with others or cause issues for schools, and that is a key component of what restorative justice is all about. It is not necessarily a punitive measure; it is a way to teach behavior and a way for them to learn appropriate behavior in different situations and circumstances [page 3].

As far as the need for A.B. 168, it really gives discretion to the school officials to do what is right in the right circumstances [page 4]. There are circumstances where punishment is appropriate, and there are circumstances where school officials can do so much more and can be so much more creative when they are talking about making our schools safer, making our students more accountable, and making our schools a better place and having a better planet.

To me, A.B. 168 is a K-5 initiative, but it has K-12 implications. One of the things I like most about the work we have done through My Brother's Keeper Alliance is that we are building a K-12 scaffolding. When kids get the appropriate supports and families get appropriate supports, children in first, second, or third grade do not grow up to be those children who cause problems as a freshman or as a sophomore, ultimately getting expelled. If we can give appropriate supports across the K-12 curriculum, those students will not

become those students who we all think about when we think about an expelled student or a student who causes an issue at school. If we can provide that support young, those things move into the entire K-12 system.

I have run schools inside of detention facilities, prisons, as well as juvenile detention facilities. *Nevada Revised Statutes* (NRS) 194.010 really talks about the age at which persons are capable of committing crimes [page 5 ([Exhibit E](#))]. There is not a consistency or an alignment between that and school discipline statutes. The idea is to make sure that they are aligned so that students are being held accountable through school statutes in the same way that Nevada law already exists in NRS 194.010.

Tammy Malich, Assistant Superintendent, Education Services Division, Clark County School District:

I want to be really clear that Assembly Bill 168 does not change administrative procedures or protocol as far as how they will handle discipline related to NRS 194.010. Law enforcement has a different standard than school administrators, and that will remain the same. As we go through this, there is no expectation that school administrators will operate under that law enforcement expectation.

Section 1 of the bill [page 6] sets apart students who are excepted under NRS 194.010. What that really says is that students under the age of 8 years are not capable of committing a crime because they do not have the capacity or understanding to do so. For children between 8 and 10 years of age, only serious crimes are included—murder, egregious sexual offenses—and for children between 8 and 14 years of age, there has to be clear proof that they knew of the wrongfulness at the time. Given that context for law enforcement, school district administrators do not need that same standard. However, as we are dealing with young kids at the elementary level, who may not understand the impact of their wrongdoing, removing them from the school does not make sense. That is where this is coming from. It also requires charter schools to make reasonable effort to utilize restorative practices prior to removal, and it reduces the number of days that a special education student can be suspended for that incident from 10 days to 5 days.

Section 2 of the bill [page 7] again calls out those young people who are excepted under NRS 194.010 as well as requires university schools of profoundly gifted students to utilize restorative practices prior to removing, and again reduces the number of days. Sections 1 and 2 model each other for those two different agencies—charter schools and the universities.

Section 3 of the bill [page 8] outlines what we are talking about when we use the term "restorative justice." It is nonpunitive. It is an intervention or a support. The context is to wrap kiddos. When young people commit an offense that is egregious enough that we would contemplate removing them, sending them down the road does not necessarily change that. We may still remove students—let us be really clear on that. When we do, we need to put them in Bubble Wrap. We need to wrap them in supports and services so that we at least put them in a position to be successful. There is not an exhaustive list, but a list of possible

options, including positive behavioral interventions and support, behavioral interventions, and student support team referrals. Every school in the state of Nevada has a multidisciplinary team as a result of SafeVoice Nevada—a student intervention team, community service, outside agencies, or conferences. Again, we are looking at the root of the problem and why the offense occurred, then, what that youth and family need to be successful.

Section 7 of the bill [page 9] requires that schools provide a restorative justice action plan for youth 10 and older for the first offense. It does allow those young people to be suspended, expelled, or placed in another school in the case where there is a safety concern of others or if administrators feel it is in the best interest of the young person. It then requires the superintendent to allow for modification to suspension or expulsion in cases where the restorative justice action plan may be a successful option. It removes the mandatory requirement to expel youth under the age of 10, but allows it in extraordinary circumstances and again reduces that number of days for special education. That is consistent throughout the bill.

Section 8 of the bill [page 10] provides authority to the board, which currently exists, to expel. Only the school board has the authority to expel, other than in cases of offenses related to attendance which is prohibited in statutes, and it disallows a permanent expulsion for youth 10 and under for any reason other than the three zero-tolerance reasons that are currently in statutes.

The big difference between how the law is today versus A.B. 168, is A.B. 168 will make it permissive for principals in elementary schools to remove kiddos for those three reasons in cases where they feel it is in the best interest of the student or there is a safety concern. Otherwise, it allows principals to not refer those kids for expulsion. Current law mandates that. It does not have permissive language. The restorative action plan is throughout for all first-time offenders as well as the reduction of the special education days from 10 down to 5 per offense.

We have talked to several interested parties, agencies, and other districts, and we are going to schedule a work group to talk through some additional pieces that we would like to see added to make this even stronger.

Assemblywoman Peters:

I have a question regarding some language on page 2 ([Exhibit E](#)) that says: "Emphasizes social engagement and relationships over social control." I do not understand what "social control" means. Could someone define that for me?

