

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

**Eightieth Session
April 4, 2019**

The Committee on Education was called to order by Chairman Tyrone Thompson at 12:37 p.m. on Thursday, April 4, 2019, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/80th2019.

COMMITTEE MEMBERS PRESENT:

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

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblyman Alex Assefa, Assembly District No. 42
Assemblyman Chris Edwards, Assembly District No. 19



STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Mikaela Lang, Private Citizen, Reno, Nevada
Robert Crowell, Mayor, Carson City, Nevada
Ernest E. Adler, Private Citizen, Carson City, Nevada; and representing Charter School Association of Nevada
Paul Anderson, Legal Counsel, Nevada Interscholastic Activities Association
Alexander Marks, Political Coordinator, Nevada State Education Association
Ruben R. Murillo, Jr., President, Nevada State Education Association
Natha C. Anderson, President, Washoe Education Association; and Member, Board of Directors, Nevada State Education Association
Chris Daly, Deputy Executive Director, Government Relations, Nevada State Education Association
Felicia Ortiz, Private Citizen, Carson City, Nevada
Renee Fairless, Principal, Mater Academy Mountain Vista, Las Vegas, Nevada
Randy Kirner, Private Citizen, Reno, Nevada
Gloria Buchalski, Private Citizen, Las Vegas, Nevada
Amaiya Nava-Ganigan, Private Citizen, Las Vegas, Nevada
David Dazlich, Director, Government Affairs, Las Vegas Metro Chamber of Commerce
Jason Guinasso, Chair, State Public Charter School Authority, Department of Education
Valentina Rojas Carrasquel, Private Citizen, Reno, Nevada
Ignacio Prado, Executive Director, Futuro Academy, Las Vegas, Nevada
Akshatha Narasimhan, Private Citizen, Henderson, Nevada
Danette Groover, Private Citizen, Las Vegas, Nevada
Liz Kiggins, Private Citizen, Carson City, Nevada
John Hawk, Chief Operations Officer, Nevada State High School
Keenan Korth, Communications Specialist, Clark County Education Association
Augustin Jorquez, Private Citizen, Sparks, Nevada
Brad Keating, Director, Government Relations, Clark County School District
Ed Uehling, Private Citizen, Las Vegas, Nevada
Cyrus Hojjaty, Private Citizen, Las Vegas, Nevada
Buddy Rumsberg, Private Citizen, Las Vegas, Nevada
Peter A. Zutz, Administrator, Assessment, Data, and Accountability Management, Department of Education
Sylvia R. Lazos, Legislative Advocate, Nevada Immigration Coalition
Vikki Courtney, President, Clark County Education Association

Yvette Williams, Chair, Clark County Black Caucus
Mary Pierczynski, representing Nevada Association of School Superintendents; and
Nevada Association of School Administrators
Amber Reid, Education Programs Professional, Office for a Safe and Respectful
Learning Environment, Department of Education
Stephen Augspurger, Executive Director, Clark County Association of School
Administrators and Professional-Technical Employees
Sarah Adler, representing Charter School Association of Nevada

Chairman Thompson:

[Roll was called. Committee protocol and rules were explained.] We are going to do our work session first. Then we will begin with Assembly Bill 464, then we will go to Assembly Bill 462, and continue with Assembly Bill 459 on through the remainder. We will then open for public comment. First up is Assembly Bill 92.

**Assembly Bill 92: Revises provisions governing the English Mastery Council.
(BDR 34-393)**

Kelly Richard, Committee Policy Analyst:

Assembly Bill 92 was heard in Committee on February 14, 2019, and was sponsored originally by the Legislative Committee on Education ([Exhibit C](#)).

Assembly Bill 92 makes changes to the English Mastery Council. The bill extends the date on which the Council is to sunset from June 30, 2019, to June 30, 2022. It also expands the duties of the Council by requiring the Council to make recommendations to the State Board of Education to improve the academic achievement and English proficiency of all students who have scored at or below the 25th percentile on English language arts examinations.

Chairman Thompson:

Are there any questions on Assembly Bill 92? [There were none.] I will entertain a motion to do pass.

ASSEMBLYWOMAN MILLER MADE A MOTION TO DO PASS
ASSEMBLY BILL 92.

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

Assemblywoman Miller will take the floor statement.

[Distributed to members of the Committee but not mentioned were ([Exhibit D](#)) and ([Exhibit E](#)).]

We will move on to Assembly Bill 342.

Assembly Bill 342: Revises provisions governing pupils who are children of military personnel. (BDR 34-624)

Kelly Richard, Committee Policy Analyst:

Assembly Bill 342 was heard in Committee on March 28, 2019, and is sponsored by Assemblyman Roberts ([Exhibit F](#)).

Assembly Bill 342 allows a student who is a child of a military family who has transferred schools pursuant to the Interstate Compact on Education Opportunity for Military Children to be immediately eligible to participate and practice in interscholastic sports or other activities. The bill also requires each school district to designate an employee of the school district to serve as a liaison between the district and military families to facilitate the implementation of the Compact. Finally, A.B. 342 requires the State Council for the Coordination of the Compact to meet at least twice per year and at the call of the Council's commissioner.

Assemblyman Roberts proposed to revise the bill to limit its applicability to children of active duty members of the Armed Forces of the United States ([Exhibit G](#)).

Chairman Thompson:

Are there any questions on Assembly Bill 342? [There were none.] I will entertain a motion to amend and do pass.

ASSEMBLYWOMAN HARDY MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 342.

ASSEMBLYWOMAN TOLLES SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

Assemblyman Roberts will take the floor statement. We will go to Assembly Bill 358.

Assembly Bill 358: Makes certain changes to attract medical professionals to practice in Nevada. (BDR 34-851)

Kelly Richard, Committee Policy Analyst:

Assembly Bill 358 was heard in Committee on March 28, 2019, and was sponsored by Assemblyman Hafen ([Exhibit H](#)).

Assembly Bill 358 creates the Tomorrow's Doctors Program, an education loan forgiveness program for certain health care professionals who practice in rural areas. The measure contains an appropriation of \$250,000 to the Nevada Office of Rural Health to administer the

program. Additionally, A.B. 358 appropriates \$250,000 to the Nevada Health Service Corps to obtain matching federal grants and \$21 million to the Office of Finance within the Office of the Governor to fund graduate medical education grants.

Assemblyman Hafen submitted the attached conceptual amendment, which proposes to:

1. Clarify that education loan repayment assistance only applies to tuition and fees charged by an in-state institution;
2. Add social workers, marriage and family therapists, and clinical professional counselors to the bill, and remove doctors of Oriental medicine;
3. Clarify the Nevada Office of Rural Health may work with the Western Regional Education Compact;
4. Clarify that the Office falls under the Office of Statewide Initiatives, University of Nevada, Reno School of Medicine; and
5. Add that the Office may authorize participation in the program only if the participant agrees to practice in a rural, medically underserved area for a minimum of five years.

Subsequent to the hearing on the measure, Assemblyman Hafen proposed to remove chiropractic physicians from the program and expand the authority of the Nevada Office of Rural Health to work with any relevant state or federal agency to administer the program.

Additionally, I would add that Assemblywomen Krasner and Tolles have asked to be cosponsors on this bill.

Chairman Thompson:

Are there any questions on Assembly Bill 358? [There were none.] I would entertain a motion to amend and do pass.

ASSEMBLYWOMAN HANSEN MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 358.

ASSEMBLYWOMAN KRASNER SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

Assemblyman Hafen will take the floor statement.

We will close the work session and open the hearing on Assembly Bill 464. We want to welcome Assemblyman Assefa, and we have our honorable Mayor Crowell from Carson City joining us today. Welcome to our Committee on Education.

Assembly Bill 464: Revises provisions relating to certain eligibility requirements for a pupil to participate in a sanctioned sport. (BDR 34-1127)

Assemblyman Alex Assefa, Assembly District No. 42:

It is a pleasure to be before your Committee this afternoon and presenting Assembly Bill 464. With me I have Mayor Crowell of Carson City and Mikaela Lang, who formerly participated in a foreign exchange program, to copresent with me.

Assembly Bill 464 addresses a problem that arises when a student returns to school after participating in a foreign exchange program. Currently, students who leave their school to participate in a foreign exchange program are not eligible for interscholastic activities in sports when they return to Nevada until they have completed at least one quarter of education.

The Institute of International Education reports that 332,000 United States students participated in study-abroad programs during the 2016-2017 school year. The United Kingdom is host to the highest percentage of students, with Italy and Spain close behind. Countries like Cuba and Greece are hosting a growing number of students each year.

Foreign exchange programs provide students with opportunity to become global citizens, gain independence, learn or sharpen skills and new languages, and gain a better understanding of the cultures around the world. The last thing we want to do is unintentionally punish students who will seek to be well-rounded global citizens.

Section 1 of the bill provides that as long as a student returns to the same school he or she attended prior to leaving to participate in a foreign exchange program, the student will be held harmless for purposes of determining eligibility to participate in interscholastic programs, including sports. It will be as if the student never left the school. The only exception from the "hold harmless" provision will be if the student ages out of eligibility under current rules adopted by the Nevada Interscholastic Activities Association (NIAA).

I will now turn it over to Mikaela Lang to tell us about her experience in Argentina.

Mikaela Lang, Private Citizen, Reno, Nevada:

I am 17 years old and I am junior at Bishop Manogue Catholic High School. In the academic year 2017 to 2018, I was 16 years old and I went to Argentina as a foreign exchange student for a year. Before I left, I found out that I would be forced to repeat the year I would be gone and graduate a year later. It was a bummer, but I decided it would be worth it to still go on exchange and experience this once-in-a-lifetime opportunity to understand a new culture and learn a new language. From my year in Argentina, I am now fully aware and very understanding of their culture, and I am fluent in Spanish.

However, while I was on exchange, I found out I would not be able to play sports both my junior and my senior years. I found out that I would need grades. Fortunately, I managed to obtain a report card by the end, which enabled me to play sports this year. Most exchange students who go on exchange are not given this opportunity because they are unaware of this requirement.

I had originally thought that the NIAA would look at my grades before I left. I had a grade point average higher than a 4.0, so I thought this would be okay. However, it was not. I did manage to get my report card and be able to play sports.

It is very unfortunate, but they are now also including my year abroad as two semesters in the eight consecutive semesters that I am allowed to play. This is what the bill would also be amending. If this bill passes, I will be able to play sports my senior year, which right now, I am not able to.

I wanted to bring this issue to the Legislature on behalf of all of the exchange students to help encourage more students to go on exchange and to experience everything that I was able to experience—to learn new cultures, have a much broader view of the world, and make sure they are encouraged rather than punished.

