

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

**Eightieth Session
March 12, 2019**

The Committee on Education was called to order by Chairman Tyrone Thompson at 1:33 p.m. on Tuesday, March 12, 2019, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 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:

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

OTHERS PRESENT:

Shaku Nair, Entomologist, Coordinator, Arizona School Integrated Pest Management Program
Chris Daly, Deputy Executive Director, Government Relations, Nevada State Education Association
Warren B. Hardy II, representing Nevada Pest Management Association
Joseph Silveira, Private Citizen, Reno, Nevada
Ruben R. Murillo, Jr., President, Nevada State Education Association
Renee Fairless, Principal, Mater Academy of Nevada, Las Vegas, Nevada
Sylvia R. Lazos, Legislative Advocate, Nevada Immigration Coalition
Karl Wilson, Education Programs Professional, Department of Education
Kevyn Solano, Private Citizen, Las Vegas, Nevada
Jenny Hunt, Director, Mariposa Academy, Reno, Nevada
Jose Rivera, Extern, Nevada Hispanic Legislative Caucus
Gloria Castro, Private Citizen, Las Vegas, Nevada
Abner Hernandez, Private Citizen, Las Vegas, Nevada
Mariaelena Guillen, Private Citizen, Las Vegas, Nevada
Sarah Jansen, Private Citizen, Las Vegas, Nevada
Andrik Cano, Private Citizen, Las Vegas, Nevada
Santos Torres, Private Citizen, Las Vegas, Nevada
Karen Aguilar, Private Citizen, Las Vegas, Nevada
Diana Higeredera, Private Citizen, Las Vegas, Nevada
Santiago Gomez, Private Citizen, Las Vegas, Nevada
Sol Avalos, Private Citizen, Las Vegas, Nevada
Brennan Robinson, Private Citizen, Las Vegas, Nevada
Carlos Garcia, Private Citizen, Las Vegas, Nevada
Dominic Cherry, Private Citizen, Las Vegas, Nevada
Milan Devetak, Director, African Community Center, Ethiopian Community Development Council, Las Vegas, Nevada
Sarah Adler, representing Charter School Association of Nevada
Lindsay Anderson, Director of Government Affairs, Washoe County School District
Brad Keating, Director of Government Relations, Clark County School District

Chairman Thompson:

[Roll was called. Committee protocol and rules were explained.] This is Children's Week, and we are excited. We appreciate everyone and anyone who are a part of being a chaperone, a parent, and of course, our students for participating in the process.

Today we have two bills. We will have Assembly Bill 205 and Assembly Bill 219. We will begin with public comment. [There was no one.] We will open with Assembly Bill 205.

Assembly Bill 205: Makes various changes concerning pest management in public schools. (BDR 34-844

Assemblywoman Michelle Gorelow, Assembly District No. 35:

Assembly Bill 205 is really appropriate because this is Children's Week and we are here for the children.

Schools are a hotbed for the transmission of disease. Those of you with school-aged children can imagine that feeling in the pit of your stomach if you are hearing stories from your child about roaches in their locker and ants in the cafeteria or the bathroom; it is gross. Keeping pests at bay can cause a host of other problems. Unnecessary, improper, or ill-timed pesticides can also cause eye, nose, and throat irritation, and headaches or other adverse effects. Maintaining a bug-free school is no easy task. We know that kids' frequent hand-to-mouth contact and poor hand-washing habits can cause disease to spread in schools more rapidly than in other environments. We also know that healthy school environments are essential to learning. Children who cannot attend school due to illness cannot reach their highest potential.

There is a middle school with such a bad rodent problem that the health district had to be called in. A few years ago, another middle school had to close its cafeteria altogether because the rodent problem had become so horrible. Last August at a high school, rodent feces were discovered in the cafeteria by health inspectors. Yet another high school has an ongoing cockroach infestation—the students are unwilling to even use their lockers. These are common stories that we are hearing nationwide.

Rodents are disease vectors, and roach feces are a trigger for asthma. I do not need to explain that these conditions are unsanitary and unacceptable.

Assembly Bill 205 mandates the implementation of integrated pest management practices in Nevada schools. According to the Environmental Protection Agency, integrated pest management encourages long-term sustainable approaches to successful pest management. It addresses not only the safety concerns of pesticide use, but also focuses on solution-based approaches that solve the reason why pests are in schools.

Let me walk you through the measure section by section. Section 2 defines "integrated pest management" as "a strategy for controlling pests and weeds with minimal use of pesticides or herbicides."

Section 3 requires each school district's board of trustees to establish and maintain an integrated pest management policy. It proscribes the contents of such a policy which must include a procedure for monitoring the school to determine when pests or weeds are present and when corrective action is needed. It must also include written guidelines for determining when specific measures should be taken to control pests and weeds.

Section 4 requires the superintendent of each school district to appoint a chief integrated pest management coordinator to carry out this policy. It also authorizes the superintendent to appoint subordinate coordinators to assist this chief.

Section 5 requires each school district board of trustees to ensure at least 10 percent of the district's employees who provide custodial or maintenance services are certified in integrated pest management by a nonprofit organization that meets certain qualifications.

Shaku Nair, Entomologist, Coordinator, Arizona School Integrated Pest Management Program:

It is a great pleasure to be here today and to talk about my favorite topic, which is school integrated pest management (IPM) ([Exhibit C](#)). I am an entomologist by training. I am very passionate about insects, and I coordinate the Arizona School IPM Program.

I want to start with a question: Why School IPM and what is IPM? IPM is integrated pest management, or intelligent pest management [page 2, ([Exhibit D](#))]. It is a holistic approach to pest management, and it is an integrated approach that takes into account a number of different pest management tactics which are most suitable to that particular situation. It is sustainable, it is environmentally friendly, and it is the best way to manage pests, especially in schools.

Why should we care about school IPM? The answer is children—our future citizens and whom we are all very concerned about [page 3]. Children spend a lot of their time in school, as do many adults, teachers, and others. Children are not little adults. Their bodies are developing, their physiologies are developing. They are not able to detoxify harmful chemicals as well as we do. They are more vulnerable to pests and pesticides. It is scientifically proven that a healthy and pest-free environment contributes greatly not only to human health, but also to scholastic achievement. It is also a fact that many schools around the country face problems due to pests and pest management that affect their day-to-day functioning.

Some of the issues faced due to pests in schools are these routine pesticide applications that are conducted regardless of the presence of pests or not [page 4]. This results in a waste of resources, unnecessary exposure to those pesticides, and above all, ineffective pest management. School personnel are aware of IPM and the benefits of it, but they are not able to practice it because they lack the proper training and the proper resources. Proper training can definitely rectify that.

I want to share a few examples of how IPM works [page 5]. I mentioned that it includes many different tactics, not just one. For example, door sweeps, those thin strips of material we put under doors, stop a lot of crawling pests from getting indoors—crawling pests like crickets, cockroaches, and scorpions. Another example is cleaning floor drains. Anyone who has been inside of a school kitchen knows that there are floor drains inside kitchens and cafeterias. Many times these are located under heavy equipment like ovens, dishwashers, or sinks. They are hard to reach. Over time, floor drains accumulate a lot of organic matter. That organic matter can be a breeding ground for a lot of pests—flies, rodents, cockroaches, and more. Floor drains and seals are like a permanent food source for them. Cleaning floor drains stops all of those pests. That is how IPM works. We do little things to change the habitat and make it less favorable for pests.

Integrated pest management is definitely not an additional job for custodial staff, maintenance staff, or teachers; it is part of their daily job. We always ask them to do their job as they think best. For example, taking out the trash at the end of the day means no food for pests. Repairing a leaky faucet means no water for pests. We are not leaving out any water for pests. Decluttering: Decluttering means no shelter and no place for pests to hide [page 6]. Integrated pest management blends well into the daily tasks of all schools.

Regarding training, there are many things that school staff can learn about IPM and effectively implement in performing their daily jobs. There is training available for that from different sources. One of them is The Pest Defense for Healthy Schools [page 7]; it is an online training system. It is free and flexible and was developed by an entire group of school IPM partners of whom I am one. All of the training modules are available online. It is an excellent system, and it is updated periodically so that it stays updated on all of the new trends. It has real-life examples that people can relate to. Those who take the training can actually earn a certificate at the end of the training. It is a great option for training. School personnel do not have to worry about where they can get that training.

The site is very simple to operate, very user-friendly [page 8]. All you have to do is create an account. We also conduct periodic surveys of those who have taken the training. Everyone has indicated that it is very useful, and they can apply it in their daily lives. It gives the user a better understanding about pest infestations, how to manage them, and how the training can be incorporated into their work. The feedback is very encouraging. To list some of the benefits of IPM: It is proactive, and we all know that prevention is better than cure, which results in better indoor air quality; reduction in asthma; reduction in student absence; and improvement in work performance and scholastic achievement [page 10, ([Exhibit D](#))].

We have scientific studies that have been conducted to prove the benefits of IPM [page 11]. It prevents future pest infestations; it is sustainable; it can cut unnecessary costs; and overall reduce pest control costs.

All of my contact information is contained on the last page [page 12].