Tammy Malich:

The current punitive discipline requires a punitive measure. We are controlling social behavior or misbehavior by implementing punitive measures. Restorative measures focus on

engaging youth in the relationship with adults and their peers in a more positive way, helping them to understand the wrongdoing through the course of their actions and remedying that versus just that punitive response.

Assemblywoman Peters:

So more like social behavior control, whereas this tries to take into account factors beyond the behavior within the engagement and the personal responsibility within relationships. Got it.

Assemblywoman Duran:

I am reading section 7, subsection 7, of Assembly Bill 168 where it says, "This section does not prohibit a pupil from having in his or her possession a knife or firearm with the approval of the principal of the school." We just passed the gun control bill [Senate Bill 143]. Is this going to have an effect on that? What does this mean?

Tammy Malich:

That piece is in current statute and we are not proposing to change that. That allows schools to have ROTC [Reserve Officers' Training Corps] or culinary programs where there would be appropriate reasons to have simulated weapons and/or knives on campus for appropriate uses. That is the area of the statute that allows the principal to give authority.

Assemblywoman Duran:

Do we have the number of students who have been suspended or expelled to change these rulings?

Tammy Malich:

I do not have the numbers for the state, but I can tell you in the CCSD, on average, we have approximately between 40 and 60 expulsions of elementary students each year, depending upon the year, over the past five years.

Assemblywoman Duran:

Is that only under a certain group of students for doing certain things? Is there data on what they are being expelled for and what that contains?

Tammy Malich:

That would currently include only the three statutory offenses—distribution of a controlled substance, possession of a firearm or a dangerous and deadly weapon, and battery to a school employee with bodily injury. In the Clark County School District, those are the three reasons we allow expulsion. State law requires that currently. Assembly Bill 168 would prohibit referring elementary kids or that age-group that is provided as an exception for any other reason. In talking to other districts, I think it is pretty standard across the state that we only allow elementary expulsion for those three reasons.

Assemblywoman Munk:

On page 5 in the plan of action, when or at what time does the parent play in this plan of action?

Tammy Malich:

That is a great question and we had that conversation with a group of individuals and it is an ongoing conversation as well. The parent is part of that plan. This actually allows us to, in lieu of expulsion, get the parent or guardian at the table so we can have a conversation for a restorative plan of action versus just sending the student to the next school where the parent comes in to hear that news but is not a part of the plan. This does include the parent as a partner in this decision-making and a partner who is willing to be a part of the plan.

Acting Chairwoman Miller:

I will follow up with my own question following what Assemblywoman Munk said. According to section 7, where it states about the parents, according to NRS 194.010, we "shall meet with the school and his or her parent or legal guardian. The school shall provide a plan of action based on restorative justice." What about those instances where parents are resistant or unable to come in? Would the absence of the parents hinder the plan or keep us from moving forward?

Tammy Malich:

In that regard, one of our conversations today was about when parents are unable to assist in that plan. That is a conversation we had about making that piece a little clearer. I do not think that prohibits it. We can be more clear that it can be by telephone. We need to be reasonable. We want to bring parents to the table, but we have to be reasonable. We cannot set forth a plan in which a parent cannot get there during our time because they are at work, and therefore we say we tried to do the plan, or set forth in the plan an expectation that the parent is unable to make happen. We did talk about making that more clear. The intent is for the parent to be a partner in this, that we not necessarily put ownership of the plan on the parent totally. The school has ownership of the plan, but we include the parents in the plan.

Assemblywoman Tolles:

We did have this discussion on school safety last night, and one of the recommendations out of the school safety task force was to implement restorative justice programs. There is a tremendous amount of research on the effectiveness, and I do appreciate bringing this bill forward today.

I have a couple of questions to possibly provide a backdrop on the implementation of this. I notice that the effective date is July 1. I would also like to skip to page 10 of the bill, lines 16 to 19 where it says, "If a school is unable to retain a pupil in the school pursuant to subsection 1 for the safety of any person or because doing so would not be in the best interest of the pupil, the pupil may be suspended, expelled or placed in another kind of school." It might be helpful or beneficial for all of us to hear who decides and who is available to

provide counsel to the decision-makers to determine when that is appropriate. Do we believe we will be able to get the people and the training in place by July 1 for our personnel statewide to implement this with fidelity?

Tammy Malich:

In response to question one, yes, there are guidelines. Currently when a principal recommends it, under statute only the board of school trustees has the authority to expel. Currently principals across the state make a recommendation for expulsion, then it goes through—each district has its own process—but it goes through due process levels. Ultimately, it goes to the board of school trustees for that district to make the final decision. That would remain intact. When a school feels it is necessary, the principal would make that recommendation with the justification, and then, depending on the district, it would go through its regular process that currently exists.

To your second question, I do think it is reasonable to get this up and running by the fall because currently, the process is in place and kids are already being referred right now under the old law. Will this require some additional training? Absolutely. We have talked about some statewide, districtwide guidelines and structures that we are happy to provide. We are working on that in the background as well so we will be able to have that ready and available for all districts so that they can implement right away.

Assemblyman Thompson:

I want to also piggyback on what Dr. Malich was saying. We will assemble a work group. I take pride in that whenever we put legislation out, it is not going to be voted on in the way that it came in. We always want to make it the best, and of course, bring on more partners so they really buy into it. We will revisit the effective date because we do not want people to feel rushed. When you think about it, probably when and if the bill does pass, school is almost out. It will be difficult for people to get that onboard.