Robert Crowell, Mayor, Carson City, Nevada:

I am also testifying as a member of Rotary International. As a Rotarian, I did not know that this type of issue existed. When Ms. Lang came to me, I was, quite frankly, surprised. Rotary has a youth exchange program where we send young people abroad or to neighboring countries to learn their culture, and we also take students from other countries to Carson City and Nevada and the United States so they can learn our culture. When, as Mayor, I heard about it, it seemed to me that Ms. Lang represents the type of youth in Carson City who are helping us build a sustainable community over time. She is quite articulate, she is bright, and she wants to broaden her horizons.

As a Rotarian, we want to make sure that the people we send to different countries are individuals who will benefit from the cultural experience. We have quite a vetting program to do that, and Ms. Lang has done just that.

On behalf of myself as the Mayor of Carson City and as a long-time Rotarian, I think this bill solves a big problem for those who want to play sports, particularly sanctioned sports, and are otherwise penalized for trying to broaden their cultural horizons. I urge your careful consideration of Assembly Bill 464 and its passage.

Assemblywoman Hansen:

As the mom of four college-bound students who studied abroad, it was an amazing experience. I have a daughter-in-law who did a Rotarian study abroad in Argentina. I am a huge supporter of those kinds of programs.

I am sad to hear that we penalize our students when they return. I hope we can rectify this. I have a question, though. It does not work in reverse, correct? We are looking to fix this so athletes returning to their home state in America can play sports, but we do not allow for an exchange student to play a sport—would that stay intact?

Assemblyman Assefa:

That is correct. This is addressing a Nevada issue. It does not affect other states. It is for athletes who are returning to schools in the state of Nevada. It does not address foreign students here.

Assemblywoman Hansen:

Ms. Lang, did I hear that this would help you going forward for your senior year if this legislation were to pass?

Mikaela Lang:

Yes, if this bill were to pass, I would be able to play my senior year.

Assemblywoman Hansen:

Do we have any numbers of how many students typically in Nevada are foreign exchange students who might be caught in this?

Mikaela Lang:

I am unaware of any number, but I know that each exchange student who goes on exchange and returns to high school is affected by this.

Assemblyman Assefa:

If we can find that, we will be more than happy to provide it to you.

Assemblywoman Torres:

I studied abroad as well. I thought it was a phenomenal experience. I think this piece of legislation actually highlights a much bigger issue. I do not have a question; I just want to highlight the issue when, upon returning, you received no credit for that time you were in Argentina. I think that is part of the issue because some school districts are giving credit for time served in other schools and other districts as long as those classes are comparable. If you are taking Algebra II in Argentina, that should qualify here. Thank you for coming to testify on this piece of legislation and doing your part to be an active citizen in our community. We need more Nevadans like you.

Chairman Thompson:

We will open for support for Assembly Bill 464.

Ernest E. Adler, Private Citizen, Carson City, Nevada:

I am on the committee for Rotary Youth Exchange in northern Nevada, and there have been a number of problems with returning students not receiving full credit for classes and not being able to play sports. Currently, we have about 22 outbound students from northern Nevada

going on exchange. I think we have a much higher number in Clark County. I would say it is more than 50 students who will be impacted this year. This is a very important bill. We should encourage kids to go on youth exchange, and this would make it easier for them to go on exchange. I fully support this measure.

Paul Anderson, Legal Counsel, Nevada Interscholastic Activities Association:

I want to state that the NIAA is not really taking a position with respect to this bill. It just came to our attention. There are a couple of concerns that we have, and I would be happy to work with Assemblyman Assefa and the others who are addressing this bill.

In addition to the eight consecutive semester rule, as part of that rule—*Nevada Administrative Code* 385B.708—there is a requirement that NIAA has that only allows a student to play four seasons of any one particular sport. If a student goes on a foreign exchange program and participates in that sport during that program, that creates an issue with respect to our regulation. It is not something that is being addressed in this legislation.

That is a point that your Committee needs to look at. The NIAA is not necessarily for or against the legislation.

Chairman Thompson:

I think you are probably more neutral.

Paul Anderson:

Yes.

Chairman Thompson:

I am trying to follow your flow, and it is not 100 percent support, right? Is that what I am hearing?

Paul Anderson:

We want to make sure that whatever is put into place complies with the regulation that we have so it does not create additional problems for students or the NIAA.

Chairman Thompson:

I will enter your comments as neutral.

Paul Anderson:

That is fine.

Chairman Thompson:

We will open for opposition of Assembly Bill 464. [There was none.] Is anyone else neutral? [There was no one else.]

Assemblyman Assefa:

This is a discrepancy we need to fix. We do not need to be punishing people for being good and excellent, and for becoming well-rounded global citizens. That is what we should encourage every day. I urge you to support this bill.

Chairman Thompson:

At this time we will close the hearing for Assembly Bill 464. I will hand the gavel over to Vice Chairman Flores.

[Assemblyman Flores assumed the Chair.]

Vice Chairman Flores:

We have decided to take things out of order. I know that the majority of you are signed in for Assembly Bill 462, and I did not think it was prudent for us to keep you waiting through all of the hearings. We have a lot of young members in the audience and it is easy for them to get a little restless. For that reason, we decided to continue in this order. Because there are a lot of people signed in to testify, in the interest of being fair to everyone, we are going to allow the Chairman to present the bill, and then open for questions. Opposition, support, and neutral will all get 30 minutes equally. If you come up in neutral and we realize that you are, in fact, in opposition or support, you will be cut off and asked to submit your comments in writing. In addition to the 30-minute rule, we are going to allow each individual to only speak for 2 minutes.

Lastly, because I anticipate not everybody having a chance to speak within that 30-minute period, at some point, I will ask those of you who are in support or opposition to rise so that you can be acknowledged. We will try to do a head count so it can be reflected in the record. Beyond that, I encourage everyone to submit something in writing as you may not all have the opportunity to speak.

We will open the hearing for Assembly Bill 462.

**Assembly Bill 462: Prohibits the opening of a charter school for a prescribed period.
(BDR S-1090)**

Assemblyman Tyrone Thompson, Assembly District No. 17:

Today, I am presenting Assembly Bill 462, which prohibits the opening of a charter school for a prescribed period. That period is until January 1, 2021.

I want to begin by making a few points very clear. Based on the numerous emails that we all have been receiving, and the public comments in our Assembly Committee on Education for the past few meetings, there has been great insight—from our students, educators, and our parents as well as commentaries and conversations that have recently occurred. I want to say that this is not—I want to repeat—this is not an anti-charter school bill. This bill is not intended to displace or remove students from their current charter school. This bill is not

intended to pit charters against traditional public schools. However, this bill is the opportunity for our state to have the tough conversation to plan for sustainable student success in charter schools.

Let me share some background. There has been a significant increase in charter schools, enrollment, and demand since 2012. I was told in presentations to our legislative body that the State Public Charter School Authority (SPCSA) has authorized 31 charters, which includes 53 campuses and a total 83 star ratings combined of elementary, middle, and high schools [Assembly Committee on Education, February 28, 2019].

The following are the star ratings of the portfolio: 8 schools are rated 1 Star; 12 are rated 2 Stars; 19 are rated 3 Stars; 15 are rated 4 Stars; and 29 are rated 5 Stars.

As you may or may not know, we are a citizen legislature that per the *Nevada Constitution* only meets biennially in odd-numbered years for 120 days. As I stated in the opening of the meeting today, we are actually right in the middle at day 60. However, our work continues in the interim. During several interim meetings of the Legislative Committee on Education and community forums, the discussion or questions of charter school regulation and success continue to arise.

Let us be mindful that per *Nevada Revised Statutes* (NRS) 338A.150, charter schools are to be high quality and expand opportunities for pupils in this state, including students who are at risk. I want to give a case example of some of my work.

In the late 1990s/2000s, in my previous work as a neighborhood planner and analyst in Clark County government in southern Nevada, the Clark County Board of Commissioners had an agenda item to propose a moratorium on new residents coming into the communities. Literally 5,000-plus people were moving into southern Nevada every single month. It was extremely hard for the county to keep up with the exponential growth and infrastructure. Again, they had to have that tough discussion to take pause to appropriately plan for the future success of the community for residents to live, work, and play.

Also, in an article from the *Santa Fe New Mexican*, published on February 21, 2019 ["A charter school moratorium makes sense"], taking a pause on the growth of charter schools is noted as "smart planning," and it gives the state, as well as charter school advocates, the opportunity to assess how the system is working now. It is about assessing the system of charter schools all the way from approval to oversight to outcomes.

I would say that as legislators, that should be our goal—to ensure that educational systems are successful and sustainable for our youth. The intent of Assembly Bill 462 is to do exactly this.

Let me walk you through the proposed amendment of what should occur in the interim until January 1, 2021. As you will see, there is a lot of work to be done, but I am confident we can achieve it ([Exhibit I](#)). There are seven bullet points in this amendment.

The first requires the SPCSA to establish a Growth Management Plan for Success, a five-year plan to include projections of growth of charter schools, projections for student populations served by charter schools, and projections for approving, renewing, or revoking charter contracts. Such a plan must also implement the evaluation process conducted pursuant to NRS 388A.220.

The second requires the SPCSA to complete evaluations of each campus that constitutes a charter school; through interim work and Committee hearings, we know that there are some evaluations that are outstanding. Again, this is not to be punitive; this is just to have evaluations so we can know where we are, where we can continue the great work we are doing, or where we need to put in a performance plan to ensure things perform better. It outlines the specific areas and criteria within that evaluation.

The third requires the State Public Charter School Authority to submit a report to the Legislative Committee on Education summarizing the progress of evaluations and the development of this Growth Management Plan for Success. Again, we only meet for 120 days, so with the interim Legislative Committee on Education, this is where they would check in and make sure that everyone is working in tandem.

The fourth addresses the one thing that we heard loudly and clearly in testimony from the past few Committee meetings and prior: This is not to disrupt any charter school that is already in the application process with the SPCSA. That was a big thing and whether we believe it or not, we do listen here at the Legislature. We do not want to disrupt progress that is already being made.

The fifth bullet point prohibits the acceptance of an amended application for good cause after the effective date of this bill.

Six gives all of the NRS chapters and sections that would be revised to expand the scope of a required evaluation before soliciting applications to form a charter school to include an evaluation to ensure the best interests of pupils and an efficient use of public money based upon the academic needs of pupils, the needs of the school district, and the needs of the community in geographic areas served by the sponsor. Again, I want to reiterate that in the charter school statute [NRS 338A.150], it states that we need to look out for those children in areas at risk.