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

Let me thank Assemblywoman Gorelow for carrying this piece of legislation and shepherding it to this point. I also want to thank Dr. Nair for coming to Nevada from Arizona today to share her expertise on integrated pest management.

[([Exhibit E](#)) is a letter in support of Assembly Bill 205.]

I want to bring the Committee's attention to a draft of a proposed amendment that the Nevada State Education Association has offered for the Committee's consideration based on some of the varied fiscal notes that districts put into the file on this legislation ([Exhibit F](#)).

The intent of the legislation, as Dr. Nair said, was not to create additional work, although there are additional responsibilities for school districts outlined in the legislation. The idea of the legislation is to better coordinate work that we believe is already going on in districts.

In section 4 we are recommending the addition of language to clarify that the personnel appointed to these integrated pest management coordination positions may come from existing staff within those districts. We also wanted to clarify that for training, we are asking districts to ensure that at least 10 percent of custodial and maintenance employees of school districts receive this training and that training is to be provided at no additional cost to the district. As Dr. Nair pointed out, these trainings are available free online. I believe they could also be available in person at districts' requests.

Chairman Thompson:

Is this a friendly amendment? [It was indicated yes.] At this time, we will have questions from our Committee.

Assemblywoman Krasner:

My question specifically relates to section 5 of the bill which states, "The board of trustees of each school district shall ensure that at least 10 percent of the employees of the school district who provide custodial or maintenance services are certified in integrated pest management by a nonprofit organization that meets the requirements of subsection 2." You are imposing more or additional duties on the custodians and the maintenance persons. Are you intending to also give them more money—additional money since you are imposing additional duties on those people? I am told that it is difficult to even find people to fill those positions now.

Chris Daly:

Two points in response to your question: First of all, the bill does call for 10 percent of staff to access and complete the trainings that we discussed in the presentation. That training would be an additional requirement for certain staff people, but the idea is that the training and professional development that is provided will be included in the existing work requirements of those employees. With that professional development, the idea is that their job, in terms of dealing with infestations, becomes an easier job. The training helps those staff members in the completion of their job.

In terms of the remuneration, it is an issue that our organization deals with frequently through the collective bargaining process. This legislation does not call for increases, but this could be a subject of collective bargaining for education support professional units and districts.

Assemblywoman Krasner:

I appreciate that you are saying it is only 10 percent of the custodians or maintenance staff; however, because you are imposing additional duties on the custodians and maintenance staff, it seems you should also give them additional pay.

Shaku Nair:

It is not the imposing of additional duties; it is for the betterment. If they are not properly trained, they cannot do their job, and they might even lose it. It is not a burden.

Chairman Thompson:

I know that it said 10 percent of the school district, and being that it is such an issue as you pointed out in your PowerPoint ([Exhibit D](#)), why not at the school level versus the district level? You could literally have all of the staff.

Chris Daly:

Section 5 and the required training of custodial and maintenance staff is part of a bigger bill. In terms of answering your question, I would point to section 3, which requires the districts to have a plan for implementing integrated pest management. Hopefully, part of that plan would be making sure that the resources are available and dispersed around the school district to make sure that positions are covered. We wanted to make sure there was a realistic number of people who could get that training. Perhaps in future sessions, if this is successful, we can revisit that number. Per Assemblywoman Krasner's question, it becomes a subject of collective bargaining in districts. I am not sure where school-based IPM will go in Nevada, but through the overall model of the legislation, the districts are able to make sure that there is application across their districts.

Assemblywoman Miller:

Thank you to my colleague. I echo the sentiments about making sure that we are rewarding and taking care of our custodians and maintenance staff at our schools.

Under sections 1, 2, and 3, I do understand this more organic preventative way of handling—reducing pests—but I am also considering the different geographical areas of our schools throughout Nevada, as well as the size of some of our schools.

We have school buildings in Clark County where there are 3,000 to 4,000 people in that building on any given day—a staff of 300, and 3,200 to 3,600 students. In some respects, that is larger than many of our towns here in Nevada. The bill says after the preventative measures, make sure that we use a nonchemical pesticide. I want to make sure we are not restricting that because, again, the effectiveness in a building with 4,000 people who are eating and using the restrooms and showering—all of the things that happen in a school on a

given day. I want to make sure this bill will not restrict that and that the schools or the districts will have the ability, based on whatever plan they devise, to still incorporate that if they feel it is necessary.

Shaku Nair:

Yes, definitely. I want to add that IPM is definitely not antipesticides. We will use pesticides and use them wisely when they are needed. We will use safer options, as there are different kinds of pesticides, as we know. We will use the least-hazardous ones.

Assemblywoman Miller:

Based on that, will you be able to provide recommendations of some pesticides that are safer or more organic-based?

Shaku Nair:

Yes, absolutely. As IPM policy is developed, there will be list of pesticides that are approved for use, specifically in sensitive environments like schools. The training will impart that knowledge to all who are taking the training. That is why it is so beneficial.

Assemblywoman Peters:

I love this bill. It is amazing once you have a little background in seeing pest management and where you start to see it in your daily life.

My question is on how we define pesticides and herbicides. I see that there is a breakout of nonchemical pest or weed management before pesticides and herbicides, but also ensuring that we have material safety data sheets on site for any pesticide that is brought onto the site, and ensuring that is part of the training as well—especially as we move into possible alternatives from what is the norm for our facilities.

I want to talk about storage. Does the training have a storage component so we understand how to appropriately store and develop general standard operating procedures? A component of this would be standard operating procedures for the management of, and application of, each site.

Shaku Nair:

I will address both of those concerns. As part of the training that is given to IPM personnel—depending on the type of personnel—we have training modules, as I mentioned, The Pest Defense for Healthy Schools. We have different modules for different categories of staff, and in the custodial and maintenance training modules, these aspects are specifically covered—what kinds of pesticides can be used, what records need to be maintained about each one of them, what to do in the event of an incident, and different kinds of safer nonchemical and chemical means that can be used. All of that is covered in the trainings.

Storage is also a very important point, especially when pesticides are stored on a sensitive site like a school. There are specific directions and instructions on that as well—how they

should be stored, as in childproof and fireproof cabinets under lock and key. There should be one person who is responsible for them and for updating and disposing of expired chemicals. All of that is covered.

Assemblywoman Peters:

With regard to the record keeping, I am imagining the records would start at the school then be sent up to the person in each school district who is supposed to manage this. What does auditing look like? To make sure that what is being recorded and what is happening at the schools is consistent? Is there a process for that, or do we need to include a process for auditing that what is being reported is actually what is happening on the school ground?

Chris Daly:

In terms of the legislation, currently I do not believe there is an audit provision required within the plan. We would be open to including that in your work session. There is a system outline for maintaining the records and also notification requirement for when the bigger chemicals are used. Potentially, the piece is there that could lead to your suggestion of reviewing those and auditing them.

Assemblywoman Peters:

To give an example, we have seen in some industries that some of the more mainstream pesticides are cheaper than the alternatives, so people will report they are using alternatives, then divert to using the cheaper version and pocket the difference. That is one of the things that has been seen in the industry around the use of pesticides. That is why I want to know if we have something that helps us ensure that it is being utilized.

Shaku Nair:

In the training modules, there is a module for administrators and facility managers. In that training module, there is a link to a school IPM plan. In that, we provide instruction on how this reporting can be done at different levels and how to form a committee who will oversee the purchase, the use, and storage. When it is done at different levels, there is more accountability. Once a school district decides to adopt this training and put it to use, it will be an easy process. It will take time to establish, but it is possible.

Assemblywoman Tolles:

I do not think I have ever seen a cockroach in northern Nevada; however, we do, indeed, have them. In high school, I actually entertained the idea of becoming an entomologist. Do we have any more Nevada-specific statistics? Part of what we have to do in this Committee is constantly weigh out costs and benefits maybe getting a better idea of instances that have arisen which created significant health issues, so we can decide where we put our focus. Many of your examples had more to do with capital improvements, the structures of the building—I know that is a conversation we have often in our state—funding for doors, locks, security systems, building expansions, and so forth. I saw only one fiscal note that was provided by White Pine County. I would like to hear from other districts. I know we are a policy Committee, but it does help us in weighing cost benefits.

I do love the training across the board. I think anyone can benefit from that. I would like to take it.

Chris Daly:

There are a number of fiscal notes placed on the bill from various districts. White Pine was the only one that was not in the larger packet of fiscal notes. The fiscal notes seem to be mostly around the cost of hiring new personnel to be the integrated pest management coordinator or deputy. There were fiscal notes concerning estimating the cost of training. In the amendment ([Exhibit F](#)), hopefully we are clarifying that. There are not necessarily new costs to districts. They would not be required to spend extra for the training. To Assemblywoman Krasner's comments about custodial pay, the union is not going to argue against that, but that would be subject to a collective bargaining agreement.

In terms of the capital costs, Dr. Nair might have some data on money that is saved or estimates of money that could be saved per school district by doing the prevention as opposed to dealing with the issues Assemblywoman Gorelow outlined in her opening presentation.

In asking for Nevada-specific examples, I do not know if that is out there. I know the State Department of Agriculture does do some of this work. We can follow up with them to see if there is better Nevada-based data on this.

Assemblywoman Hardy:

Do you have information you could possibly share about other states that have IPM policies in place and how those are received and implemented? Also, what are the advantages to those?