Secondly, even though it was not mentioned and I know we are not a fiscal committee, but the training—there are lots of tool kits and a lot of free training that is offered around this work. It will not be an additional strain on school districts.

Acting Chairwoman Miller:

Thank you. I appreciate that. I think everyone in this room knows you to be a collaborator and someone who wants to bring everyone to the table and hear the different perspectives to make it as effective as possible.

I thank you too, Assemblywoman Tolles, because that was also my question about the readiness. We know we are not just looking at a legal change, but really a cultural shift. That can take a little bit of time.

Assemblywoman Peters:

Can you walk me through how teachers were involved in the drafting of this legislation or if they were involved? At what point would they be involved in the implementation of this planning process and new discipline process?

Tammy Malich:

Teachers obviously play a huge role in everything we do in schools. In fact, they play the most important role. As far as removal, that is generally an administrative decision point. The teacher is involved on the front end. As we talk about restorative justice in the larger context, obviously it is about ultimately training the people closest to the kids—support personnel and teachers. That is a consideration, but as far as the removal, that is more an administrative function or capacity. One of the things that we have discussed including is what the process would look like if teachers disagree, in the event the principal decides that the student is not a threat and the teacher has been battered by the student. That is something we are going to be looking at including so that teachers feel like their goal is about protecting kids and ensuring they have all of the opportunities, but we certainly also want to keep our staff safe.

Assemblyman Thompson:

One thing that our Las Vegas My Brother's Keeper Alliance has done a great job of is that we actually have had bus tours. We have invited administrators and teachers, and we appreciate Dr. Jara and his staff for allowing those personnel to participate. We actually take people to—for example, The Harbor, which has a plethora of social and behavioral health services. We take them to some of our behavioral schools where they are that bridge between if the student does not make it at that school, it could lead to expulsion. We are trying to physically expose the educators to that environment. I can see what part of this work group can be so we can share it with Washoe County School District and other districts to model the same type of bus tours. This was our third My Brother's Keeper Alliance conference where we had over 500 people who attended. We actually had some legislators from the south that came on board. We had the Department of Education on board to just talk about these types of issues. When we have those conferences, we have school counselors, administrators, teachers, and we have a good mix of community leaders and nonprofits.

As Assemblywoman Miller said, this is going to be a big cultural shift. We have always known that it is there, and it should be there, but this is pushing the needle a bit more to get it where we really need it.

Assemblywoman Peters:

I really appreciate that and look forward to seeing how policy is implemented with the teachers. I know, having three kids myself, that sometimes you need to have the ability to tap out when things get rough and you need to take a break. Ensuring that our teachers have the resources they need to effectively help facilitate this is what I see you going towards and I appreciate that a lot.

Acting Chairwoman Miller:

Following up with that, I see that there is a letter from the Nevada State Education Association ([Exhibit F](#)) that was entered. As you said, we are always trying to balance the safety—the physical and emotional safety—for all of the students and all of the staff, but we know there are times when the staff are also the ones that are victims to the physical or emotional assaults or violence that happen in the classroom. The difference for the staff or the teacher is, they cannot stop and tap out because you have to keep going to keep it emotionally safe for everyone else in the room. I have personally experienced this multiple times. I like to hear that we are still considering that as well. Is that amendment a friendly amendment?

Assemblyman Thompson:

Absolutely. I want to be clear that we are not removing that piece. As you can see, the very last page 10 ([Exhibit E](#)) talks about battery to an employee. That is going to remain. However, it is incumbent upon us to not just let that young person, if arrested—it is about that term "trauma-informed" youth. We need to get to the root of the problem because if we do not and they are 8, 9, 10 years old and we do not try to dig deeper into that issue, it will continue on. We have always heard school-to-prison pipeline—we owe it to ourselves to dig deeper.

Assemblywoman Torres:

I am looking over the research material, and it does say that Assembly Bill 168 does prohibit the suspension or expulsion for a student under the age of 8. Can you refer me to that section of the bill?

Victoria Gonzalez, Committee Counsel:

That reference is in NRS 194.010.

Assemblywoman Torres:

I was reading through it. I think I just need to look over that NRS duplicative a little bit more.

Victoria Gonzalez:

You wanted the specific reference?

Assemblywoman Torres:

Yes. To me, the wording does not seem like it is prohibiting suspension, expulsion for under age 8. It just looks like it is referring to the criminal liability. I wanted to be clear for the record that it would prohibit suspension, expulsion for students aged 8 and under.

Victoria Gonzalez:

I understand. *Nevada Revised Statutes* 194.010 states, "All persons are liable to punishment except those belonging to the following classes"—and subsection 1 is "children under the age of 8 years."

Assemblywoman Torres:

Would that same liability be applied to suspension and expulsions? Or is that just criminal liability?

Acting Chairwoman Miller:

If I am correct, Dr. Malich, did you address that when you talked about the three specific offenses that were excluded from this? Can you clarify that one more time for when we are looking at suspensions and expulsions?