Lastly, we want to make sure that there is some communication with the other local education agencies to make sure there is communication with the school districts when we are strategically placing our charter schools to make sure we are communicating. Basically, that is what No. 7 is saying, that we communicate with each other and make sure that we are trying to look out for the best interests for our students' successes.

In closing, Assembly Bill 462 is about quality, capacity, and community. Let us all take a deep breath and take time to plan accordingly so we can deliver on the promise that every child deserves a high-quality education in our state.

We have an option before us. We can be proactive now, or unfortunately, be reactive later. I am sure many of you have been doing research and see that many states are being very reactive right now because they did not take the time to have the tough conversation to ensure that their charter school community was as viable, as sustainable, and as performance-based as possible for our youth.

Vice Chairman Flores:

We will now open for questions.

Assemblywoman Hansen:

I have no doubt that your intentions are to do the best for the children in the state of Nevada. I know that for sure. I think we just might have a difference of opinion in what the oversight is looking to do.

If we are looking at assessment—you mentioned quality, capacity, and community—based on quality, I think some of the results that we are seeing in the charter schools is evidence that we are on the right track. To me, that would signal that a moratorium is not necessarily reasonable in the sense that 72 percent of the schools that fall under the State Public Charter School Authority are providing the students in Nevada with a 3-Star or above rating, and 52.5 percent of those students are getting 4- and 5-Star ratings. The greatest growth they have had in the last three years has been in the 4- and 5-Star ratings. I think they are delivering on quality.

On capacity, we know that we are bursting at the seams in a lot of school districts and we see the charters as a way to help ease some of that capacity. The demand is so great that many of these charters are on a lottery.

For me, I believe in oversight and I believe in accountability. I think they are delivering based on the star rating and based on some of the well-spoken testimony we have had from students. My concern with some of the proposal is that more bureaucracy gets in the way of excellence and of performance. That is seen in our own public school system of which I am a fan. I think we have burdened our public schools with so much bureaucracy, so much red tape, that it gets in the way of those schools performing as well.

This is more of a comment than a question. I just wanted to be on the record, and again, I appreciate all that you do and the many hours you give on behalf of the state of Nevada and the children. Thank you.

Assemblyman Thompson:

I really do not like the M-word [moratorium]. I really want to use the terminology when I am speaking. We need to take pause. We need to take the time to make things right. I understand what you were saying about the quality being there, but it is not 100 percent. As I mentioned, there are some 1-Star schools and some 2-Star schools and some 3-Star schools. When there was a presentation given, I was told that the definition of high quality was 4 or 5 Stars. If you really look at that, we are about half and half. Again, I know you are

talking about government bureaucracy, but it is really not about that. It is about if we are going to appropriately plan for success. Are we going to make sure that we are evaluating, giving tips and pointers to schools that are not performing, and holding those schools accountable? At the end of the day, it is about our students' successes. We do not want those students continuing on in a 1-Star school.

Assemblywoman Peters:

Thank you for the revisions on this bill. It helps explain a little more of the intent of the bill. In trying to understand how charter school systems work, we have a couple of county-authorized charter schools and the state-authorized charter schools. Does this bill pertain to all of those entities or just to the state charter schools?

Assemblyman Thompson:

What part of the bill? Are you saying as far as the pause? Yes. There is some firm direction for the charter school authority because they have the bulk of the system and they are the ones who are getting the abundance of the applications. We have to look at that. There is also a statement here saying that the Growth Management Plan for Success will have to also be adhered to by the local education agencies—so the other school districts as well. When you look at the scheme of it, for example if you look at Clark County, there are fewer than ten and if you look at Washoe County, it is even fewer than that.

Assemblywoman Peters:

Thank you. That is what I was looking for.

Assemblywoman Torres:

I am wondering if the amended application is going to be accepted or not.

Assemblyman Thompson:

Again, this was a great learning curve for me. Knowing enough but wanting to learn more, it is my understanding that there are certain intervals of time that operators and schools can apply. This amendment space is pretty much discretionary when it comes after a deadline interval. I wanted to put that in the amendment because if we are truly going to take pause, we do not want to front-load.

I want to say on the record that I appreciate receiving some great letters from some very promising-sounding schools which I have never heard of; I think it is also good to see that there are a lot of people and many of these operators are not from our community. They want to come into our community. We need to vet them and make sure they are going to be proper; that is what we should do. We should take the time to make sure that the schools that are coming in to educate our children are the top-notch and high-quality schools and operators that we want. However, I did not want it to be—just because they see that there is going to be a pause until January 1, 2021—that we have something that is unmanageable.

Assemblywoman Gorelow:

What is the current process for a charter to go through the application process, and what is the timeline for a charter?

Assemblyman Thompson:

I do not even want to try to touch that because I do not want to miss a step, but I am talking about just on the front end. There is an application process that the SPCSA requires. I would assume that the different local education agencies have a different process, so I do not want to misspeak.

Assemblywoman Gorelow:

How long would that timeline be?

Assemblyman Thompson:

I will give an example. I was talking with some operators and it is quite a process. I am only speaking from the ones I spoke to—some of them that are in the queue right now, going through the application process. They are most likely not going to open up their doors until fall of 2020. When we look at the grand scheme of things, if we take the time to do everything that is outlined in the amendment, we are going to be at 2021 before you know it. When you see the passage of the bill, then we are already at a year and a half. It is a process that has to happen because an application must be submitted, a site found, and permits obtained. I do not have the full comprehensive process in front of me, but it takes some time.

Assemblywoman Hardy:

I have a couple of questions off the amendments. I am a firm believer in accountability. I think we get into a lot of problems in our society when people are not accountable. Numbers 1 through 3 on your amendment ([Exhibit I](#)) address a lot of requirements for standards for charter schools. Could you help me understand how these requirements line up or compare with requirements for public schools, for 1- and 2-Star schools? Those are concerns no matter what kind of school it is, for schools that are underperforming.

Assemblyman Thompson:

It is going to differ depending on the local education agency, the school district. When you are talking about a low-performing school, in southern Nevada for example, being that we have had the reorganization of the school district, it is incumbent on every principal of a school to work in tandem with his or her area, for regional superintendents to come up with plans for success for those schools. Again, this conversation is not about trying to pit the public school system versus the charter school.

There are lots of bills around the framework and what traditional public schools are not doing. This is to talk specifically about a relatively new education system to our community to have the opportunity to put some accountability in place. There is some rhetoric going on with the other school districts that they may not be meeting the needs of our students. I just want to make sure that this system continues to be amazing.

Assemblywoman Hardy:

We talk about standards and evaluation and I am trying to figure out how it all fits into this new system.

Assemblyman Thompson:

There have been concepts regarding turnaround schools; we have categorical types of programs such as Victory and Zoom schools. There are all kinds of other supports that we add to those other schools to make sure that we can build up their star rating and their students' successes. Those are just some quick examples to tell you that the school districts have their responsibility to work on raising up student achievement and they do have some programs in place.

Assemblywoman Hardy:

I appreciate that. I am just trying to get an understanding of all of this myself. That helps.

Assemblywoman Tolles:

For me personally, this has been really informative. We have had more discussions about charter schools in the last two years than we have had historically. It has really brought forward a lot of good questions about what the charter schools are doing right now in terms of improvement and accountability. In looking at your amendment, I see a lot of that being specified and in some of the things we have heard from stakeholders about how they have come to the table and acknowledged things that perhaps were not being done well in the past, and what they are doing currently to address those issues. A lot of what is in your amendment crystalizes that for the discussion. I appreciate it.

In regard to the actual two-year pause, to use your term, I had some specific thoughts as I was reading through the proposal. We certainly have a lot of population growth in northern Nevada. I know there is a great deal of population growth across the state. When we look at areas where there is population growth, I wonder how that might impact this over the next two years where we have an opportunity to address that with some new schools.

Would this affect a school where a charter school often starts with an elementary school, then builds a middle school or a high school? Would this impact that where you might have families and siblings getting split up?

Assemblyman Thompson:

To answer your first question, when you really look at the grand scheme of things, it is not going to stop schools from opening. There are schools in the application process right now. Those are going to continue to open within that time frame. It is not two years—it is literally going to be about a year and a half. Not that it makes it any better, but I want to share some of the other research that I have been doing. For example, New Mexico is looking to extend out to 2022. I am just trying to create a tight enough space and give enough time where we can pause and really try to get some things going.

The second part of it, and this is where it speaks to that amendment application process, is hopefully a current operator or charter school that knows it needs to grow to its next chapter—meaning their middle school or their high school—is in the space that I talked about in terms of those applications that are in progress. I would think they would not be, because of this bill coming forth, saying that they now need to get it on board. They know the application process; they know the length of time it takes to strategically make sure that it is seamless, to have their elementary school now become the middle school, to then become the high school. I would hope that those operators and/or schools have already started that strategic process and are not waiting just because this bill is coming on board.

Assemblywoman Tolles:

If they put their application in before January 15, 2019, they are essentially grandfathered in. If they are submitting it this month, then they are not—once this is passed.

Assemblyman Thompson:

There are two subcategories here. First, say you have a charter school that is already in the system, and they want to continue to bring more campuses. That is where that amendment application process occurs. Second, these are brand-new and these are actually out on the State Public Charter School Authority's website with these deadline dates. That is where the January 15, 2019, is considered a winner application. I hope that clarifies that for you.

Assemblywoman Krasner:

I know how passionate you are about education. I know you serve on many mentor programs for youths. My only question is, and can you tell me in your own words, why do you think it is important to bring this bill?

Assemblyman Thompson:

Because we need to have a successful charter school system. We need to make sure that every child who enters into this system is going to exit with a quality education. That is my charge as a legislator. No matter how difficult the conversation is, that is my charge and that is what is in my blood. That is why I am willing to have this tough conversation today. I know that we all have it within us and sometimes we just have to let everything around us not affect us, but know at the end of the day, when we ran for office, we said that we want education to be the best and better in our state. This is what this bill is about. It is to make sure that this faction—because we have a huge system—but today we are talking about this faction of the educational fabric in our state, and I want to make sure it is top-notch.

Assemblywoman Duran:

We do know that education is one of my priorities and I also see that needs to happen. We have all of this expansion in Nevada; we have all of these developers here. Why are they not responsible for having spaces or projects for schools to be in those neighborhoods? Now we are stuck. We have grown by leaps and bounds, not only in southern Nevada, but in northern Nevada. To me, these developers who are developing these areas should have a responsibility to make sure there is a place for our children, not only for schools, but for parks and other things. Has that ever been addressed?