Shaku Nair:

Many of our states have IPM laws that require IPM to be implemented in school districts. Arizona is not one of them, unfortunately, but we have laws that require notification and certification of people who apply pesticides.

About the successes and how effective they are in seeing that IPM is implemented in the schools, having a law definitely helps the school districts to implement those laws because there is the factor that they have to do this. They are bound to do it. If there is no law, they do not have to.

Assemblywoman Hardy:

If you have more specific information on states and how they have implemented it, it would be helpful.

Shaku Nair:

One example I would like to cite is Texas. Texas was one of the first states to have a school IPM law. They have brought that up to such an excellent level, all of their school districts are required to have an IPM coordinator at the district level who oversees the IPM training

for all of the staff. Texas A&M University offers AgraLife Extension Service, which is the cooperative extension system of the land grant university there that offers trainings on a regular basis to school personnel. As a result and as an example, before IPM was implemented in the schools, the early cost for pest management would be around \$50,000 for around ten medium-sized schools. That would be brought to about \$12,000 or \$14,000. That is the kind of difference they have experienced. They also report 65 percent reduction in pest incidents just by adding those sweeps under their doors. I can certainly provide more examples like that.

Chairman Thompson:

In section 5, when you are talking about it having to be a nonprofit organization that meets the requirements of subsection 2, the example you gave is that there is free online training—and I see the last word on paragraph (e) is "remotely." So this does not become a task, does it lock you out if you do not get a certain percentage?

I am just envisioning people thinking they will try to fake their way through the test, but is there a way it will lock a person out? If they do not reach a certain threshold—say 70 percent or higher—will they need to wait it out for a week or so? Going further regarding the effectiveness on the point scale that is on the front end, do you have something on the back end where they need to come back and measure what they have done?

I know that is adding a bit more, but I think that is how you see the effectiveness. Otherwise, it appears as if staff just thinks it is one more thing they have to do and they have to do it in order to keep their job—they have to score a certain percent for the certificate to spit out of the computer. Share that with us.

Shaku Nair:

This system does not lock out people. They can take the test repeatedly. They need to get 60 percent. The modules are designed to have practice tests in between as they progress through a module. There are reviews on the content that was covered. That makes the chance of getting their pass percentage higher. From the feedback we have received, everyone who has taken the test has not found it difficult at all. It is designed in such a way that it is what the test taker does on a regular basis. It is not something new for them. It is like a refresher for them.

Chairman Thompson:

Is there a component to check two or three months later to see if there is a behavioral change? You want to see that workmanship change—what have they applied from what they previously have done.

Shaku Nair:

Yes, we do monitor that. We send out surveys regularly to those who have taken the test. We ask them what changes they made and whether they were able to apply what they learned and how it benefits their job. Some of those statistics in the presentation actually reflect that.

Assemblywoman Krasner:

I am looking at section 5, subsection 2 where it talks about the certification in the integrated pest management by a nationally or internationally recognized company that has at least 15 years of experience providing education and training to school employees concerning management of pests. Then it says that the majority of the officers and board of directors must have advanced degrees. Is it common for the majority of officers and directors of a pest company to have master's degrees or higher?

Shaku Nair:

Most of them do have higher degrees in entomology or related fields.

Chris Daly:

Dr. Nair's organization does fit this description. I do not know if there is another organization. I know that most of the national players in integrated pest management have been a part of this project for a number of years. Basically, there is a best practice in pest management created by the experts in the field, and there is this training that has been developed that scientists like Dr. Nair and many others around the country have been working on for a number of years, and they are offering that to us at no charge.

Assemblywoman Hansen:

I have enjoyed what I have heard, and I have learned a lot. I am curious what existing management practices are. I would think that perhaps individual schools or facility managements for each of the school districts certainly have a policy of some sort. Maybe you could enlighten me about that.

Chris Daly:

The Clark County School District does have an integrated pest management policy. I do not know of any other school districts in the state that do. I am not saying that they do not, but the big one does have a policy.

Shaku Nair:

You asked what the existing practices are. Not all, but many have an IPM policy, and they go by what is outlined in that policy. They will use only a certain kind of chemical when they do routine scheduled pesticide treatments. Many school districts around the country contract pest management out, as many of us do in our homes and offices. Depending on the contract, there is usually no monitoring. The service provider comes in every month or every two weeks, and they will put down pesticides whether there are pests or not. That is the practice and that is what we want to try to avoid by the use of IPM.

Chairman Thompson:

If you are in support of Assembly Bill 205, please come forward.

Warren B. Hardy II, representing Nevada Pest Management Association:

I am here today in support of this legislation. Pest management is a lot more complicated than most people think. The more I learn about it, the more I get involved with the

association, the more hesitant I am about the fact that I can buy pesticides at Home Depot and do whatever I want with them. It is a complex process. As a matter of practice, I think most of our schools do this in-house as a way to save money. This kind of additional training is extremely important if they are actually going to use that procedure in-house.

I spoke with the sponsor, Assemblywoman Gorelow, regarding the issue. The only time we find that pest management professionals from our associations in these companies get into schools, at least in Clark County, is when there is a problem or an issue—a beehive or something beyond the ability of the in-house folks to deal with. We just wanted to make sure there was nothing in this bill that prohibits the school district or the individual schools in those cases from calling our members to come out and mitigate those needs. There is nothing in this bill that does that. The current practices that exist today, from our members' perspective, can continue and this improves the process because it is going to put additional training in the hands of folks who are doing this process with very dangerous chemicals with very serious consequences.

Joseph Silveira, Private Citizen, Reno, Nevada:

I am a custodian with the Washoe County School District and a board member for the Washoe Education Support Personnel. The two reasons I agree with this are, first, it gives a standard operating procedure that focuses on reducing chemical exposure. As one of the individuals who is called in to deal with any sort of pest when I am on shift, procedures that can reduce the exposure rate for myself as well as any of my coworkers and any students nearby is something that I am greatly appreciative of.

In addition, the fact that those standard operating procedures would involve training for at least 10 percent is something that I am very happy to see. Currently, I do not know what sort of application or procedures I am supposed to use with the materials I have on hand. I am quite happy to see the creation of standard operating procedures.

The second reason I approve, beyond the training aspect, is for things like storage. Things that might fall between the cracks as it currently stands since we do not have proper procedures in place.

Chairman Thompson:

Thank you for sharing your perspective. I am sure that you do a lot at the school. We know you are dedicated.

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

I appreciate the recognition that our support professionals, especially custodians, need additional pay. Hopefully when you are looking down the road to how you are going to help public education, you will remember the comments.

What is keeping people from applying for custodial positions is not necessarily the additional 10 percent that they have to do in this bill, it is the overcrowded classrooms. It is the cleaning they have to do with fewer people. One of the budget cuts that happens is your

custodial staff, librarians, people whom the districts may not consider as important—not that they do not consider them important, but important in terms of having to reduce personnel—custodial services are usually one of the first. You ask a lot from our custodial members, and they are working by themselves when they used to have one to two additional people working with them cleaning a school.

Chairman Thompson:

Is there anyone in opposition to Assembly Bill 205? [There was no one.] Is there anyone neutral to Assembly Bill 205? [There was no one.]

Assemblywoman Gorelow:

I am a self-proclaimed spider hater. I have a huge phobia, and this bill is giving me the heebie-jeebies. I cannot imagine going to school and having them in my locker, in the bathroom, or in the cafeteria, so I appreciate your consideration on this bill and in helping our custodians to be properly trained so that we can manage these bugs and keep them out before they become a problem.

Chairman Thompson:

At this time, we will close the hearing on Assembly Bill 205, and we will open the hearing for Assembly Bill 219.

Assembly Bill 219: Makes various changes relating to education. (BDR 34-673)

Assemblywoman Selena Torres, Assembly District No. 3:

I represent Assembly District No. 3 in Clark County. I like to call it the best district in the heart of Las Vegas.

I am here today to present Assembly Bill 219, which proposes several changes to the English language learner (ELL) program of instruction. I would encourage you all to look at the proposed amendment ([Exhibit G](#)).

In Lin-Manuel Miranda's award-winning musical, *Hamilton*, Aaron Burr asks how the orphan son and a Scotsman dropped in the middle of a forgotten spot in the Caribbean by providence, impoverished and in squalor, could grow up to be hero and a scholar. Like many students who are in my classroom, Alexander Hamilton was an English language learner. His native language was Dutch. English language learners have so much potential, so much possibility. Schools need to provide the resources for these students to be successful.

Any educator you speak to will talk about large class sizes. When you are serving English language learners, you should have no more than 20 students in a single classroom. That is not the reality for the majority of our classrooms in the state of Nevada.

I like to call this piece of legislation "Kevin's Bill." Kevin is a student who stood out to me. As soon as I met him I knew that we were not providing him the resources he needed.

He was born here, but had recently come back from Mexico and did not have much of an English language foundation. He could barely say "Hi." I spoke with him and I worked with him and I tried to provide him with as many resources as I could in my single classroom.

One classroom, one teacher is not enough to provide adequate English language learner programs. Nevada must do better. Students like Kevin should not be put into situations where they do not get the resources that they need. They do not have access to a newcomer program because they happen to attend a school that does not have a newcomer program.