Tammy Malich:

In section 7, subsection 8, it says, "Except as otherwise provided . . . a pupil who is excepted"—those are children under 8—"from criminal liability pursuant to NRS 194.010 must not be suspended from school or permanently expelled." Except, and here is the exception: "In extraordinary circumstances, a school may request an exception to this subsection from the board of trustees." It is, in general, disallowing for children 8 and under; however, under those extreme circumstances, the principal can make a recommendation if it is a safety concern or if it is the best interest of the child. That is the exact section. Page 11, line 17 is where it starts.

Assemblywoman Torres:

Thank you, I appreciate that. Is there a specific reason that we want to keep it at age 8 and not move it to third grade? I think that would be easier from an administrative standpoint.

Acting Chairwoman Miller:

I would say that probably the age of 8 as they are looking at the psychological maturity of an 8-year-old, but we also have to remember that not all 8-year-olds are in third grade. The reasoning behind that may be for legal purposes. Is that fair for me to assume that was the reasoning behind that?

Tammy Malich:

That is exactly the reason.

Acting Chairwoman Miller:

Not seeing any more questions from our Committee, I will open the hearing for those who would like to come to testify in support of A.B. 168.

Keenan Korth, Communications, Clark County Education Association:

The Clark County Education Association represents 18,000 educators and other licensed professionals across the Clark County School District. I am here today to speak on behalf of the association in support of restorative justice and Assembly Bill 168.

We hear from our educators every day and speak at the Legislature on behalf of their experiences and expertise. When student discipline too quickly resorts to suspension or expulsion, where students are simply shifted from one work site to another, or from one educator to another, without solving the heart of the problem, our students suffer.

Trends in suspensions and expulsions across Clark County track with national trends with students from disadvantaged backgrounds, students of color, students living in poverty, or students who are otherwise at risk or who have special needs being disproportionately affected. This leads to lower graduation rates among these student populations and a negative impact on overall student achievement.

Let us have a sobering moment here. These classrooms are challenging environments to teach in. They are too large, and often there are not enough resources. This restorative justice model will not be an easy program to institute. It is something that will require education and training, and the well-being of educators must be part of the solution. There must be adequate protection and support for educators in their schools.

If we keep the experience of the classroom educator central to the implementation of this restorative justice model, educators will be able to gain insight about the experiences that inform at-risk students' behavior, and it will allow educators to build stronger relationships with their students. This will, in turn, allow them to address behavioral issues without resorting to suspension or expulsion, leading to positive impacts on student achievement without sacrificing the teaching conditions or well-being of our educators.

I want to close with this very important point: Like a number of bills being heard during this session, if this bill passes, it has to pass with additional funding. Otherwise, it will simply be another unfunded mandate. That means we need new revenue.

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

We are here in support today. Our district has a focus on equity, and we believe making fundamental shifts towards restorative justice practices will support that work. Currently, we have about 20 schools that are participating in sort of a pilot project around restorative justice, so this is something our district has been exploring for some time now. We would like to see it move forward. We appreciate the time that Assemblyman Thompson and Dr. Malich took this morning in talking through some concerns about making sure that the language in the bill exactly relates to what they want to achieve. We will continue to work with them on that.

Sarah M. Adler, representing Charter School Association of Nevada:

The Charter School Association of Nevada is in support of Assembly Bill 168, and we appreciate all of the work that has been done to bring it forward.

While there will be a need for resources to successfully implement restorative justice throughout our schools, in our opinion, the fiscal note that came from State Public Charter School Authority is grossly overstated. We would like a seat at the collaboration table.

Acting Chairwoman Miller:

I am sure that Assemblyman Thompson is taking note of that.

Lisa Morris Hibbler, Director, Youth Development and Social Innovation, City of Las Vegas:

I am the director of Youth Development and Social Innovation from the City of Las Vegas and the education equity cochair of the Las Vegas My Brother's Keeper Alliance. We believe that our state's attention and resources should be directed toward providing resources and educational opportunities for youth, and Assembly Bill 168 is the right step in that direction.

I am here before you this afternoon to offer strong support for A.B. 168 in the hopes that we can provide our schools with additional resources to address student behavior often related to a diverse childhood exposure to trauma and poverty rather than exclusionary, punitive, disciplinary approaches, which often are ineffective and do not contribute to redirecting or changing behavior, which research supports.

This bill allows for modification to suspension or expulsion in cases where a restorative justice action plan can be used successfully. Interventions such as student team support and positive behavioral intervention and supports are among the options that this bill will allow our educators to have access to across the state.

Another intervention includes community service referrals, which are critical to the well-being of our students and families. As a member of The Harbor Juvenile Assessment Center's executive steering committee, I would like to highlight The Harbor as a strong restorative justice resource in our community, as Assemblyman Thompson mentioned. The Harbor is a safe place for youth 17 and under and their families, and they divert youth from the juvenile justice system by proactively connecting families to free services from partnering agencies.

In just over two years, there have been 7,000 youth who have come through the doors for services in southern Nevada with more than 94 percent of those youth not escalating into the juvenile justice system. We have two busy locations here and with a third opening soon.

We support Assembly Bill 168 because administrators, teachers, and support staff need to have the tools and resources necessary to support healthy student development. We want our kids in school, not out of school. We want students to have a chance at being successful in school and in the community. That is what restorative justice is all about. I would like to thank the Assembly Committee on Education under the leadership of Assemblyman Tyrone Thompson for your diligence on this matter along with the My Brother's Keeper Alliance.