Assemblyman Thompson:

I would say that maybe not in this bill, but I hear what you are saying. I can say that is more of a local jurisdiction responsibility. When they approve all of the projects, and many are doing really well—I can speak for the City of North Las Vegas—if you are coming to build, there is a lot of green space and a lot of areas where our children can play. Those are some things that are required if you are going to be a part of our neighborhood.

Assemblywoman Duran:

I think we are trying to do our best to do this. I think people are not attacking, but I think what you are doing is correct. We need to pause. We need to make sure that our schools are going to be beneficial for everybody involved. We need to take that pause because as you said, we have to evaluate the people who are coming in to make sure that they are top-notch to teach our children. Because you fill out an application, you do not get approved, then we get a black eye saying that we did not approve them for whatever reason. In my opinion, we need to make sure because our children are our future.

Assemblywoman Hansen:

To follow up on Assemblywoman Duran's statement regarding the growth and development in our state, and to make sure that I am correct, with public charters, they do not get any funding for building. The brick-and-mortar charters do not get that from our funds in their local municipality; it is not part of their capital improvements. That leads me to one other aspect of this amending process in the application. For some of these schools that have an existing campus, then perhaps go on to grow to a high school as well, because getting the funds to build is so fluid that one moment they have no money, then something breaks through and they are able to access some private funding. I worry that with this pause, they suddenly had the ability and now they are going to be held off and those students who were ready to go on to high school are unable to access that building. I wanted to put on the record as far as brick and mortar not receiving funding for their improvements, and it does cause the amending process for an existing campus to expand, it will be hindered by this pause if funding does come through and they are finally able to launch their plan.

Assemblyman Thompson:

I appreciate my colleagues. You are using the term "pause." I like that. However, I do want to say again, with that scenario, I am being quite honest, it is around planning. This is going to be a year-and-a-half pause, and I would think that if a school received an unknown amount of money, there would be a way they would be able to keep those dollars. That is good security, even for their application process, to move forward. Especially if they are building, it is going to take a minute to build a school from the ground up.

We can speak offline and talk that through a bit more. If that is something that needs to be expanded into the amendment, I will be open to listening to you.

Vice Chairman Flores:

Members, are there any additional questions? [There were none.] All those who are in support of Assembly Bill 462, please come forward.

Alexander Marks, Political Coordinator, Nevada State Education Association:

[Alexander Marks speaks from ([Exhibit J](#)).] We support Assembly Bill 462 to give Nevada the time and space to implement appropriate controls and accountability of Nevada charter schools. Charter schools were initially promoted by educators who sought to innovate within the local public school system to better meet the needs of their students. Over the last 22 years, charter schools have grown dramatically to include large numbers of charters that are privately managed, largely unaccountable, and not transparent as to their operations or performance.

Too frequently charters are operated expressly for profit or are nominally nonprofit but managed or operated by for-profit entities. These charters have devolved far from the original concept, developed in part by people affiliated with the National Education Association as incubators of innovation. Most importantly, the growth of charters has undermined local public schools and communities without producing any overall increase in student learning or growth. It is important to note that the most recent studies have shown that public schools outperform charter schools on average, and public schools educate every student, including English learners, students in poverty, and students with individualized education plans (IEPs). While they are prohibited from discriminating, charter schools serve far fewer students with disabilities.

It is imperative that we have a moratorium, or pause, as Chairman Thompson likes to say, on charter schools. When asked why the State Public Charter School Authority was approving new charter school applications when they could not properly regulate those schools, the response was that they had no legal authority to deny applications. Assembly Bill 462 will provide the State Public Charter School Authority the legal authority as well as the time and space they need to implement appropriate controls and accountability of Nevada charter schools. We are long past the time for the Legislature to assert strong controls of Nevada charter schools, including joining 21 other states in capping charter school expansion. Meanwhile, the Legislature should continue its work to improve traditional public schools, providing the supports necessary so that every Nevada student can get a quality education regardless of his or her ZIP Code.

Assemblywoman Tolles:

I have a few different reports in front of me talking about the growth and the performance. I am sure we will hear that from charter school advocates in terms of the number of 3-, 4-, and 5-Star schools and the increase of students in free and reduced-price lunch (FRL) that they are serving, as well as how they have been increasing in bringing in students with individualized education programs and English language learners. I will be curious to look at your written statement because it did not seem to connect with some of the other evidence that I am seeing from the Kenny Guinn Center for Policy Priorities and others showing that there is actually quite an increase in performance and student outcomes, and in serving populations.

Alexander Marks:

My colleague will be going over the Guinn Center report as well. When you account for the demographic increase, they actually will produce no different results, or, slightly better than the public schools ([Exhibit K](#)).

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

I would like to recognize that the charter school community has recognized or acknowledged that there are problems with the charter school system as it currently exists. If you pick up the newspaper and read what the challenges are from the SPCSA, their ability to police their own charter schools—you have to admit there is a problem here. If you cannot understand that there is a problem here, then we all have a problem in terms of making sure that all students who attend charter schools have the best quality charter school experience possible.

I am a realist. I know that charter schools are not going to go anywhere. I am a little surprised at the opposition of pausing to fix a system that is broken so that every charter school has the same opportunity as those successful schools. In traditional public schools and charter schools, you are going to have 4- and 5-Star schools. Then you are going to have other schools that are 1-, 2-, and 3-Star schools. One of the differences is that in a traditional public school, those 1-, 2-, and 3-Star schools can be taken over, moved into an achievement school district, or moved into turnaround schools. You cannot look at addressing those problems of the charter schools that are not performing well, because the charter school authority does not seem to have the power to fix what is broken.

An example is that last year the Silver State Charter School in Carson City shocked the Nevada State Education Association. Their teachers wanted to join the union. They wanted help because they were frustrated and the parents were frustrated with the leadership at Silver State Charter School. We asked that the SPCSA replace the school's board of trustees, which is appointed by the principal. They could not because they did not have the authority. They could not challenge the principal in terms of what needed to be changed or what was wrong. The teachers in that school were punished. The teachers were punished because they were moved from grade level to different grade levels in the middle of the school year, and they were made counselors or taken out of physical education class.

Assemblywoman Hansen:

For clarification, perhaps perceiving opposition on this side of the dais, Chairman Thompson illustrates a great point. We do not want to pit public schools and public charters against each other. When we talk about performance, it gets dicey. We get inflammatory statements from the Nevada State Education Association (NSEA) about charters; yet we are concerned about the 65 percent remediation rate of Clark County school graduates when they go on to college. Everyone in this room would admit that we have a performance problem in the state public schools, and maybe public charters as well.

While we are not looking to pit each against the other, we are hoping we will all be honest with the performance. Let us address it. If this bill is to address performance of charters,

then so be it. We also need to address the performance of public schools that are not charter and be honest and open in that discussion and not hold charters to a different standard than public schools.

I am open to lots of conversation. I am a supporter of public schools, charter schools, and others. I want you to know that I am open to learning and to being corrected, but I hope we cannot be inflammatory in our discussions where it pits us against each another. We both have to own that there are lacks here.

Ruben Murillo:

Absolutely. I believe that charter schools and public schools should be held to the same standards and to the same accountability. Please, trust we have been critical of public schools, especially those schools which are underperforming and not addressing the needs of our students. The NSEA and the National Education Association have multiple positions of making sure that the best teachers are there and the resources needed for traditional public schools are there. I am up here saying the same thing for charter schools.

If we wanted to attack charter schools, we would be pushing caps on charter school bills, but we are not. Charter schools are here and we want to make sure that those students who are successful, who are in struggling schools—whether they are traditional public or charter schools—have the resources necessary to qualify the teachers necessary to make sure that both sets of students are successful.

Let me make myself very clear. I am a supporter of getting students—whether they are in traditional public, private schools, or in charter schools—the best education possible in Nevada.

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

I want to preface this: I realize that there are some charter schools that are outstanding. In the room today is my friend, Leigh Berdrow, who is the director at ACE High School—Academy for Career Education—and that is an awesome charter school offering different programs ([Exhibit L](#)). There is acknowledgment that charter schools are important in many areas of our education career.

I want to ask for support for [Assembly Bill 462](#), in particular, No. 2 in the amendment ([Exhibit I](#)). It has to do with doing those evaluations of the charter schools, just as the traditional public schools are also done through accreditation purposes.

On a personal note, a charter school where the charter was held by the local school district—it took almost three years for everything to work out, based on whatever reason. My peers and I were not brought into the process until almost a year before the decision was made to close that charter school based on the paperwork and other decisions. I know it was a very

difficult decision for our school board to have to make. Actually going in and performing those evaluations over this time frame will help strengthen more of our public charter schools so we can serve the needs of our students.

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

We often hear about charters as a public school option, but we need to appreciate that the reality is a little bit complex. Charters are certainly publicly funded and should be publicly accountable. Unfortunately, as we have heard in several hearings during the interim and during the session, charters in Nevada have largely not been held accountable. Without this accountability, charters have dramatically grown into a school system which is separate and unequal. While there are many successful charter schools, when correcting for demographic differences, charter schools—and I will add private schools as well—perform no better than traditional public schools.

The essence of the issues between public schools, charters, and even private schools in the issue of school choice that we often hear about, really comes down to demographics and in particular, race. Race is the issue that drives and undergirds this whole conversation.

We had Professor Christopher Lubienski from Indiana University during the 79th Session and he presented his research on school performance. The most interesting thing he said is that they took a look at Internet searches of school sites when parents are researching around placement. The page that gets the most hits is demographics. If you look at the Guinn Center's Public Charter School Performance and Demographics ([Exhibit K](#)), yes, the performance is there for schools that have 3.2 percent fewer kids with fewer IEPs; about a third of the kids who are English learners; fewer than half of the students who are free and reduced-price lunch; significantly fewer Latino children; and significantly more white students and parent involvement.

Assemblywoman Tolles:

You are bringing up some great statistics that I absolutely appreciate, especially when it comes to really meeting the needs of English language learners (ELL) students in a lot of schools from what I understand. Specifically, my understanding is that charter schools do not get additional funding. We are having a lot of conversations about funding formulas for students with IEPs and ELLs and I am wondering if the answer to this discussion is how we could have a conversation as a body to be able to provide more resources, and if that would possibly lead to higher population inclusion. It is amazing that they are doing so well considering that they do not get those extra resources for those specific populations.

Chris Daly:

You are blessed with a couple of active classroom teachers on your Committee who I know can speak significantly better to this issue than I can as someone who is not a classroom teacher. The resources necessary for a class with eight students with IEPs versus five students with IEPs is a significant difference. If you have a quarter or a fifth of your students who are ELL versus just a couple—this is a big difference.