We are going to talk about the particulars in the bill, and I have several documents that have been uploaded into Nevada Electronic Legislative Information System (NELIS) for your reference to our testing systems and our English language learners [([Exhibit H](#)), ([Exhibit I](#)), ([Exhibit J](#)), ([Exhibit K](#)), ([Exhibit L](#)), and ([Exhibit M](#))].

Currently, Nevada has over 15,000 English language learners. An English language learner is not a student whose native language is English; it is a student whose native language is not English. They might speak two or three other languages before they come into my class—ELL students speak many languages—Spanish, French, Swahili, Portuguese, Haitian, Tagalog, Arabic. There is no single identity of an English language learner. There are several different tiers of ELL, which is important to understand. For those of you not in the classroom, you have newcomers who may have arrived within the last two years. Then you have students who are measured on the WIDA—a type of assessment that measures their current reading, writing, and speaking ability in English. It is measured on just their English proficiency. Students will take that test every single year until they test out of ELL and then would exit the ELL system and would stop receiving additional supports.

When we look at ELL, think of it like braces. You have messed-up teeth and you decide to get braces, but when your teeth are fixed, you would take those braces off. That is kind of what we do with the supports that we provide for English language learners. The question we must ask ourselves is, How do we provide the support necessary for an ELL student to be successful? This piece of legislation is going to look at that. I would like to refer to my PowerPoint presentation ([Exhibit N](#)).

When we look at the education policy as outlined in *Nevada Revised Statutes* (NRS) 388.405, in 2013 the Nevada Legislature codified this policy into NRS [page 2, ([Exhibit N](#))]. It says that we have the responsibility to provide every child enrolled in a public school with a high-quality instruction; and children who are limited English proficient must be provided with the services and instruction which are designed to address the academic needs of such children. That means that those resources that we have previously discussed are to be provided to those children in order for them to "attain proficiency in the English language and improve their overall academic and linguistic achievement and proficiency [NRS 388.405 subsection 1(c)]."

Nevada has a lot of ELL students [page 3]. We are a diverse state, and we have many people who speak a different language at home and come to school to learn English. That is an

asset, and we do not want to downplay the important role that ELLs play in our classrooms. Most teachers enjoy having those diverse schools of thought and diverse languages represented in their classrooms—as long as those students are receiving the adequate resources that they need to be successful.

What I would like to take a look at today is the ELL proficiency gaps [page 4, ([Exhibit N](#))]. What is the gap between an ELL, or an individual who possibly has limited English knowledge, and other students who are not English learners? When we look at—for example—English language arts and we are looking at the proficiency of 2018 Smarter Balanced Assessment Consortium (SBAC), English language learners were 35 percent proficient as opposed to 50 percent of all students. There is a 15 percent gap in English language arts alone. You can see that gap significantly across the board—it trickles down even into math. Math is not a linguistic course. Math is based off the ability to solve those problems. When we look at elementary math, that gap is 22.7 percent. That gap only grows as those students get older.

We see that same gap with the ACT test. Perhaps the ACT gap is the most incredible of all [page 5]. Our highest group of students, our Asian students who are taking the ACT, are performing at 67.6 percent proficient. When we look at our limited English proficient—our ELL students—it is 3.2 percent.

That gap continues when we look at the ELL ACT Mathematics test [page 6], and the highest group of students performs at 47.3 percent. Limited English proficient students are 1.5 percent. We continue to see those same disparities with the science proficiency gap [page 7]. Only 20 percent of ELL high schools experience WIDA growth above 50 percentile adequate growth percentile (AGP) [page 8].

There are many types of ELL students. You might have a newcomer who has recently arrived here within the past two years. You could also have long-term ELL students—students who have been in the districts and have been in our schools for a long time, but for whatever reason are not where they should be in their English language proficiency. We need to think of a solution.

How does the Nevada Legislature help ELL students who are desirous of graduating and want to be "career ready?" This is a question we have to ask [page 10]. We need to remember that when we are talking about high school students, we are talking about students who are in that last step before they join our workforce or go to our universities.

We need to look at how we create adequate ELL programs [page 11]. That is exactly what this piece of legislation is meant to do. When we look at section 1 of [A.B. 219](#), it is setting up a plan. It is creating that standard for the high school English language learner programs. High schools need to provide certain services to students. If they are not providing those

services to students, students need to be able to have access to schools that do. For example, if a student is a blind student zoned for a school that does not offer blind services, that student is provided transportation to attend a school that provides those services.

We need to ensure that our ELL students are able to access the resources that our school districts are already providing. We need to encourage schools to continue to expand those services to schools that are serving such a large percentile of this community. In urban districts, ELL students can opt out if the transportation route servicing their high school also provides access to a high school providing adequate ELL instruction.

The purpose of section 1, subsection 2, paragraph (f), is that if a student is not zoned for a school that provides the ELL program that student needs, that student can receive transportation to the school that does. Not all students are going to opt in to this program. Not all students are going to opt in to transportation. In high school, there may be students who live a mile and half away from the other high school that offers the services they need. Instead, they would go to that school and they would not be provided transportation at all. There are all types of scenarios in which a student would not necessarily need transportation.

Additionally, the way this legislation is worded, it allows for students who attend a school that has a predetermined or pre-established bus route to get transportation to a school that is already on that bus route to save time and other issues.

We already use transportation. If students were to sign up for many of our magnet schools, they might get transportation to go to that school. Transportation systems are already in place for our students, but how do we allow these students to have access to that privilege and that educational right?

The next piece of this legislation is how we improve high school ELL instruction [page 12]. I am not saying that the transportation component is a solution to the problem, because it is not. It is a Band-Aid to the issue that already exists. I cannot sit in my class any longer—and I know I am not the only educator who sits in his or her classroom knowing that we are doing an injustice to our students. These students deserve a better education tomorrow. In order for us to create that systemic change, and in order to begin talking about that, schools need to have a corrective action plan. Schools that are not achieving that and are below the 30th percentile—that was changed for the AGP—they need to be creating a corrective action plan to ensure that those schools will improve so that they can provide the services that these students deserve.

The Department of Education is already using corrective action plans as a way to help Zoom schools that have not made sufficient progress with ELL students. This is a corrective action plan that is already in place. It requires these school districts to look at the causes and to look at what we can do to improve. This requires accountability for schools and school districts that are not meeting the desired standard of instruction.

Another significant component in section 2 of this bill is the Teach Nevada Scholarship [page 13]. Currently, we offer the scholarship for individuals who are looking to become teachers. This part of the legislation requires that Nevadans receiving the Teach Nevada Scholarship receive an endorsement in teaching English as a second language or special education. This coincides and works in accordance with the English Mastery Council's proposal of incorporating English language learner development into the Teach Nevada Scholarship as well. I know that the English Mastery Council has said that it will be completed by 2020 for one group, and then 2022 for another group. This is working completely in accordance with that. It would be put into place sooner for individuals receiving that specific grant.

The last component of this piece of legislation, the final section, is saying that students should receive ELL accommodations when they are taking the SBAC, end of course, and ACT exams [page 14 ([Exhibit N](#))].

If you will turn to the last page of our amendment [page 4, ([Exhibit G](#))], section 4 states, "The Nevada Department of Education shall offer (1) (SBACS) for grades 2-8 in available foreign languages and with language support (2) EOC for grade 9-11 available in foreign languages and with language supports (3) Offer English Learner Supports for the ACT for all English Learners." These are the testings that our state requires ([Exhibit O](#)). There are already existing English learner supports.

Renee Fairless, Principal, Mater Academy of Nevada, Las Vegas, Nevada:

I would like to share some information about my school. I am the lead principal over two schools in east Las Vegas, Mater Academy. We have approximately 1,700 students between both campuses. We gave 1,100 WIDA tests, which is the language proficiency test for the state of Nevada between the two campuses. My school is 100 percent free and reduced-price lunch. It is a school that sits on the east side with a very diverse demographic. For two straight years after receiving Smarter Balanced Assessment Consortium (SBAC) scores, I have been trying to get someone—anyone—to listen. I found her—Assemblywoman Torres. In a few minutes, you will understand exactly how I became a champion of this. When you meet the students, you will understand that I had no choice but to be this champion.

When I received our SBAC scores about three years ago, I knew I was better than that. I knew my students were better than that. I could not figure it out. I called a few attorneys whom I knew and asked them to help me do the research. There is something missing here. Something is happening on the east side of Las Vegas that nobody is addressing. What is it that is taking place? I was working way too hard to accept the fact that it was just the way it was that these are primarily Hispanic students who will perform lower than the other schools.

I taught at Green Valley High School; I taught all over the district including Sunrise Mountain High School. Kids are kids. There had to be something different.

In my research I came across a great article about SBACs and about the WIDA test and the tremendously strong correlation between the two—remember, WIDA is the English language proficiency test. Surprise! When students are not proficient in the English language, they are not proficient on a state assessment. Yet we keep calling those poor-performing schools, poor-performing students, and—bless our hearts—poor-performing principals. Let us ship them out and move them aside. I knew that could not be the story, so what was wrong?