Jagada Chambers, Private Citizen, Las Vegas, Nevada:

I am a member of the community, and I am definitely coming here to testify in the affirmative support of Assembly Bill 168. First and foremost, the expulsions here in Clark County School District definitely overrepresent black and brown children. This will be almost a life preserver for our youth. There is an intersectionality of these youth that are being expelled and pushed out of the school district, and incarceration is in their future.

When we give them opportunity to find ways to use restorative justice to keep these children in school, it will definitely impact our criminal justice system in a positive way. At the end of Chairman Thompson's presentation, he mentioned prison. It was the first time I have heard the word prison. We have to face reality. Our black and brown kids that are getting pushed out are on their way to prison. We really want to be adamant about ending the school-to-prison pipeline, which really has three facets—a school district with a budget focused around school district police; struggling language performance scores, which we represent here in the county; and we will also find youth that are being ushered into the adult court system. That is what makes up the school-to-prison pipeline. It is alive and well in Las Vegas. We cannot necessarily stop the other three areas without legislation, but this tool with A.B. 168 will definitely prove immediate impact in conjunction with literacy rates of improving our monstrous school-to-prison pipeline. I want to thank the honorable Chairman Thompson for even bringing it to the forefront and commend the body's commitment to asking great questions and being involved. Thank you.

Sylvia R. Lazos, Legislative Advocate, Nevada Immigration Coalition:

The Nevada Immigration Coalition comprises the Progressive Leadership Alliance of Nevada, Culinary Workers Union, Make the Road Nevada, University of Nevada, Las Vegas (UNLV) Immigration Clinic, Mi Familia Vota, American Immigration Lawyers Association, America's Voice, Planned Parenthood, SEIU [Service Employees International Union] Nevada Local 1107, Arriba Las Vegas Workers Center, and the UNLV UndocuNetwork. We are in strong support of Assembly Bill 168. Restorative justice practices are about fair discipline, and fair discipline is about helping every student engage and stay in the classroom.

As a mom of two teenaged boys who are in high school, we are also offering an amendment that I believe Chairman Thompson is in agreement with ([Exhibit G](#)). The amendment is about making sure that we have data on discipline available to working-class parents and to our communities of color. It is important that our communities of color be able to monitor what kind of disproportionality is happening both at the district level and at the school level. Only when we can have a productive conversation about disproportionality will we see a reduction in these numbers. In the Clark County School District, African Americans are currently four times more likely to be expelled and to be suspended. This trend has been difficult to change over the past ten years. Working with the community, we can make a difference. When we reduce disproportionality, we can all have confidence that discipline that is happening and ongoing is fair discipline for all children.

Brigid J. Duffy, Director, Juvenile Division, Clark County District Attorney's Office:

I run the Juvenile Division of the Clark County District Attorney's Office and I also have the honor of cochairing the Clark County School Justice Partnership. I am the justice part of all of that. I was also an active part of the My Brother's Keeper Alliance conference along with Chairman Thompson.

This piece of legislation, I believe, is very important to community safety. As I run this Juvenile Division, I know that keeping kids in school is keeping them out of my juvenile justice system.

We have not forgotten the supportive teachers. This piece of legislation has been built upon what Dr. Morris Hibbler spoke about. In Clark County, our juvenile assessment center is The Harbor. We are not bringing forth legislation that Clark County supports without making sure that we have things in place to support the school district. Most of those close to 7,000 children we have seen in our assessment center have come from our school referrals. Ninety-four percent not penetrating into the juvenile justice system is huge. Our goal is to keep kids from becoming adults in prison. It starts with our schools and it starts with supporting them in school, and the District Attorney's Office is going to continue to do that and deal with the kids that need to be dealt with in juvenile justice and keep our young kids in the classroom and engaged.

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

We really appreciate the work that Assemblyman Thompson has done on this and also all of the work that he has done with My Brother's Keeper Alliance in Las Vegas. He has devoted hours and hours to the betterment of many kids. We appreciate the fact that we are part of the work group. There are things on this bill that need to be worked on. I think everyone acknowledges that, but it is a great start.

In schools, we need to keep one thing in mind—we teach children how to read, we teach them English and math, but one of the most important things we teach them is how to live in society and how to get along. I think this program, restorative justice, will help us in those lessons that we try to teach our children every day.

David Cherry, Communications and Intergovernmental Relations Manager, City of Henderson:

Henderson is the largest city in the state with a community education advisory board (CEAB), and we are here in strong support of Chairman Thompson's legislation. Assembly Bill 168 has the ability to positively impact several of our Henderson CEAB's priorities by keeping our students in school, including elementary reading achievement, middle school mathematics achievement, combating chronic absenteeism, and also encouraging high school graduation by proactively working to resolve behavioral problems.

Erick Montenegro, Private Citizen, Las Vegas, Nevada:

I am in support of A.B. 168. I graduated from Miami Beach Senior High School in 2013. I moved to Nevada right after high school with my mom, who is also here supporting A.B. 168.

In high school I was diagnosed with learning disabilities because English was not my first language. I had a lot of difficulties growing up in school, so sometimes I would get in trouble. My teachers had a hard time with me, but they helped me learn from my mistakes.