Regarding your question around resources, we see some of that in the new Nevada Plan conversation that is happening, but I would agree that we are not there yet in terms of effectively addressing the issues from the outreach to communities; where charter schools are placed in terms of what communities; how students can access those schools; and then, to your point, the resources which may or may not be in those schools.

This speaks to the merits in Assemblyman Thompson's proposal in A.B. 462 to give us the time to consider all of those very complicated and real educational issues, where we have a very clear and painful disparity between traditional public schools and public charter schools. That two-year time-out, or the pause, could give the interim the opportunity to address all of those issues, because there are a number of factors as to why you see these demographic differences between traditional public schools and charter schools.

Assemblywoman Tolles:

I want to point out that I appreciate that we both, very much, agree. This is about every single student and on that point, we care very much about making sure every single student gets support, whether there are different ways to go about it in regard to the pause.

Vice Chairman Flores:

Is there anyone else wishing to testify in support of Assembly Bill 462? [There was no one.] [A letter of support was sent to the members of the Committee ([Exhibit M](#)).]

Is there anyone in opposition to Assembly Bill 462?

Ernest E. Adler, representing Charter School Association of Nevada:

What I want to talk to you about is the original charter school bill, Senate Bill 220 of the 69th Session. I was the author of that in 1997 along with Senators Porter, Wiener, and Washington. It was a bipartisan effort to improve schools in Nevada. The original charter school bill came out of an exhaustive 435-page study entitled "Reconfiguring the Structure of School Districts" [Legislative Counsel Bureau Bulletin 97-4].

It was one of the recommendations that was implemented from that study. The idea was to attempt to bring innovation to the educational experience; encourage effective teaching methods; hold schools accountable for meeting student outcomes; and part from an accountability system that was based upon rigid factors rather than actual outcomes.

The bill passed the Senate 21 to 0, and it also passed the Assembly 39 to 2. The two no votes in the Assembly were Democrats, both from rural counties. It has always been a bipartisan effort to try to bring charter schools to Nevada to try to improve performance of schools.

One of the things we knew from the beginning was that charter schools were going to be held accountable in different fashions. Once it succeeded and they were exceptional, we wanted to promote and we wanted that to be replicated by other schools within the system. The ones that failed would be ultimately closed, which is what is happening now in Nevada. There is accountability in the greatest degree in that schools that fail are closed.

Felicia Ortiz, Private Citizen, Carson City, Nevada:

I testified to this a couple of weeks ago, and I do not agree with the moratorium—the pause. There are quite a few really good schools in the pipeline which might not have their funding quite ready yet that would be really great in serving, especially, the communities in most need.

I also do not think we should impose more evaluation if we are not going to do that for all schools. I have yet to see a traditional public school closed for lack of performance. We saw how well the Achievement School District (ASD) went over. I think one of the reasons that ASD was not super successful is because those really good charter school operators could not come to our state because we do not offer enough funding.

We should be focusing more of our time and attention on how we are funding schools and ensuring that all schools have the resources to be successful, not being distracted by this pause on giving students additional options.

Assemblywoman Miller:

I was not sure, are you wearing your elected hat right now or speaking as yourself?

Felicia Ortiz:

I am speaking as myself. The State Board of Education does not hold positions on any bills because we cannot get together and we would be violating open meeting law.

Assemblywoman Miller:

You mentioned that you do not feel more evaluations on the charter schools are necessary. Do you support the idea that they should be measured and evaluated the same way when it comes to requirements, standards, regulations, certified teachers' evaluation, teacher evaluation requirements for working with students with IEPs, and accepting everyone?

Felicia Ortiz:

Absolutely. I actually think that is mostly already there. To Assemblywoman Tolles' point, we have seen that there is not equity in the students who were taken, and that is changing. As long as we continue to shine the light on that and ensure that the new charters that are being approved and the charters that we already have are being evaluated for that on a consistent basis, just like our traditional public schools. To be fair, we also need to look at our traditional public schools because our magnet and career and technical education schools have similar problems. The kids who attend those phenomenal schools go there because their parents can afford to drive them—same issue. That comes down to transportation and yes, they are getting into nicer, fancier buildings than perhaps where Assemblywomen Torres and Miller teach. Again, it goes back to funding. Until we fund on an adequate basis so every student is sitting in a nice school and having the choice to go to the school that suits him or her best, I do not think we should hold any school back.

Renee Fairless, Principal, Mater Academy Mountain Vista, Las Vegas, Nevada:

I would like to say that I am pretty sure my husband was Chairman Thompson's physical education coach at Valley High School. He has told me what an amazing student council body president he was during those days. I know he cares about children. I know the neighborhood he comes from. I know that is first and foremost with him. My opposition is nothing personal, and we are both on the same page when it comes to caring about children.

I do have to tell you that a moratorium affects my students—students of diversity—probably more than any other group. There have been a lot of conversations about them. There are two Mater Academies and they are 100 percent FRL, over 60 percent Hispanic ELLs. These students deserve choice. They do not have the same options as many other students, and they deserve those options.

I wish in education we could pause. It does not happen. Kids show up every day. You hope the teachers show up every day. The bottom line is that you cannot have a pause when the growth continues to be the way it is.

I also want to share that there is tremendous misunderstanding. Please do not vote yes for this bill unless you have visited a charter school. I have the same levels of accountability that I did when I worked for 28 years with the Clark County School District (CCSD)—a school performance plan; National School Lunch Program plan; audits; accreditation plan; and teacher evaluations. I wish it was as different as everybody describes it. It just is not. Please, if you have not been to a charter school, which is what you have to do before you vote for this bill, make sure you vote with knowledge.

Sometime it seems as though people talk about charter schools if they do not understand them. When I worked for CCSD I probably never would have stepped foot in a charter school. I did not need a charter school. The bottom line is, I did step over. I saw amazing schools and I wanted to be a part of it, and I am. A moratorium stops people like me, and stops the kids you have seen for the past two weeks, in our tracks.

You talk about two years. It takes us four years to even go through the process and build a school.

Randy Kirner, Private Citizen, Reno, Nevada:

I am a poor substitute for previous mayor of Henderson, Nevada, Arthur "Andy" Hafen, who was supposed to speak today. I currently serve on the State Public Charter School Authority (SPCSA). I am not speaking on behalf of the Authority; I am speaking as an individual.

As a former Assemblyman myself, I appreciate and recognize your job is to solve problems for the legislative process. To be perfectly honest, I am not sure what problem the moratorium solves based on the testimony I have heard today.

We do not stop or pause because we have growth. We have exceptional growth in southern Nevada, and I do not think anyone is pausing to think about that. Charter schools, as they

have been mentioned, are over 20 years old. We live in a proactive mode in that SPCSA and charter schools operate on a totally different basis than traditional schools. In exchange for autonomy, there is accountability.

We have a great amount of accountability. Frankly, these arguments make little sense to me. All seven of the points that Chairman Thompson brought up are currently in practice. We do have strategic plans; we do have all of the elements that he brought up. Real facts speak volumes. Charter schools are seeing enrollment climb. Parents obviously seek these alternatives to public education. Even teachers are now gravitating to public charter schools. Public charter schools represent a significant number of minorities, ELL populations, students in poverty, FRL, the whole gamut, and we are growing in those numbers.

Student performance and results exceed traditional public schools with more 3, 4, and 5 Stars by percentage than do traditional public schools. All of this is at a fraction of the funding cost that traditional public schools receive. Again, I do not understand what the moratorium solves.

Gloria Buchalski, Private Citizen, Las Vegas, Nevada:

I am a parent at Somerset Academy North Las Vegas Campus. I agree. I do not see the advantage of taking a pause. Nevada continues to grow. These children and their parents need the choices. I have two children currently in school. One is at Somerset and one is attending a CCSD school, just because the choice is there. My daughter, who loves orchestra, is at Arbor View High School. My son, who loves his charter school, is at Somerset. He is a big leader in school.

I appreciate the fact that the teachers in that school support leadership. They support the projects for the students. There is oversight. I walk through that school daily and I see that the students are learning and they are happy. The teachers are following the rules and regulations that they are given. Like Ms. Fairless said, they have to follow all of the same rules as the CCSD.

I really appreciate the fact that we are given choices here in Nevada. Giving a pause is not going to serve any purpose as far as our charter schools go.

Amaiya Nava-Ganigan, Private Citizen, Las Vegas, Nevada:

I am 13 years old. I currently attend Mater Academy Bonanza Campus and I am in the seventh grade.

I am here today because I strongly disagree with Assembly Bill 462. Mater Academy has granted my peers and me many experiences we will never forget. One point I would like to make is that with Nevada having one of the largest class sizes, charter schools guarantee smaller class sizes. With smaller classes, students are more engaged in learning and teachers are able to assist each and every student.

Mater Academy's middle school is only composed of about 200 students, which I believe allows each student to get to know one another and teachers can focus on students. Charter schools have created an amazing learning environment; passing this bill will deny these needed environments. We should provide our future with the best education.

Nevada schools have been at the bottom of education in the country with no other solution in sight until charter schools came along. Charter schools are not the fix-all, but have been part of the solution and eliminating charter schools will only take Nevada's education a big step backwards.

David Dazlich, Director, Government Affairs, Las Vegas Metro Chamber of Commerce:

A strong education system is one of the top priorities of the Las Vegas Metro Chamber of Commerce and for those members who are employers, and it is a priority for Nevada's economy in general. The Las Vegas Chamber has historically supported higher-performance schools and accountability for our educational institutions. However, we do have concerns with the pause as put forward in this bill. Currently, about 10 percent of the student body within Nevada is served by charter school institutions. We are concerned that this pause will affect the expansion of those 4- and 5-Star schools. In the current teacher shortage that we are seeing, we are concerned about the effect on the education system in general. To be clear and to reiterate, we absolutely support accountability and performance of these institutions; however, we do not believe the pause is the correct way to address that.

Jason Guinasso, Chair, State Public Charter School Authority, Department of Education:

I am here in my personal capacity to testify against this proposed bill. Although I think the intentions of the bill are good and noble, it is hard not to take this type of proposal to place a moratorium or a pause on charters personally.

As one of seven volunteer board members who provide vigorous oversight and accountability to the schools under our care, we put in hours upon hours of work to make sure that our schools are performing well and producing good outcomes for all of the students under our care.