I started looking further to see what other states do. They provide accommodations, just like we do for our special populations or students who are visually impaired. We provide accommodations until the student becomes proficient. I asked, Why do we not do this in Nevada? The story got even stranger. We use SBAC; so do 15 other states. They provide the accommodations. Every single year for 30 years I have watched this state be rated lower than states that are using the same types of assessments we are. I keep listening to legislators and our governor say that we are going to be the fastest-improving state in education. Yet we are not doing the simple things that the other states are already doing.

Today, I come before you sharing my story and telling you that when you meet these students, there are definitely things we can do. Very specifically, in the handbook you were provided ([Exhibit P](#)), it gives the "Smarter Balanced Assessment Consortium: Usability, Accessibility, and Accommodations Guidelines." There are some very simple things provided.

Assemblywoman Torres:

For those of you who are looking for a big book, it is located on NELIS. Additionally, attached is a list of the states that currently provide these accommodations.

Renee Fairless:

All of the information we need is provided in that handbook. I went through two years of trying to find the chicken-and-the-egg story. Who is responsible for us not using this? Recently, I was told that Data Recognition Corporation, our vendor, is not able to technologically support that. If I were building a house and I wanted a certain type of roof, I am going to find a contractor who can put that roof on my house. I am not going to just say, Oh well, you do not have it. We will live without it. Our students deserve this, and our students need this. People ask me questions about how long we provide those supports. How long do you wear the braces? There are many ways of looking at that, but we have a state assessment, the WIDA, that tells us when our students are proficient. At my particular school, by the time they are hitting middle school, we are seeing growth. That is with tremendous effort from the people you will meet today who are providing those services and trying hard to ensure our students are getting the accommodations they need.

One last point is that if we provide accommodations, it does not change construct validity. Construct validity is that you are asking a question. Just because the student can understand the question in a language that is easier for them to understand, it does not change whether they know the answer to that question or not. If you have ever had a statistics class, you know that when they talk about reliability, they say a test should measure what it is supposed

to measure. If I am giving a third or fourth grader who is not proficient in English a math test in English, I am no longer measuring math. All I am doing is measuring English language proficiency all over again. I already have a test that tells me exactly what the results are going to be. When I tell this to other people, they consistently say it sounds kind of crazy.

I spoke in front of our Department of Education two years ago and I was told, Ms. Fairless, we have been waiting for you. I got goose bumps. I replied that I was waiting for somebody a whole lot smarter and whole lot more powerful than me. Today I am here. Hopefully, you are a whole lot smarter, and you are definitely a whole lot more powerful. If you look at this bill and meet my students, you will recognize that we have to do what is right by students. We have to compare them, test them the same way to comparable states, and then give them the type of accommodations that allow them to succeed.

I have a letter from a student saying very simply, "I know I am smart, but when I take my assessment I do not seem that smart."

I am taking my students who pass the SBAC to Disneyland. I am leaving behind the ones who did not pass. It is not right. It is not fair. By law, I cannot provide the accommodations they need.

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

I am also a former English language learner (ELL) student. I want to commend Assemblywoman Torres for being brave and being forthright about where we are today with our ELL students. You have seen the numbers. The gaps are large, they are severe, and they are shocking. It is hard to see them and look at them and not feel pain. We have the state with the fifth-largest ELL population. In Clark County School District (CCSD), one in three students is either a current or a former ELL. If we are not doing the right job by those students, what does that say about us? What does that say about our future workforce?

This is an attempt to address this issue systemically. We have done it before with great success with Zoom schools. Zoom schools were designed as all carrot, all sweetness. Here is the money, now please improve your instruction—mostly at the kindergarten through fifth-grade level. We have been very successful with carrots.

Now we are saying to the high schools, Look at these gaps. They are shocking. Please take corrective action. The Nevada Department of Education has been very successful with corrective action plans. All of the Zoom schools that have been put on corrective action plans have improved. This is a way of putting somebody on notice that we are watching you. These numbers are not right, and it is not correct what you are doing. Please get your act together. Focus on this. Guess what? People do get their act together and focus.

My last point is that this is obviously not covering all high schools. In CCSD, the number of high schools that will be covered by corrective action plan is only going to be 31. The Department of Education can handle the paperwork and the conversation that needs to happen for that.

We did not get numbers for Washoe County School District (WCSD), but my estimate is between five and seven high schools. This is modest, but it is necessary in the sense that we are going to embark on systemic change at the high school level. When you hear the stories of all of those students at Grant Sawyer Middle School, you will understand that we need to act now and not necessarily wait for that carrot called weighted funding to start moving in this direction ([Exhibit Q](#)).

Chairman Thompson:

Are there any questions from the Committee?

Assemblywoman Tolles:

It is interesting to see areas where improvements have been made, not only in other states, but also in the schools that have taken corrective action and how we can expand that to improve outcomes for all of our students. I appreciate the intent of this bill.

I want to make sure I heard that last point correctly. Do we anticipate that this will put 31 high schools on corrective action?

Sylvia Lazos:

Thirty-one schools in Clark County School District and between five and seven for Washoe County School District. This will only affect the large urban districts. The rural districts are overtaxed and may only have one high school for the entire county or school district. In those high schools where we are hopefully seeing competition, we can see which one is better—Washoe and Clark Counties, that is all we are talking about.

Assemblywoman Tolles:

I just wanted to make sure that I heard that correctly.

Assemblywoman Miller:

I have a couple of particular questions regarding the bill itself. I am working off of the amendment ([Exhibit G](#)). Under section 1, subsection 4, paragraph (a), we are talking about the ability for a student to be transported to another high school that offers those services.

Are we talking about a student identified as ELL in general, or, because as you stated, students transition out of the program, are we referring to newcomers specifically?

Assemblywoman Torres:

It does refer to any ELL student. However, if they are no longer in the program—they have already tested out—even though we know that they are ELL students, the system no longer carries them as ELL.

Assemblywoman Miller:

Not the ones who have transitioned out of that classification.

Assemblywoman Torres:

Correct.

Assemblywoman Miller:

I understand that if a student goes to a school where the program, as the amendment says, is not having at least 30 percent proficiency, but in Assembly Bill 219, section 1, subsection 2(f)(1)(II), it says that if a "pupil is less than 18 years of age who determines such a program is not adequate." Is that saying that we are allowing the student or the parent to determine that they do not like the program and, therefore, request this transportation?

Assemblywoman Torres:

If you will look at the amendment ([Exhibit G](#)), section 1, subsection 4, paragraph (d), "As used in this section, 'adequate' means the school in which the pupil is enrolled: (I) Schools demonstrating English Language Proficiency Adequate Growth Percentile (AGP) results above the 30th percentile; or (II) Provides instruction and services specifically designed to address the first 2 years of learning English as a second language."

Assemblywoman Miller:

Therefore, "determine" is not just decides, it would be more, I am bringing it to the attention of the school?

Assemblywoman Torres:

Looking at the amendment ([Exhibit G](#)), section 1, subsection 4, paragraph (c) states, "Upon annual registration." It does say the families of English language learners' school whose English language program is not adequate shall notify parents. That school is on a corrective action plan so the students know. Otherwise, we would pass a piece of legislation and nobody would know it exists. The students need to know that they have these services available to them.

Assemblywoman Miller:

Section 1, subsection 4, paragraph (b) of the amendment ([Exhibit G](#)) is for school districts with populations above 50,000—I generally do not like it when I see student numbers in bills when it comes to school districts because it always appears to be addressing only CCSD and WCSD. I also do not like the implication that we do not have ELL students throughout our entire state, because we do. Can you speak to where this came from? As Ms. Fairless stated, a student is a student no matter where they are located. I do not want our students in a rural or a smaller school district not to obtain the services they deserve as well.

Assemblywoman Torres:

Ultimately, the reason we did that is because in the rural counties, the transportation alone would be costly. Maybe we could work on this piece of legislation and say that all schools

have to complete the corrective action plan if they are under that 30th percentile. All schools need to create that corrective action plan, but that transportation would only be possible for certain areas.

Assemblywoman Miller:

Maybe it could happen in our rural or smaller counties, with online services and visuals with the larger school district where it is physically happening. I just do not want to see our students missing out.

Also under section 1, subsection 4, paragraph (a) of the amendment ([Exhibit G](#)), where we talk about the transportation, I know it was stated that this would only be 31 high schools in CCSD, but I also want us to recognize that is half of the high schools in CCSD. Not to minimize that it is only 31, it is really half the high schools in CCSD. This section states the nearest public school and the nearest high school—oftentimes the charter schools requested to come to the traditional public schools for services. Could this work in the reverse where we could have a student transported to a charter school that is focused on or offers different services? Is that available under this bill?

Assemblywoman Torres:

This is something we may need to figure out. My concern is that I do not want to say that they cannot go to a charter school because we have district charter schools as well. I am thinking of Global Community High School which does provide a strong newcomer program and a lot of ELL supports for our students. It is a phenomenal program, so I do not want to say they could not. It is something we need to take a look at and to see how we could put that into the statutes or if we could even incorporate that into statutes.

Assemblywoman Miller:

As a more generic question, going back to the statement about offering the SBAC in multiple languages. The Smarter Balanced Assessment Consortium is currently offered in 19 languages. I teach at a school that speaks 59 languages. As you said before, that is a proud, proud thing about our state of Nevada. What could we do for the student who comes to Nevada who does not speak one of these 19 languages? What do you think would be the best way to handle that for those students?