I remember one time I got frustrated in class because I could not understand the material, but my teacher knew about my learning disabilities. My teacher allowed me to step outside of class to cool down. It was very important that my teachers and coaches knew how to help me.

I had friends who were undocumented, but they did not speak up because they were afraid. Referring them to the police could have led them to deportation. A very close friend of mine ended up in the school-to-deportation pipeline because his disciplinary issues led to him being kicked out of school and deported back to Colombia.

I urge you to pass A.B. 168 because it is important that we help build support systems for students like myself. It is important that we give youth opportunities to learn from their mistakes and be held accountable in positive ways.

Acting Chairwoman Miller:

Thank you so much for your testimony. Recently coming to Nevada, can you tell us what you are doing now that you have graduated high school?

Erick Montenegro:

I graduated with a scholarship for my learning disabilities. I am working with vocational rehabilitation. They are helping me study, and I am trying to become a firefighter here in town as an emergency medical technician.

Rex Reed, Outreach Coordinator, American Civil Liberties Union of Nevada:

I am here on behalf of the American Civil Liberties Union (ACLU) of Nevada to state our strong support of Assembly Bill 168 and the move toward restorative justice practices as opposed to exclusionary, punitive discipline.

Exclusionary discipline policies push students through the pipeline into the juvenile justice system. When children are suspended or expelled, they are often left unsupervised without constructive activities. They can easily fall behind in their coursework, leading to a greater likelihood of disengagement and dropout. All of these factors increase the likelihood of court involvement and future involvement with the justice system.

According to a study from the Council of State Governments Justice Center, students suspended or expelled for a discretionary violation are nearly three times more likely to be in contact with the juvenile justice system within the following year. Early and unnecessary interaction with the juvenile justice system significantly increases the child's likelihood of entering the adult criminal justice system later.

Students of color and students with disabilities are disproportionately harmed by these discipline policies. During the last four years, students of color in Clark County made up 89 percent of all behavior referrals and 87 percent of expulsion recommendations.

This disproportionality is the most pronounced for black students who, at 14 percent of the student population, account for 41 percent of expulsion recommendations. The ACLU believes that children should be educated, not incarcerated.

Effective school discipline is important in building school climates that are both safe and productive.

Yvette Williams, Chair, Clark County Black Caucus:

We come today in support of Assembly Bill 168. We serve on the School Justice Partnership and have served with Honoring Our Public Education. We have been doing this work for a decade now. We have seen some improvements as it relates to the disproportionality of discipline, but we have seen no progress as it relates to our African-American students being overrepresented.

We would first like to thank Chairman Thompson for bringing A.B. 168 forward and for all of the work that has gone into this legislation. As a member of the My Brother's Keeper Alliance, we join their voices in strong support of A.B. 168.

Jennifer Jeans, representing the Legal Aid Center of Southern Nevada; and Washoe Legal Services:

The Legal Aid Center of Southern Nevada and Washoe Legal Services represent children in foster care and also children with disabilities who are seeking to have their educational needs met in schools. We support A.B. 168 because we believe it provides greater support for these children—both foster children and children with disabilities—two groups of students who struggle disproportionately both academically and with regard to school discipline.

At a recent Clark County foster care stakeholder meeting, we learned that the Clark County school with the most foster kids is the juvenile detention high school. We believe that implementing restorative justice alternatives, rather than removing these children from the classroom, will better educate them and ensure their success. Foster children are already more likely to be missing classroom time due to the crises they are facing. This is obviously a contributing factor to the disproportionately low graduation rate for these children.

Reducing the time for the suspension from two weeks to one week will greatly increase the educational opportunities for these children and will not provide any disadvantage to the disciplinary action. For these reasons, we think the impact on the education can be significant, and we would like to thank the stakeholders and urge you all to support A.B. 168.

Shaylene Johnson, Private Citizen, Sparks, Nevada:

I am a school social work intern in a Title I school in Washoe County School District. We have an ethnically diverse student population, and many of our students are victims of trauma. They suffer with emotional behavioral issues, have mental health challenges, suffer with post-traumatic stress disorder, anxiety and depression, homelessness, and are in the foster care system. For some, our school provides the most stable support in their lives.

I support Assembly Bill 168 because I have seen the harmful effects of zero-tolerance policies that alienate students and contribute to higher dropout rates, lower graduation rates, and increased contact with the juvenile justice system. I have seen the good that can come from restorative justice in schools which focus on building relationships and repairing harm.

For example, we have a student who was recently suspended. This student is a victim of trauma, and he has been working on his anger management skills. He was implementing the coping skills he had been taught and was showing up for class regularly and beginning to bring his grades up. Then one day, unfortunately, he was triggered and got into an altercation and was suspended. This student later told us that he does not remember the incident because he loses his memory when he gets angry, which is a result of his trauma. His suspension is over, but he has not returned to school. He is now failing all of his classes and may not graduate. Unfortunately, I see this happen too often. Kids get suspended from school and they feel rejected, disenfranchised, and hopeless. Their connection to the school has been severed.

If we had a restorative justice policy, we could have worked collaboratively with the students, teachers, parents, and administrators to repair the harm that was done and worked for a conflict resolution and satisfaction of all participants. With restorative practices the students are held accountable and do have consequences for their actions, but those consequences involve activities that promote learning and growth. These methods teach students valuable social and emotional skills that can last a lifetime.