There are 17 mission-driven staff members who work very hard around the clock to support our schools and to ensure that we get quality applications that are aligned with our current strategic plan. We have hundreds of school leaders and teachers and volunteers who work exceptionally hard to deliver quality outcomes for our kids. We have thousands of parents and students who appreciate the opportunity. In fact, we have over 6,000 students who are on waiting lists right now to get into charter schools.

Our efforts over the past four years have achieved outstanding outcomes for students. We are successful, contrary to the testimony you may have heard. As a matter of percentage, we have two times as many 4- and 5-Star schools than the traditional public school system.

As a matter of percentage, we have half the number of 1- and 2-Star schools. This bill punishes the efforts we have collectively made to achieve the results we have achieved.

If this bill is about an opportunity to have a conversation, we are open to that conversation. We always have been and we always will be.

Assemblywoman Tolles:

Those statistics were really interesting if I heard them correctly—twice as many 3-, 4-, and 5-star schools—half as many 1- and 2-star schools. Is that correct?

Jason Guinasso:

That is correct. As a matter of percentage, a percentage of our schools with 4- and 5-Star schools is double that of the traditional system. As a matter of percentage, of all of the 4- and 5-Star schools in the state, 25 percent of all 4- and 5-Star schools are charter schools.

Assemblywoman Tolles:

What is the per-pupil funding that you receive versus the traditional public schools?

Jason Guinasso:

We receive the same per-pupil funding absent funding for facilities. We do not get the same facilities funding that traditional public schools get. We get commensurate per-pupil funding to deliver education. For our charters to fund their facilities, they actually have to cut into their per-pupil funding. In most cases it is on average about 20 percent of what their per-pupil funding is in order to have a building in which to deliver the high-quality education that they deliver.

Assemblywoman Tolles:

Can you speak to the question earlier in this discussion regarding additional funding that traditional public schools receive for IEP, ELL, and others?

Jason Guinasso:

Yes, that is an exceptional point and one where I think we can all agree that we need to have additional funding to address the issues we have with serving the underserved populations of our communities well. In fact, I laid out in an opinion editorial on December 17, 2018, in The Nevada Independent ([Exhibit N](#)) and I will put it into the record here, a plan that we propose to deal with that from a State Public Charter School Authority perspective. One of the points I make is that we are all failing. All of us in public education are currently failing to serve the most vulnerable students, to serve those who are FRL and those who are disabled and other demographic categories. We all need to do better. I am just proud to say that as a charter sector we are leading the way to delivering that high-quality education to all of these demographic categories despite the limited resources at our disposal.

Assemblywoman Hardy:

Have there been any charter schools that have closed if they do not measure up or improve, or do not get off the 1- and 2-Star list?

Jason Guinasso:

Yes. Seventy-five percent of the work that I and the colleagues on the board have done is accountability work. Part of that accountability work has been making the decision to close schools. We have closed Silver State Charter School for failure to perform. We have put other schools on performance plans that have resulted in portions of their schools being closed. When we first get an indication that schools are underperforming, we send a notice of concern. They have to appear before our board, have to acknowledge that they are underperforming, then they have to tell us what their plan is to improve. Not only do we close schools, but those that even fall below 3 Stars have to appear before our board and sit in what I call the seat of shame and explain to us what went wrong and why, and what they are going to do to correct that. In terms of accountability, yes, we have shut down schools, we have put schools into receiverships, and our receiverships have been successful in turning 1-Star schools into 3-Star schools or better; then we issued notices and corrective action plans that have caused our lower-performing schools to perform to the standards we expect.

Assemblywoman Miller:

You mentioned capacity and buildings and talked about having to cut into per-pupil funding. We all know that charter schools are managed by management companies. How much of the per-pupil funding, or what percentage, are these companies taking off the top?

Jason Guinasso:

I do not have the exact numbers on that because it is different for each school, but I would venture to guess roughly 5 percent—no more than 10 percent. If someone else knows better than I, or if I find out differently, I will send you an email and get you that exact number.

Assemblywoman Miller:

Are there any charter schools in the state of Nevada that are not managed by those companies that are taking that additional money?

Jason Guinasso:

Yes, there are.

Assemblywoman Miller:

And do you know the percentage? Ballpark it.

Jason Guinasso:

Maybe 25 percent, but please do not hold me to that.

Assemblywoman Miller:

It sounds as if the majority of the charter schools have money being spent on outside management companies?

Jason Guinasso:

Yes, for things like human resource support and for payroll and for all of the things that go into the administrative function of running a school. Those management companies provide a very efficient and cost-effective way of delivering education so we can keep more dollars in the classroom and less dollars into overhead.

Assemblywoman Munk:

I noticed on the Charter School Association of Nevada's "Active Accountability" chart we received ([Exhibit O](#)), there were 26 charter schools that are 1 and 2 Stars. I see that many have notice of concern, and they are 1 Star. What do you mean by "notice of concern" when you give a 1-Star school a notice of concern? What are they expected to do?

Jason Guinasso:

There is a process of accountability that we have at the State Public Charter School Authority as best understood through what is called the intervention ladder. In an intervention ladder, there are stages to accountability. The first stage of accountability: When a school is either a 1- or 2-Star school in our portfolio, we send them a notice of concern. We identify the fact that under the Nevada School Performance Framework (NSPF), they have been rated a 1- or 2-Star school. We require them to come to one of our board meetings and explain what happened and why they are a 1- or 2-Star school. Then we ask them what they are going to do to improve upon the results they received last year. We look into the specific NSPF to see exactly where they are failing—maybe it is math proficiency, or maybe attendance, or testing. We look at those issues and then we ask them specifically what their plan is to improve in those areas where they failed, and then they have to present us with a plan.

If they fail to execute on that plan, the next notice they get the next year is a "notice of breach." It is notifying that they are in breach of their contract, and then we go through a process where we require them to put in a formal written plan to which they will be held accountable if they do not follow through on that plan.

The accountability follows in the third year where if they fail to address the concerns that have been laid out in the previous two years, then we do a notice of intent to terminate. Those are the schools you have seen on that chart that have been subject to closure, have been subject to a receivership, or have been put on more rigorous performance improvement plans where there is nondiscretionary closure of portions of their schools, and/or corrective action plans. With regard to low-performing schools, it is part of our practice as a board to cap enrollment for those schools until they improve their performance.

Valentina Rojas Carrasquel, Private Citizen, Reno, Nevada:

I am a parent from Coral Academy of Science. I am in opposition. My son is 9 years old. He wants to be a robotics engineer at the Massachusetts Institute of Technology (MIT). Thanks to the highly rigorous precollege education that he is receiving at Coral Academy, and being part of the National Honor Society, there is a big chance that my son will be able to participate and be part of the MIT in the future. No pause. Just move forward.

Ignacio Prado, Executive Director, Futuro Academy, Las Vegas, Nevada:

Futuro Academy has been open for two years. We are doing quite well in our second year. At this point we have produced 126 percent of expected growth on the end-of-year Measures of Academic Progress. Had this moratorium been passed in prior sessions, in place of our school we may have what was there before, which was an abandoned building collecting graffiti.

Akshatha Narasimhan, Private Citizen, Henderson, Nevada:

I am a senior student at Coral Academy of Science Las Vegas, one of the many 5-Star charter schools in Nevada. I would like to state that the Coral Academy program has provided me the value of an interdisciplinary education and has truly prepared me, not only for my successes in high school, but my life after high school. I have to say that the best decision of my life so far has been receiving my education at a charter school.

Danette Groover, Private Citizen, Las Vegas, Nevada:

I am a mother of a special needs child. April is Autism Awareness Month, and one of my children does have autism. They attend Somerset Academy charter school and that school has allowed them to fully meet all of their needs for their IEPs, special education, and otherwise. One is speech disabled, and he has received every service available to him. As an autism mom, I fully support charter schools.

Liz Kiggins, Private Citizen, Carson City, Nevada:

I am also a parent. My children go to a public charter school in Washoe County. I am also a special needs mom. I want to say that our charter school has also provided every opportunity and that is one of the reasons we are currently at our charter school. The fact that we are serving so many at-risk students in this area and that they are thriving is a huge testament to why we cannot take pause right now. We need to keep that forward movement. It is hard to get a charter school in our area. We are overcrowded. I hope that you will please vote no on this bill and vote for families like mine.

Vice Chairman Flores:

We are at the 30-minute mark; however, I want the record to be reflected as adequately as possible. First of all, I have taken the liberty to count those of you who have signed in. There are at least 72 people signed in as being in opposition, of which the majority of you had indicated that you wanted to speak. I want the record to reflect that. In addition to that, there may be some who forgot to check off whether or not you were in support or in opposition of the bill. I would like for you to rise if you are in opposition to the bill so we can get an idea of how many people we have in opposition here. I count at least 42 here in Carson City.

John Hawk, Chief Operations Officer, Nevada State High School:

I counted 58 standing in Las Vegas.

[([Exhibit P](#)) is a packet of letters to the Assembly Committee on Education in opposition to Assembly Bill 462.]

Vice Chairman Flores:

Thank you. Is there anyone testifying as neutral?

Keenan Korth, Communications Specialist, Clark County Education Association:

We represent 18,000 educators and other licensed professionals across the Clark County School District. Our position on Assembly Bill 462 is neutral. We believe the discussion around charter schools is one worth having and that the entire model needs to be evaluated. Existing charter schools and those applying to be charters need a higher standard of accountability applied to them, especially when they are taking in public funds.

This is a conversation that has to be rooted in reality, and the reality is that for better or for worse, charter schools have become a part of the education delivery system in Nevada. We are all for accountability, but this is fundamentally an issue of class. Many of the target student populations of charter schools in southern Nevada are from low-income families and neighborhoods, or are experiencing poverty. These students are disproportionately students of color and/or English language learners. As such, we fully acknowledge that in these circumstances, charter schools may be providing services and meeting needs that local public schools simply do not have the capacity to meet, especially among these underrepresented populations.

We are diligently trying to improve our public school systems, but we cannot ignore the reality we are currently facing and we believe these schools must be evaluated on a case-by-case basis. We have not yet heard enough evidence as to whether this pause will adversely affect the delivery system for the aforementioned targeted populations, particularly as it relates to the timeline.

As the discussion around this bill continues, we hope that it will be centered on the realities our students in Nevada are facing and other socioeconomic factors and not simply an abstract conversation rooted in ideology that is divorced from the experiences and needs of students.

Augustin Jorquez, Private Citizen, Sparks, Nevada:

Ditto on the last neutral response. I have promoted charter schools for more than 25 years. I am speaking as neutral. I have seen a great deal of misuse and abuse throughout the years on both sides. I am also part of the Washoe County School District's Faith Forum.