Renee Fairless:

One of the things we know is through the stacked language supports that they have that there are 19 different languages they provide. Federal law says that in providing the language most applicable. The federal law recognizes that it may not be possible to provide the testing in all languages. That is something we would have to look at. I know that there are states that take one of their top languages and try to provide the assessments in those particular areas. I still think supports can be provided. When you look at federal legislation, there are human supports that can be brought in. Translators could be provided in those particular instances.

I am familiar with Global Community High School and have worked very closely with the former principal, Mr. Bustamante. My charter school became the newcomer program for elementary students because he would recommend families to us because of the ELL coordinator I had and the success we were seeing. This might be an amazing time for charters and district schools to collaborate and develop some programs that are best for students.

Assemblyman Flores:

As it pertains to the SBACs, every time we have this conversation I think of Einstein's quote that everybody is a genius, but if you judge a fish by its ability to climb a tree, it will live its whole life believing it is stupid. That is spot-on. You have individuals who, because they do not read the language, fail the test. Except for the language barrier, they are phenomenal—they can perform at math and science in a great way. That is incredibly pivotal and a step in the right direction.

Looking at page 2 of the amendment ([Exhibit G](#)), when talking about the corrective action plan, how quickly do we anticipate seeing that plan going into effect? We have identified that the needs of English language learners are not being met. We have now said a corrective action plan needs to go into place. How quickly would we have that in place?

Karl Wilson, Education Programs Professional, Department of Education:

I am the education program supervisor with English learner programs. In response to your question, currently with the Zoom corrective action plans, once those schools are identified, we give them approximately three months to meet as teams to review their data and develop strategies. It is during a school year that we see those proposed and approved, and then full implementation happens the following school year.

Chairman Thompson:

We will open for those in support of [Assembly Bill 219](#).

Assemblywoman Torres:

I want to state for the record to clarify for the transportation to charter schools—my understanding is that with the current statute there is no funding permitted for transportation from the state or the district.

Jose Torres, Research Analyst, Research Division, Legislative Counsel Bureau:

As nonpartisan staff of the Legislative Counsel Bureau, I am not here to support or to oppose [Assembly Bill 219](#). I am here as an interpreter for Kevyn Solano. Mr. Solano will read his testimony in Spanish, and I will translate into English for him.

Kevyn Solano, Private Citizen, Las Vegas, Nevada:

[Read testimony in Spanish.]

Jose Torres:

[Translation for Kevyn Solano.]

On my first day of school I felt lost and scared. I went to the administration and I was lucky that someone there spoke Spanish. He took me to my first class and my teacher could not communicate with me. Several students made fun of me until a person approached me and offered me help. I was lucky that someone wanted to help me, but in other classes, I did not have such luck. The first months were difficult because there was minimal help, but I wanted to learn and go to college to better myself.

The school provided me with English as a second language (ESL) class, but it was not very useful because it accommodated both advanced and new students in the same class. It was totally unfair. For the advanced students, the class was very slow-paced, and for the students like me, those classes were very fast and difficult.

I went to two schools day and evening because of the lack of credits, but it was the same problem. I could not communicate with the teachers and depended on students who did not always want to translate for me. I had so many questions and I did not know how to ask those questions.

The ESL class helped me to learn to read in English—some of the basics. I was lucky that a teacher not affiliated with the ESL program offered me some help to teach me English. I was very lucky, too, that a person from Clark County School District wanted to help, but there are hundreds of other students who are not as lucky as myself.

For students who do not have ESL or ELL classes, it is more difficult to read, write, or speak in English, as being in a class where more students are learning English. It is more comfortable because you are with people who are experiencing the same issues.

As an example, the ACT is a test evaluated on speed, and wasting time is a big mistake. When I first took the ACT, it was very bad for me as it took me a long time to read just one question. Sometimes I did not understand what was being asked. It is correct that the ACT has the option of bringing in an English-Spanish dictionary, but at the same time, by the time you look for that word to translate and to understand the question, it wastes a lot of time.

With the English that I know now, and taking a special class for the ACT, I still did not do as well as I would have liked to. I am not as fast reading in English yet.

Kevyn Solano:

I want to go to college. I want a better life for me, for my family, for my friends, and for people like me. I know my English is not perfect, but I want to learn. I want to grow. I want to help. I know I was lucky, but I want to learn.

Chairman Thompson:

I want to tell you that you did a great job, Mr. Solano. I would have liked to have heard you read the whole letter in English. You really did well. You took your time and continued speaking in front of so many people. You should be proud of yourself. We are proud of you.

Jenny Hunt, Director, Mariposa Academy, Reno, Nevada:

Of the 200 students in our school, 80 percent of them are English language learners. I am here in support of Assembly Bill 219. I support this bill because Nevada is a global economy and we need to support our diverse learners and their families as the Every Student Succeeds Act mandates that we do so. Our students are growing and acquiring knowledge on a daily basis, and there is not an opportunity at this juncture to show their growth.

I can tell you that I experience students every day. This week, a fifth grader wrote her very first story ever. We do not have an opportunity to codify and to show that to you. I have a second grader who is a newcomer. He came in knowing no English at all. We were able to provide an assessment for him in math in Spanish, and he is exceeding the level of his peers. If we give it to him in English, he will not exhibit that same level of achievement.

I thank you in advance for caring about all of our learners as we grow as a global economy in Nevada. I have been an educator in Nevada for 20 years as a teacher, a teacher's assistant, and an assistant principal. I look forward to really working together across Nevada to support all of our students as we grow and support their needs.

Jose Rivera, Extern, Nevada Hispanic Legislative Caucus:

On behalf of the Nevada Hispanic Legislative Caucus, we are in full support of A.B. 219. This legislation is important to ensure that all of our students receive a high-quality education, are proficient in the English language, and are able to excel academically.

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

We have served Nevada educators for over 100 years, and the Nevada State Education Association would like to add our voice in support of Assembly Bill 219. We appreciate Assemblywoman Torres' leadership and championing of students who are English learners. The Nevada State Education Association continues our support for quality education for all Nevada students that takes into account issues of equity.

I would like to add an additional note that we are heartened by added language and a possible amendment ([Exhibit G](#)) to call on accommodation for students in other languages and student assessments like the SBACs and, of course, exams.

Gloria Castro, Private Citizen, Las Vegas, Nevada:

[Speaking in Spanish.]

Abner Hernandez, Private Citizen, Las Vegas, Nevada:

[Translation for Gloria Castro.]

I am here to support Assembly Bill 219. The difference between students who only know one language and who struggle to learn the English language in their education have more opportunities to help their community and being involved in helping others. I want to make sure that you know that all children have the opportunity to learn. All children have the capacity to learn; they just need the opportunity to be able to have those resources available to them to make that easier to grow and advance, and to develop themselves as people and as students.

Mariaelena Guillen, Private Citizen, Las Vegas, Nevada:

[Speaking in Spanish.]

Abner Hernandez:

[Translating for Mariaelena Guillen.]

I am here in support of Assembly Bill 219.

Sarah Jansen, Private Citizen, Las Vegas, Nevada:

I currently teach eighth grade English at Mater Academy. I became an educator because I believe all students should be successful and all students should have the opportunity to have a highly qualified education. Providing students state-mandated exams in their native language will allow students the opportunity to be successful. When we hand new exams to students who are new to our country, we are not providing the students the opportunity to showcase their knowledge.

As an eighth-grade English teacher, I observe students who struggle with the native English language daily. I provide many of these accommodations in my classroom. However, when we provide students the state-mandated exam, many of these accommodations are eliminated. By providing students the exams that are translated, students are given the opportunity to demonstrate all of the knowledge they have acquired throughout the academic school year.

At Mater, we stress the importance of these state-mandated exams. When we give students these opportunities to pass, we tell them it is of the highest regard if they pass these exams. However, I observe many of my students who are here today, as well as those back at Mater, are not passing because they do not understand the language—not because they do not understand the content.

As Ms. Fairless mentioned, we provide our students the opportunity to go to Disneyland. As I am explaining to my students that we are going to Disneyland if you pass the exam—make sure you try your best. I had a student tell me that he was not going to pass anyway. Sadly, that was probably true. His family had moved here about a year ago from Mexico. Though they had worked really hard to learn the language, and though they know how to write an expository essay and identify theme, they did not have the knowledge acquisition to pass the exam.

Rather than allowing our students to feel like failures for knowing another language, we should be celebrating them because they know two languages—or three or four.

I urge you today to move Assembly Bill 219 forward and provide students—such as Andrik, Diana, Karen, and Santi, the students I have here with me today—simply the opportunity and simply the chance to be successful on the state-mandated exams.

Andrik Cano, Private Citizen, Las Vegas, Nevada:

I am from Mexico. I am here representing the Mater Academy. I came to the United States three years ago.

Today I will talk about a situation that changed my life, moving to the United States. Learning English was not easy. Moving to the United States, I had a change at home, a change in friends, school, and in learning a new language.

The hardest part was learning English.