We need to consider what we can do as a community to help our students become productive members of society and teach them how to resolve conflict and learn from their mistakes instead of rejecting and isolating them by removing them from the school for misbehavior. The school should be a protective factor in students' lives, and for some it is their only source of support.

Mackenzie Baysinger, Intern, Human Services Network:

We would like to be on the record in support of Assembly Bill 168.

David Boire, Intern, Children's Advocacy Alliance:

We are here today to be on record to support Assembly Bill 168 and to especially thank Assemblyman Thompson for all of the work he has put into this bill. Thank you.

Samuel Song, Associate Professor of School Psychology, University of Nevada, Las Vegas:

I am an associate professor of school psychology at the University of Nevada, Las Vegas. I am also a first author of a policy paper on school safety which was written with some colleagues of mine, Heather Thompson and Patrice Leverett. I have also written a white paper on restorative justice research. I am happy to be a resource to you and to collaborate on any of this work moving forward to discuss and share research findings.

I am in strong support of this bill because zero-tolerance policies, including exclusionary discipline are essentially educational malpractice. There are decades of research showing that it is ineffective, it results in disparities for children of color in Nevada, in particular for African-American males. Ironically, it also makes schools less safe and creates problems with academic outcomes and mental health outcomes.

The cost of exclusionary discipline is in the millions in terms of average daily attendance funds. Chicago has lost \$370 million, Kentucky \$3.5 million. Restorative justice practices address all of these limitations that are wrong with exclusionary discipline, so I am in strong support of A.B. 168.

Acting Chairwoman Miller:

Now that we have finished with testimony in support, if there is anyone in opposition, please come to the table. [There was no one.] If there is anyone who would like to testify as neutral, please come to the table.

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

The Nevada State Education Association has been the voice of Nevada educators for over 100 years. We appreciate the conversation here in Committee and look forward to participating in the work group to build an even stronger piece of legislation. I am hoping to be back on the Senate side at the support table.

[Mr. Daly reads from the Nevada State Education Association letter ([Exhibit F](#)).]

Nevada State Education Association (NSEA) believes in the principles of restorative justice which proactively build healthy relationships and a sense of community to prevent and address conflict and wrongdoing.

While Assembly Bill 168 touches on restorative justice, requiring a point of action before a student is suspended or expelled, NSEA would like to see a more robust and resourced restorative discipline process for our school sites and classrooms.

Meanwhile, NSEA takes a strong stance for the safety of educators and advocates that any physical assault resulting in an injury to an educator be given the highest priority and not be treated the same as lower-level offenses.

Over the years, NSEA has been engaged in improving the process for student disciplinary practice. We were involved in the efforts to create the progressive discipline system, and now appreciate integration of restorative justice principles. We believe students should have the opportunity to take responsibility for their behavior and address wrongs that have been committed. The Nevada State Education Association also believes this bill will help to eliminate unnecessary punitive suspensions for minor offenses.

Alexander Marks, Political Coordinator, Nevada State Education Association:

[Mr. Marks continues to read from the Nevada State Education Association's proposed amendment ([Exhibit F](#)).]

Unfortunately, there has been an increase in violence against educators in Nevada and across the United States. In 2016, 6 percent of teachers reported being physically attacked by a student from their school in the previous year. Nevada State Education Association and our local affiliates have received numerous reports this year of assaulted educators with bruises, broken bones, and not to mention the emotional toll. We believe a strong restorative discipline system would reduce incidents where educators sustain injuries. However, the system needs to be proactive, implemented districtwide, and will require much greater attention and significant new resources that are not reflected in this bill. Without this level of implementation, we fear that moving away from a no-tolerance policy could result in even less safety. Reduction of suspensions and expulsions is a laudable goal, but not at the expense of safety for violent offenses.

Every day, educators make students feel welcome in the classroom and at school sites. Many utilize learning circles, conflict resolution, and mediation to deal with challenges and resolve conflict. However, this work is often independent of broader school culture. It is necessary that there be a proactive district and schoolwide plan to implement restorative practices that are seamlessly integrated into the classroom, curriculum, and culture of the school. This also means providing needed trainings to foster an environment where restorative discipline systems can be successful. These practices should extend throughout the school site and should engage all of the staff to create and maintain a safe physical space, a supportive school climate, an engaging academic environment, and healthy relationships between students, peers, and staff.

Natha C. Anderson, President, Washoe Education Association; and representing Nevada State Education Association:

I am speaking as neutral because there are so many different things that have to do with the policies that are present in it. As a matter of fact, I did a little bit of research from my National Education Association union, and we actually have a tool kit from 2014 that I can remember being trained upon with restorative practices. It has to do with fostering that healthy relationships in schools. As I look through this tool kit as a reminder, there are so many things that I use as an educator myself. I struggle because our educators are being beaten up. We are being hurt. I have a member in my district who is a second-grade teacher. She is scared to go to school. I have a first-grade teacher who has been hit so many times that she literally has decided to take the rest of the school year off.

I realize that is exactly what the districts are able to actually utilize for suspension. For this child, suspension is not necessarily what is right for him. He needs help. He needs someone to help him. He is going through too many problems at home for us to kick him out of school. It is not appropriate.