I did not plan to speak; however, I just want to voice my concern over a statement that was made, as this has nothing to do with race. At a time of racial reconciliation and at a time when we are looking at this as academically across the board—and as many of you heard concerning bullying and giftedness and special education—I believe that statement was made to purposely divide this forum. I am appalled with any Assembly person who would be in agreement with that statement.

Also, may I say that I am grateful for the State Public Charter School Authority, and I am glad that there was a voice from the SPCSA.

Assemblyman Chris Edwards, Assembly District No. 19:

I have actually been waiting for a good opportunity to share this little anecdote that I think will be beneficial to everybody.

I was at an education summit last year. All kinds of topics came up and one of them was the topic of school choice. Regardless of how you are going to vote on this, I want you to consider this quick little anecdote. It was from an 85-year-old African American. He related to us that he grew up during the days of segregation, but he also remembered the days of integration. He said that many people were surprised at how many African Americans really wanted integration and how they enjoyed having that choice. When he was asked why, he said the answer should be obvious. For 175 years the African Americans in this country did not have a choice; now we do.

I hope that you will consider having choice for all of our demographics, all of our people.

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

I am not only representing Clark County School District, but all 17 superintendents in the state of Nevada. We met this morning in Minden, Nevada, and discussed this bill and I wanted to put some thoughts on the record. While we do not particularly have a stance on whether the moratorium should exist or not, we want to make a few points for the Committee to consider as we move forward.

For students to be successful in the state of Nevada, collaboration and communication are key. It is the only way all of the counties and school districts in our State Public Charter School Authority (SPCSA) will be successful. That has not occurred to this day.

We want to point out NRS 388A.220. This statute in the NRS has been knowingly and willfully violated by the SPCSA. It was a law passed in 2015 by the legislative body which specifically states, prior to any charter school being opened, an evaluation must be conducted by the SPCSA in collaboration with the Department of Education. In 2017, they said they did not have the money to do it. In 2019, we brought it up on the record again, and we are just beginning to have conversations with them about that evaluation piece. They have not done it for four years while it has been on the books.

As we look at communication across the board, there have been a number of instances where we have had student learning interrupted by charter schools moving in. For instance, in 2017 a charter school was approved for a site location. They changed their location and moved right next to another school in Las Vegas, Nevada. We had no idea until the sign popped up next to us. They decided to build and jackhammer the school right in the middle of testing for students in elementary school. Imagine our students trying to test and become successful while they have a jackhammer right next to them.

A few months ago, as a district, we had to have an emergency board meeting to change a plan where we had anticipated spending \$90 million on an elementary school, only to find

out that two charters were coming in without our knowledge. Luckily, we were able to change that. The communication and the collaboration are key.

Ed Uehling, Private Citizen, Las Vegas, Nevada:

I want to catapult on the comments from Mr. Murillo from the Nevada State Education Association. His ideas of investigating and sanctioning schools that are not performing is a very good idea and it should be extended to all schools. It is a disgrace that students are sitting in 1- or 2-Star schools. They are not getting educated, they are not being prepared for the future, and all of those schools should be investigated—charter and public schools. They should be closed and sanctioned and everything else.

Cyrus Hojjaty, Private Citizen, Las Vegas, Nevada:

I believe we have issues with both charter and typical public schools. This is because both institutions do not offer a great level of flexibility—true ideas and options on how children want to learn. I believe that each individual child is unique. They learn differently. We should not have a few-sizes-fit-all approach. People do not want to wake up early in the morning, go to school, memorize facts, study and cram for essays and tests—doing work that really does not help them. Much of the work they do not retain and deliver to the real world.

In fact, I want to address a myth. People think that if Nevada schools are high-ranking, we are going to live happily ever after. That is just not really true because when you have students who perform very well on five advanced placement exams, 2,400 on SAT scores, how, in the long run, are they going to contribute positively to society? Do they take that knowledge and contribute? That should be the most important thing about education, ladies and gentlemen—what they contribute, what they retain.

I am going to give you my experience. I went to two high schools in Southern California. The first one I had straight As. For the second one, I moved to south Orange County. I was told it was in the top 5 percent of public schools. Yet when I went there my grades plummeted. It had a significant impact on my life. The teachers did not really care about people like me.

I had to change my goals. I started to focus more on developing new neighborhoods and cities across the Las Vegas metropolitan area. That experience really influenced me. If you think that a high-ranking school is the way to do it, think again. The real issue is that we need real flexibility—different ways of learning, not just babbling answers and doing essays and being obedient. Test scores measure obedience.

Buddy Rumsberg, Private Citizen, Las Vegas, Nevada:

I am here in support of my wife. However, I want to make a neutral statement. Earlier there was talk about project planning and how proactive versus reactive stance should be taken for this. What we are seeing here, and the public demand for charter schools, are a result of the lack of project planning to begin with. We are doing the best we can with the number of residents who are coming into Nevada.

I believe that charter schools are offering those opportunities on a smaller scale for various situations, and they also have a level of accountability that is constantly evolving like our demographic is within Nevada. The education system needs to reflect that and how people maintain that level of choice throughout and to maintain those options. Otherwise, we could potentially fail. Any pause would actually hinder that success.

Vice Chairman Flores:

Is there anyone else wishing to speak as neutral? [There was no one.]

Assemblyman Thompson:

I want to start off with a quote. I have really listened. When there is a big hearing like this, you always have that anxiety about how it is going to go. I am so appreciative of the comments—people being frank and candid. That is what is going to get us to where we need to go. The quote is, failing to plan is planning to fail.

Ultimately we want our charter school system—and I have heard that it is working now—well, we want it to continue to work. I am sure some people are saying that it is not working for their students. We want it to continue to work.

I also appreciate Mr. Adler. Thank you for giving us that background about Senate Bill 220 of the 69th Session. I appreciated that he said that it was a bipartisan effort. I hope that of my colleagues. I know it is a tough conversation, but I hope that we can get there how they did in 1997 around this work.

We also had a comment that we do not need to pause. We do. We need to pause because we need to have a viable plan. Growth without a plan is going to be detrimental for us. We have a great opportunity here. I know we have talked about the 4- and 5-Star schools and we have heard different versions about it. Again, because we are so on different scales about where the 4 Stars and 5 Stars are, we really need to take the time to discuss that. A part of the charter school direction is to make sure that we have those high-quality and high-performing schools and neighborhoods throughout our state—not in certain areas.

I appreciate the Guinn Center report ([Exhibit K](#)) because that is some good data. It is very unbiased. It is neutral. It is data. With data you can make it speak any language you want it to. It is how you want to interpret it. I think we all understand that there is a lot of work to do around this. As most people know, I am very community- and problem-focused and solution-based. I hope that if we want to continue the dialogue, please see me because we need to keep moving along to make this amendment as good as it can be.

I appreciate the students who were here. I always appreciate the testimonies. Thank you for being part of the process.

[[Exhibit Q](#)] was submitted but not discussed.]

Vice Chairman Flores:

At this time I would like to close the hearing on Assembly Bill 462 and open the hearing on Assembly Bill 459.

Assembly Bill 459: Expands certain reporting requirements relating to the performance and achievement of pupils. (BDR 34-795)

[Assemblyman Thompson reassumed the Chair.]

Assemblywoman Selena Torres, Assembly District No. 3:

I am here today to present Assembly Bill 459, which relates to the availability of student performance data by subgroup combination. To give a brief road map of how this conversation is going to be organized, I will begin by giving background information about this piece of legislation. I will then explain and break down the bill and what it does. It is a rather brief bill.

Understanding performance data for subgroups is critical for us in improving the quality of education that we provide our students. Policymakers at the federal level recognized this when they included provisions into the Every Student Succeeds Act (ESSA) of 2015 to require states to increase the accountability for outcomes that identify schools in need of additional supports.

Nevada, traditionally, has done an excellent job of this. We see that with our Legislature's creation of programs that are meeting the needs of those subgroups. We see that with Zoom schools and Victory schools, and we see that with Senate Bill 178 of the 79th Session. The Nevada Legislature has already created several programs that are meeting the needs of those students. We are able to create quality programs because we understand the data and we understand the pieces of legislation. It is extremely important that we continue to look at data and use data to drive our instruction and to drive our legislative practice.

There is still work to be done. We are not there yet and we know that. We have a lot of room for growth. Assembly Bill 459 will allow districts, the Department of Education, policymakers, and the public to drill down into several different subgroups with students who are in the highest need of the scarce resources being provided. I am going to move on to the second part of this presentation that is really looking at this piece of legislation.

The bill requires the Department of Education to make information available by a combination of subgroups. The subgroups currently identified begin with line 30 on page 3. It is addressing gender, race, ethnicity, other pupils with individualized education programs or those with or without accommodations for testing, whether the pupil is identified as an English language learner, whether the pupil is eligible for free or reduced-price lunch, and whether the pupil is a migrant as defined by federal law.

The purpose of A.B. 459 is to require the Department of Education to make this information readily accessible in subgroup combinations. For example, if I wanted to pull a piece of

information to see how female English language learners are doing in comparison to their male counterparts, this information would be accessible when we break down the information like this. It really allows for us to look at subgroups, compare subgroups, and identify where we have that room for growth. That is why this data is so important.

Additionally, this piece of legislation asks us to look into our average daily attendance and chronic absenteeism; average class size for secondary schools; student-teacher ratios for elementary schools; the retention rate by grade for Grades 1 through 8; credit deficiencies in Grades 9 through 12; students' transiency; and remedial data.

In my conversation with Chairman Thompson and a few members of this Committee, we would like to propose a conceptual amendment. I apologize for the slow turnover. I can see some faces smiling because they know I am famous for my amendments. They knew it was coming.

We also need to look into our high school graduation rate—the students who we are starting senior year with—are those kids graduating? We need a method of tracking that because we have many students who are transferring during their senior year, perhaps to adult education or other schools. We are not getting accurate data on whether or not those students are graduating. We have a responsibility to look into this piece of information. We need to know if our kids are actually graduating. Just because 95 percent are graduating who end senior year that does not mean that 95 percent of the kids who started senior year are graduating. We want to look at that number and what is happening with those kids as well—whether or not they are going to adult education and finishing out adult education, or perhaps they are not. We need to have a better understanding of what is going on with that subgroup of students who we are currently not assessing. We are only assessing that graduation rate for the students who are finishing their academic year.

As an educator, I use data every single day. We talk about testing. We have two different types of testing. We talk about formative assessment and summative assessment. Formative assessment is going to be what we can do to measure where we are right now. This is a formative assessment for the state of Nevada and for our education system and education policy. Where are we right now? We cannot create programs or policy that are going to positively impact the state of Nevada if we cannot have an accurate measure of where we are right now. That is our responsibility in this Legislature.