I would like this bill to pass because when I take the SBAC in math, I can pass it. I am really good in math class, but when I take the math SBAC test, it is so hard because I have to read the questions in English to be able to find out the math question.

I do not understand what the questions are asking me because the English is hard for me to read. If the SBAC questions were in Spanish, I know I can pass the math SBAC this year.

Chairman Thompson:

Thank you, you did a great job.

Santos Torres, Private Citizen, Las Vegas, Nevada:

I am currently an English Language Interventionist at Mater Academy. That being said, I have the opportunity to work with English language students, and I was an English language learner myself. This has given me unique perspective on this specific bill.

I moved to the United States from Mexico at the age of nine. My parents and school decided to hold me back a year to catch up and to learn the English language.

The setbacks—continuously failing the state tests—were powerful. Constant failure started to affect me without me even realizing it. Every time I would sit down to take a state-mandated exam, I began to feel I had already failed without me even realizing it.

When it came to my high school proficiencies, I tried to stay optimistic, but the gut feeling would overtake my confidence and whisper a hint of failure from years past. I began to believe the statistics—that I was meant for construction, I was not going to be able to graduate from high school, let alone ever attend college.

As I struggled to pass my high school proficiencies, I began to become frustrated. I had paid my dues; I came early and stayed late in school receiving help. Yet I still struggled to pass because even years later I am still encountering words I do not know.

I see the same frustrations among my students such as Diana, Andrik, Karen, Santi, and many others. With your help, other students will not have to go through the same frustrations and difficulties I had to endure.

Karen Aguilar, Private Citizen, Las Vegas, Nevada:

Good afternoon. My name is Karen. I am from Honduras. I moved here about two years ago. I came here to represent Mater Academy.

When I came here, all my life changed. I had to learn a new language, get new friends, and a new place to live. When I came here, it was not easy because I have to understand what the teachers are saying, and sometimes it is very difficult to understand what they are saying. Mr. Santos would help me to understand what other students were learning.

In Honduras I was really good at math. I passed all my tests. But when I moved to the United States, I cannot seem to pass it because I cannot understand the questions they are asking me. If I had the chance to change the language to Spanish or even the important words to Spanish, it would better help me pass the math exam.

This bill will help me in high school because I will be given the opportunity to change the language. If I can pass the SBAC, I am going to feel very proud of myself. If this bill is passed, I will be on the same playing field as everyone else.

Again, thank you for allowing me the chance to speak with you today.

Chairman Thompson:

Thank you, Ms. Karen, and thank you, Mr. Torres, for all that you do.

Diana Higeredera, Private Citizen, Las Vegas, Nevada:

My name is Diana. I am from Mexico. I moved to the United States last year. I moved here so that I could better my dream of becoming a doctor. As a new student in the United States, it was really hard for me to learn a new language because I could not understand anything.

In school Mr. Santos and the teachers would help me learn what was going on in school by translating for me.

Then when I went to take the SBAC, I was only given a dictionary. I really wanted to pass so I tried to use the dictionary to translate all the words. I became so frustrated. I think it is so stressful because there were a lot of words that I could not understand and I had motivation to pass.

I know I could not pass the exam because it was so very hard for me to understand all the reading questions. Even in the math SBAC there was so much reading.

I would really like to have the exam translated into Spanish because it would help me better understand the text and to show how much I know and how much I have learned this year.

I hope you pass this bill because it will allow other students like me to show everything we know on the SBAC, instead of the English language being so hard to understand.

Chairman Thompson:

Thank you and good luck on becoming a doctor. You are doing a great job.

Santiago Gomez, Private Citizen, Las Vegas, Nevada:

I currently attend East Career and Technical Academy; however, I attended fifth grade through eighth grade at Mater Academy.

I moved from Durango, Mexico, five years ago and did not know the English language. I am here to represent Mater Academy and to help make the state tests available in students' native languages so that all students have a chance to pass.

When I came to Mater Academy, Ms. Fairless used to talk to me and I would just nod my head in agreement, even though I had no idea of what she was saying because I did not have the comprehension of the English language. Now I feel very proud of myself because I am able to understand what is happening in class and I communicate in both Spanish and English.

When I had to take the SBAC in the English language for the first time, it was so difficult. I remember I tried so hard on the first five questions and everyone else was almost done with the test. Then I got so nervous that I would be the last one done, so I quickly answered the rest of the questions.

Even now, when I take the exam I have to read it in English then translate it in my head—I always hope I translated correctly—then I answer the questions in Spanish and then translate it back to English—again, I hope I translated correctly.

If I had taken the SBAC in Spanish, I would have had a better opportunity to pass, since that is my native language.

I hope you will consider passing this bill because it will allow other students to show what they truly know when they take the state exams.

Sol Avalos, Private Citizen, Las Vegas, Nevada:

I am the English language coordinator from Mater Academy at Mountain Vista and Bonanza. As Ms. Fairless would say, We are on fire. We are burning the east side of Las Vegas.

I am a teacher from Buenos Aires, Argentina. When I came to the United States 20 years ago, obviously my formal education was in Spanish. In order to get my teaching license in the United States, I had to go back to school. It was a life-changing moment because the way my brain processed the information was, and is, very complex. I read in English—I process into Spanish by translating every word, and then I have to find the right vocabulary to answer. My brain is exhausted at the end of the day.

I know how our English language learners feel and how difficult it is for them to process information in English. My job is to make sure our 1,200 ELLs receive the services they need. Also, I administrate the language assessment, WIDA. We just finished testing 1,000 students in four different domains—listening, reading, speaking, and writing. Students must have an overall score of 4.5 to exit the program. However, as we know, they are still not proficient at that level.

In October of 2017, the state of Nevada changed the criteria to exit students from level 5.5 to 4.5. Since then, we have exited 317 students from both schools. In addition to that, we still have 250 students in levels 1, 2, and 3, which is entering, beginning, and developing.

Our students are developing and learning the language, but they are not proficient. When we test them in English, really, what chances do they have to pass the SBAC when they are in doubt in that level—1, 2, and 3?

We offer a bilingual paper dictionary as an accommodation. Just imagine, for a moment, what our students would be able to accomplish if we gave them the option to take it in their native language. I truly think that would be a magical moment—a life-changing moment. They would be able to demonstrate what they actually know.

Our students are not necessarily new in the country; they have been raised with a single language. The majority of our students will speak Spanish. We are asking you to move forward with Assembly Bill 219. You can have the opportunity to change kids' lives.

Brennan Robinson, Private Citizen, Las Vegas, Nevada:

I am a student at Eldorado High School. I agree with Assembly Bill 219 because it is not only unfair to the students, but it is also unfair to the teachers because they are ill-equipped to teach these students.

My school is 54 percent ELL students. It is unfair to them that they cannot get the knowledge and resources to take tests and not have to worry about speaking two languages.

I support this legislation because with the new friends I have met here today, I really want to see them go further and for this bill to be carried out.

Chairman Thompson:

Thank you for being an advocate. That is great.

Carlos Garcia, Private Citizen, Las Vegas, Nevada:

I am sophomore business major at Nevada State College in their Nepantla program. I am here to testify in support of Assembly Bill 219.

I first came to Las Vegas to meet my mother. She told me that I owed her \$5,000. I was a 16-year-old unaccompanied minor, and I did not speak any English. I felt unimportant, hopeless, and less than a second-class citizen. I knew my only hope to improve my life was education.

I could not afford to take the bus, so I walked 2.5 miles each way every day to school. The first day of school was so difficult for me that I can barely talk about it now. I was terrified to be in a new country. I could not go back home; I had no choice. I could not understand anything. I did not know any of the students. I was afraid of getting in trouble by making a mistake and then getting in more trouble at home. My first classes at school changed my outlook. I was so relieved to be with other newcomer students who did not speak English. I realized I was learning the same material as the American students, but I had special supports. For example, I worked on a computer program that taught me the sounds in English, and my teachers had smaller classes so they could help me speak and write English.

I eventually moved out of the newcomer classes into transitional classes, and then to mainstream classes. If I had started in only mainstream classes, without any special supports or smaller class sizes, it would have been impossible for me to graduate. As a senior, I could not graduate because I was missing six credits due to starting high school as a sophomore. Even with summer school and online classes, I was not able to complete 22.5 credits in two years. The principal gave me a special fifth year so I could have more time to graduate. I was also lucky that my school had Victory funding so our library was open on Saturdays for me to work. I took the proficiency writing test six times because I could not use a bilingual dictionary. I graduated with a 3.6 GPA [grade point average].

Six months before I graduated, my mother threw me out because she wanted me to drop out of school and I refused. I was 18, homeless, and had no one to help me but my high school ELL program. My school supported me through the end of the year by giving me food, a mattress, and a microwave. Without my ELL program, I would not be able to graduate, and I would not be speaking English for you here today. Thank you for your time.

Dominic Cherry, Private Citizen, Las Vegas, Nevada:

I am a representative from Eldorado High School. According to the National Center for Education Statistics, Nevada has 19 percent ELL students. Eldorado High School on the east side of Las Vegas is 54 percent English language learners. In the whole United States, 9.5 percent of students are ELL—that is 4.8 million students. It is more common that people speak Spanish in our western states, but there are many more languages spoken in our country.