The restorative justice items that are mentioned in so many of our tool kits are very important for us to actually be trained upon. It is not just a matter of, Here is some paperwork; look over it. As a 20-year teacher, it was a reminder of three or four trainings that I had gone to—how exactly to utilize the restorative justice practices. I was fortunate because I had a principal that was very supportive of me.

Too many of our other members have so many other issues that we have to deal with. It is difficult for us to just say, we can just go into this. We have to have the proper training, not just paperwork to be able to utilize this idea correctly.

Ruben R. Murillo, Jr., President, Nevada State Education Association:

We have been representing educators for over 100 years. We are speaking neutral on Assembly Bill 168 for several reasons.

I want to tell you the story of my nephew, Tony. We grew up in Kansas—yes, there are Latinos in Kansas. Growing up in a predominately white environment, my nephew had issues with behavior. He was learning disabled, but at that time there was not enough support for learning disabled children. He had a difficult time staying in school. He was a bit rambunctious; he was the kind of child in the classroom that drove us nuts. At that time he was suspended. He was sent to different schools and he ended up dropping out. He did not graduate from high school. When I think of him, I am lucky that he was not in the school-to-prison pipeline, because he easily could have been.

At the same time, when I think about this bill, I love the potential of it. The National Education Association has been very big on restorative justice—racial and social justice for our students. I must speak up for the students I represent and the educators who are victims of physical abuse at school, whether they are on the bus, on the playground, or whether they are in the classroom setting. Our teachers need to be protected from students who are physically violent.

We know that there are teachers who are afraid to go to school, as just mentioned, but they are also afraid of what happens to the child when they come in. Back in 1999, the legislative session passed Assembly Bill 521 of the 70th Session. It was a progressive discipline bill. It did not work. I want to make sure this works, so we will work on it together.

Acting Chairwoman Miller:

Again, we know that Assemblyman Thompson is very open to including other people in the discussion and the process. I would also like to say that we know that this bill does not stand alone. It is in conjunction with a presentation that we heard last month, which again, called for the need for more social workers, counselors, and more services in the school for everyone. I would like to invite Assemblyman Thompson back to the table for final remarks.

Assemblyman Tyrone Thompson:

I want to thank Dr. Malich and Mr. Tarter. Also, it is a bigger network than just the two of them. I know there have been accolades for my bringing it forth and I appreciate those, but

all of the credit goes to the Las Vegas My Brother's Keeper Alliance. They are—as young people say—that's my family. That is my family because they are a group of connected people that believe in this work, they work hard for this work, and they seek results.

Just to share some of the compilation of it, we have local government, law enforcement, nonprofits, faith-based community, and students. We have the Clark County School District, we have higher education, and we have community activists that are part of this. Again, we started in 2012. With any type of movement, so to speak, there are always going to be peaks and valleys. I really appreciate the momentum. They are the ones that push me, so I am very appreciative of this.

Before I leave my seat, I want to acknowledge the young man who gave his testimony. That warms my heart. That is what we want to hear—when you can admit that you had some challenges when you were younger. Unfortunately, sometimes they say, I wish that I had . . . when I was younger. Whether he knows it or not, he was an amazing voice for those students that we are trying to address. We are sure he is going to become that firefighter who is going to save us one of these days. We truly appreciate that.

In closing, I want to say great job, Madam Chairwoman. You did a great job. We are looking forward to the work we are going to do in assembling everybody back together, and we will have the discussion even though we were not trying to touch it as you see, but we will have the discussion about the abuse around educators and support staff, which we heard a lot about last night as well.

Acting Chairwoman Miller:

With that, I will close the hearing on Assembly Bill 168.

[Assemblyman Thompson reassumed the Chair.]

Chairman Thompson:

At this time we will go to public comment. [There was none.]

The meeting is adjourned [at 3:23 p.m.].

RESPECTFULLY SUBMITTED:

Sharon McCallen

APPROVED BY:

Assemblyman Tyrone Thompson, Chairman

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a PowerPoint presentation titled "CCSD and NSHE: A Pre-K through 20 Partnership," dated March 5, 2019, presented by Jesus F. Jara, Ed.D., Superintendent, Clark County School District, and Thom Reilly, D.P.A., Chancellor, Nevada System of Higher Education.

[Exhibit D](#) is a document titled "Fact Sheet: Assembly Bill 168," submitted by Kelly Richard, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit E](#) is a PowerPoint presentation titled "Assembly Bill 168," prepared by Assemblyman Tyrone Thompson, Assembly District No. 17, and Assemblywoman Selena Torres, Assembly District No. 3, presented by Robert Tarter, Executive Director, Department of Adult Education, Education Services Division, Clark County School District, and Tammy Malich, Assistant Superintendent, Education Services Division, Clark County School District.

[Exhibit F](#) is a letter from the Nevada State Education Association to the Assembly Committee on Education, dated March 5, 2019, seeking an amendment to Assembly Bill 168 presented by Chris Daly, Deputy Executive Director, Government Relations, Nevada State Education Association, and Alexander Marks, Political Coordinator, Nevada State Education Association.

[Exhibit G](#) is a proposed amendment to Assembly Bill 168, presented by Sylvia R. Lazos, Legislative Advocate, Nevada Immigration Coalition.