It is not fair to see other students—who were born here who are proficient in English—have the proper tools to be successful, such as individual education programs, but our ELL students are not able to get that same one-on-one attention

As of today, all of the juniors at our high school took the ACT—that is 54 percent of the students in the school. You can only imagine how that is going to reflect when our scores come back.

Having ELL students in regular general education classes, our classes are being slowed down to a slower pace for those of us who have been speaking English our whole life. It creates a hard time for teachers because they are not equipped to separate half of the class because of the students who do not have the necessary tools to be proficient in the English language.

It is 2019 and we are still having to talk about this. It is a fundamental right for every student to have the same education and the tools to be successful in the United States. That adds to the fact of rising crime rates, but if they are not getting what they need in school, where will they get it from?

I stand behind this piece of legislation. I stand behind Assemblywoman Torres, and I stand behind this bill.

Milan Devetak, Director, African Community Center, Ethiopian Community Development Council, Las Vegas, Nevada:

We are one of two refugee resettlement agencies that are sponsored by the U.S. Department of State to carry out this work in southern Nevada. There is also one in Reno, Nevada. I have been listening to these wonderful testimonies, mainly for Spanish-speaking students. What great storytelling, and I am in support of this bill for them, but also for the refugee populations who are not here today but who come to the state and have very similar experiences as our students here today. I urge you to consider this bill carefully, and I hope the outcome will be positive.

I would like to share that I graduated from Valley High School. I emigrated from Europe 19 years ago, and Valley High School is doing a great job in terms of ELL. Kudos!

I know that our refugee clients or students who have not been in the United States for a year and who want to advance and go on to college and university, unfortunately, are charged the out-of-state tuition. I do not know if anything can be done to address that in this bill. They are new to the country. They are not coming from another state. They are new to the United States. I do not know if it would fit this bill, but it is something to think about for later.

Abner Hernandez:

I serve on the Leadership Board for the Association of Professionals and Students, where we help many students who are searching for a career path to be able to find mentorship with professionals already in their career.

In working with Title I schools, we see children from many countries in these schools and in our immigrant neighborhoods. Their parents speak a different language than their children in the home—still, they want their children to learn English as quickly as possible. The students are called English language learners. When they come to school, in addition to doing their regular schoolwork, they also have to learn the English language.

I support Assembly Bill 219 and the focus on high schools that are not doing the job for ELL students. As ELL students become older, many more fall behind because they have had to repeat a grade or go into extra classes so they could catch up to their peers. They find that academic language becomes harder for them to understand. Many of them are called "long-term" ELLs, although they have gone to school for five or six years, they will still find it difficult be able to read paragraphs from their textbooks.

We have refugees, unaccompanied minors, and long-term ELLs who will need extra time and extra help, and in our large high schools they struggle. Yes, although ELL students are graduating at higher rates, they end up working minimum-wage jobs or jobs they cannot excel in or develop themselves academically. This is not their dream. They come to this country with a dream and with a vision of becoming someone to better their communities and their people.

Assembly Bill 219 asks high schools to improve their instruction for ELLs. The data shows that many of them are not quite doing the job. Many of these students aspire to go to college, get a degree, become professionals, and help their community. I believe that if high schools better the way they instruct ELL students, it would be a benefit to all.

Sarah Adler, representing Charter School Association of Nevada:

We are pleased to support Assembly Bill 219 and appreciate Assemblywoman Torres for bringing this forward.

Charter schools across our state are welcoming the opportunity to educate English learners, and they are thrilled to be growing in their success in doing so. I particularly support section 4 of the amendment ([Exhibit G](#)), as I was an exchange student in France for a summer and came home convinced I was terrifically bilingual and biliterate. But when it came time for me to take exams when I returned home, I discovered, indeed, reading and writing in a second language was not what it was in speaking. I felt that same crushed experience that we have heard from students today. The whole bill is terrific and I appreciate section 4 as well.

Chairman Thompson:

At this time we will open for opposition for Assembly Bill 219.

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

We have been meeting with Assemblywoman Torres and having good discussions. This is a multifaceted bill. You heard lots of parts of it and I do not think the school district has issue with administering the tests in other languages. That is something we could support.

In the Washoe County School District (WCSD) we do have a newcomer program where we do provide transportation to students across the district for those students who are new to the country. We have a short-term and a long-term ELL program at every single one of our 14 comprehensive high schools.

Our opposition comes from this part of the legislation being all stick and no carrot. Asking schools that have never received additional resources—we do not have any high schools in WCSD that are Zoom schools—and asking these high schools to improve their services without offering any additional support and programming is going to be particularly hard on them. Especially, asking the district to provide transportation for some students to different schools is an unfunded mandate that we cannot support at this time. We have been working with Assemblywoman Torres and will continue to do so. Hopefully, we will eventually get to a support piece on this legislation.

Brad Keating, Director of Government Relations, Clark County School District:

I echo the sentiments made by my colleague from Washoe County School District. Much of this bill we are in support of—the testing piece we support. We think it should be offered in different languages. We would like to see charter schools be included in this bill and complete the corrective action plan as well. The unfunded mandate is the piece that sticks for us right now regarding the transportation costs. We will continue working with Assemblywoman Torres on the bill. Any dollars coming out of the classroom to go to transportation hurt us as a district. We need those dollars to stay in the classroom. We will continue working to provide the most beneficial services possible at our schools.

Chairman Thompson:

Is there anyone neutral for Assembly Bill 219? [There was no one.]

Assemblywoman Torres:

It is obvious from what we have heard from our community that there needs to be a change. No student should be sitting in a classroom that does not provide adequate resources. If that means the school districts need to provide transportation so that students get the services that they need, then the cost is well worth it. Clearly, the schools are not using the funding they are currently receiving to ensure that those students are receiving the adequate, quality education that every student deserves regardless of their ability. I am interested in continuing conversations so that we can find a solution for transportation. It is important that we remember every child deserves that quality education. We as a society, we as a legislature, and we as a Committee have the responsibility to determine whether or not these students deserve the right to have access to that quality education that many students are unable to receive. I will continue to fight for English language learners. I urge you to support Assembly Bill 219.

Chairman Thompson:

We will close the hearing for Assembly Bill 219 and open for public comment. [There was none.] Again, we want to thank the students who came out for Children's Week.

The meeting is adjourned [at 3:58 p.m.].

RESPECTFULLY SUBMITTED:

Sharon McCallen
Committee Secretary

APPROVED BY:

Assemblyman Edgar Flores, Vice Chairman

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a document titled "Intro to IPM," presented by Shaku Nair, Entomologist, Coordinator, Arizona School Integrated Pest Management Program.

[Exhibit D](#) is a copy of a PowerPoint presentation titled "Why School IPM?" presented by Shaku Nair, Entomologist, Coordinator, Arizona School Integrated Pest Management Program.

[Exhibit E](#) is a letter dated March 11, 2019, to the Assembly Committee on Education, presented by Chris Daly, Deputy Executive Director, Government Relations, Nevada State Education Association, in support of [Assembly Bill 205](#).

[Exhibit F](#) is a proposed amendment to [Assembly Bill 205](#) presented by Chris Daly, Deputy Executive Director, Government Relations, Nevada State Education Association.

[Exhibit G](#) is a proposed amendment to [Assembly Bill 219](#) presented by Assemblywoman Selena Torres, Assembly District No. 3.

[Exhibit H](#) is a document titled "HS LTEL: Percentage, WIDA AGP, and WIDA Exit Rate," presented by Assemblywoman Selena Torres, Assembly District No. 3.

[Exhibit I](#) is a document titled "ALL: High School, High School LTEL, and CCSD Percent Meeting WIDA AGP," presented by Assemblywoman Selena Torres, Assembly District No. 3.

[Exhibit J](#) is a document titled "Graduation Rate," presented by Assemblywoman Selena Torres, Assembly District No. 3.

[Exhibit K](#) is a document titled "ACT Proficiency Cut Scores," presented by Assemblywoman Selena Torres, Assembly District No. 3.

[Exhibit L](#) is a document titled "States offering Native Language Assessments in School Year 2013-2014," presented by Assemblywoman Selena Torres, Assembly District No. 3.

[Exhibit M](#) is a document titled "Statement of AB219 Legislative Intent and Purpose," presented by Assemblywoman Selena Torres, Assembly District No. 3.

[Exhibit N](#) is a copy of a PowerPoint presentation titled "Statement of Intent and Purpose: AB219," dated March 12, 2019, presented by Assemblywoman Selena Torres, Assembly District No. 3.

[Exhibit O](#) is a document titled "English Learner Supports Guide," authored by ACT, presented by Assemblywoman Selena Torres, Assembly District No. 3.

[Exhibit P](#) is a document titled "Smarter Balanced Assessment Consortium: Usability, Accessibility, and Accommodations Guidelines," dated June 28, 2018, presented by Assemblywoman Selena Torres, Assembly District No. 3; and Renee Fairless, Principal, Mater Academy of Nevada, Las Vegas, Nevada.

[Exhibit Q](#) is a letter dated March 11, 2019, to Chairman Thompson and members of the Assembly Committee on Education, authored by Sylvia R. Lazos, Legislative Advocate, Nevada Immigration Coalition, in support of [Assembly Bill 219](#).