Assemblywoman Peters:

Thank you for bringing this much-needed bill for data collection. I would encourage you to reach out to the Division of Enterprise Information Technology Services within the Department of Administration and see what kind of data management they are working towards. I can help you get in touch with them.

Looking at this, what you have called out is really great data. The only thing I am concerned about is that there is not a specific statement that says it is exclusive of their personal

information so that we cannot connect this data back to students. This is more designed to get us information that is less specific to individual students and more beneficial to the holistic look of our districts.

**Peter A. Zutz, Administrator, Assessment, Data, and Accountability Management,
Department of Education:**

We are responsible for report collecting, validating, and the reporting of all student information and data. It includes some of the specific data points mentioned in this conversation, including assessment, chronic absenteeism, and graduation rates.

If the Committee has an appetite, we are also joined by Gunes Kaplan, our educational program supervisor who oversees the Nevada Report Card. We would be happy to log in and give you an idea of what data is currently available pertinent to this conversation. However, we are here to answer any questions you may have at this time.

We actually have our Family Educational Rights and Privacy Act (FERPA) "Sherpa" here, as they are referred to nationally. Gunes Kaplan is our FERPA Sherpa. Should you have any specific questions, please direct them to her. I will say that what FERPA does ensure is complete transparency and accessibility to student data, while at the same time completely protecting the privacy of the individual student.

Assemblywoman Torres:

This piece of legislation would go hand in hand with that, in that we, as a state, have the responsibility to ensure that we are following and abiding by federal guidelines. All student information would be protected under FERPA.

Assemblywoman Tolles:

We passed Senate Bill 458 of the 79th Session, which was the statewide longitudinal data system. The idea there was to get good data across the board from prekindergarten through Grade 12 in collaboration with Nevada System of Higher Education (NSHE). Since we have the experts here, how would this fit in with that longitudinal data system?

Peter Zutz:

We refer to that as NPWR [Nevada P-20 to Workforce Research Data System]. I encourage all council persons present today to access that. It is a quite powerful tool. As you mentioned, it is a collaboration between the Department of Education, NSHE, and career technical education. What it does is present student data on a continuum referred to as a longitudinal data system. You mentioned K-12. Currently in education, it is being referred to as birth-12, or birth-college, birth-career. That is available. Our data sets are maintained by the Department of Education and comply with both state and federal law. Recent regulations, specifically ESSA, required us over the past couple of years to make adjustments in our reporting system to make sure we are in compliance in collecting and reporting as per the law that those data points required. All of those are available on the Nevada Accountability Portal which can be accessed at nevadareportcard.nv.gov. That is the website

where you can also access individual school ratings as well as dig down and mine in a deeper granular level into school data, performance data, and again, some of the measures that were referenced today—graduation rate, chronic absenteeism, and performance.

Assemblywoman Krasner:

You said that this longitudinal data collection is referred to as birth to college and birth to career. Is that because the data on children is collected from birth to career?

Peter Zutz:

Not necessarily. I wanted to introduce that term because that is what we are slowly, if not steadily, moving toward. At this time we do have minimal prekindergarten data that is being collected. That would be the start then, if you will, of birth, so to speak. I think that is what that term is trying to capture is the pre-K group of students. At this time, no, we do not have a robust data set at that end of the spectrum.

Assemblywoman Krasner:

Does it go through college, through career?

Peter Zutz:

Our collection of reporting stops at Grade 12. When I mentioned NPWR, that is where you could see where a student is leaving high schools in Nevada, where they end up, and even how they may be performing, for example, if they go the route of higher education.

Assemblywoman Krasner:

Is it just if they go to higher education in Nevada? Can you see what college they end up in and their performance in that college in another state?

Peter Zutz:

That is a very good question, and I am going to humbly get back to you with more detailed information. We do not participate directly in NPWR. I would hate to give you incorrect information at this time.

Assemblywoman Krasner:

You are saying that individual student's data is not recognizable, is that correct?

Assemblywoman Torres:

No. Once again, I will reiterate the fact that any data we collect here in Nevada, we would not be able to have that individual student information because of FERPA, which is a federal law that says we cannot release private information. For example, as an educator, we might have access to the address of students, but if Assemblywoman Krasner were to reach out to me and ask for that address, I would have to say no. That is because of laws like FERPA. I am not even allowed to share student grades. You may have seen on social media where teachers have gotten some backlash for sharing student work that was not scheduled to be released. In fact, schools are so strict on this law that we are not able to photograph students

unless the student has already obtained signed media forms. When I go on a field trip with my students, I make sure I have a media form release so I may take photos of those students.

Assemblywoman Krasner:

That was not actually my question. My question was for you, Mr. Zutz. I appreciate your getting back to me on that information. When you get back to me, I will ask you any further questions then.

Chairman Thompson:

Are there any further questions? [There were none.] We will open for support of Assembly Bill 459.

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

The Nevada Immigration Coalition comprises the Progressive Leadership Alliance of Nevada; Culinary Workers Union Local 226; Make the Road Nevada; University of Nevada, Las Vegas, Immigration Clinic; Mi Familia Vota; American Immigration Lawyers Association; America's Voice; Planned Parenthood; Service Employees International Union, Nevada Local 1107; Arriba Las Vegas Worker Center; University of Nevada, Las Vegas UndocuNetwork; Children's Advocacy Alliance; Catholic Charities of Southern Nevada; NextGen; Dream Big Nevada; Asian Community Development Council; America Votes; and For Nevada's Future.

We support this bill because we cannot talk about equity without having this kind of breakdown by these subgroups. This is a great bill. Please vote for it.

Vikki Courtney, President, Clark County Education Association:

I am speaking in support of Assembly Bill 459 because it creates a data system to enable Nevada to intelligently make decisions about the needs of our students. Currently, we base fiscal decisions on aggregate data. For example, we say that there are 46,000 English language learners who are not being served by Zoom funds. At this stage, we do not know anything about these students. We do not know if they are making sufficient progress in their grade level or if they are two grade levels behind.

Moving towards a weighted funding formula, we can fine-tune the academic interventions given to English language learning students. This is similar to the Read by Grade 3 Legislation [Senate Bill 391 of the 78th Session]. We currently know that there are about 9,000 students across the state who have tested below a certain range who should be retained. But what are their true deficits? Perhaps some students are chronically absent which would account for the limited academic progress.

This is a different intervention than simply placing them in tutoring after school and hoping they improve, then scratching our heads when they do not. This will give us the opportunity to look at data across time. If we are able to look at data in the categories in the bill, we can understand which schools suffer from culture and climate issues, and assist accordingly. The school can be proactive with the students who are credit-deficient in high school.

Collecting and using data for improvement of skills and knowledge is a valuable resource in any industry. It helps us improve our work. This bill can help us be more effective in the education of our students—K-12 education.

Yvette Williams, Chair, Clark County Black Caucus:

We would like to thank you for bringing this bill forward from the Assembly Committee on Education. We strongly support this bill and hope that every legislator sitting in the Committee will do so.

This bill helps to reduce proficiency gaps and hold districts accountable at the school site. Currently, the Nevada education system is one of students who have access and those who do not—most often, by race, leaving African-American students last in line to get the opportunities of their peers.

We would like to make a recommendation in support of the Nevada ESSA plan that mandates to make a priority of students demonstrated as least proficient. We are recommending that you add the subgroup to section 1, subsection 4, along with other subgroups to identify any other subgroups that may be least proficient who may be emerging. Not all students may fit into one of those categories who may be least proficient, and this would give the Committee and our Legislature, as well as the state of Nevada, the opportunity to be able to identify any other subgroups who may be emerging around least proficiency.

Chairman Thompson:

We will leave that up to the sponsor of the bill to look at that proposed amendment.

David Dazlich, Director, Government Affairs, Las Vegas Metro Chamber of Commerce:

We are in support of this legislation. We believe that ensuring quality education requires the gathering of accurate data to measure performance.

Felicia Ortiz, Private Citizen, Carson City, Nevada:

I also sat on the ESSA advisory board and came up with our state ESSA plan, and a big piece of that was being able to identify some of these subgroups. I am constantly screaming for additional data—I am a bit of data junkie. I like to be able to drill in and have access to see if a subgroup is not performing; let us look deeper and peel back the onion to figure out why. If they are doing really good, we want to know why and how to replicate that. This would be phenomenal to have.

I also sit on the president's advisory council for Nevada State College, and they are doing this well. They have an amazing dashboard where you can drill in and slice and dice the data any which way. This has allowed them to better serve their students because they know who is performing well and who is not and how to target those specific students. If we have that

type of data at our fingertips, it would give us so much more power to make informed decisions and put research-based programming in place for those students who are achieving at the levels that we know they are capable of.

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

We are in favor of this bill. We pride ourselves in being data-driven decision-makers, and this gives us more data, especially as we continue the conversation about average class size in the secondary schools, which is a new conversation for our state. This bill is going to help us be able to drill down more.

Chairman Thompson:

We will go to opposition for Assembly Bill 459.

Cyrus Hojjaty, Private Citizen, Las Vegas, Nevada:

I have not really read the bill exactly, but based on what I am hearing, I feel as if this is bringing discrimination because, from what I know, if you are giving equity, that gives more resources to certain types of ethnic and racial groups. I believe that means a form of affirmative action. Affirmative action discriminates among certain people, particularly people who are of European descent and people who are Asian.

If you look at myself, I am Iranian American. Iranian Americans perform better than the national average. We score very well. A larger portion of our population has a bachelor's degree. I hear a lot about English language learner courses. Why are we spending money on these courses? I am bilingual. I was born with two languages.

Chairman Thompson:

I need you to stick to the bill. I know you said you did not read it, but I need you to stick to the bill.

Cyrus Hojjaty:

Well, I believe that this bill does not equally serve the people of all races. I believe this has to do with equity. It kind of delivers an uneven advantage for Iranian Americans. I could be wrong; correct me please, if you can, because I believe in true distribution of resources.

Ed Uehling, Private Citizen, Las Vegas, Nevada:

It sounds to me like this bill establishes another bureaucracy or opens up jobs for bureaucrats. I am very happy to hear that you have all of this data about the students. Why not use a free enterprise solution to this problem of nonperformance rather than establish and create more bureaucracy? Why not offer people or institutions or set up a system where if one of those entities can raise the score of those students two grades, plus the grade that they are in—that would be three grades rather than the one grade that would normally be expected—and paid double the amount for the back grades that they are being raised from, this problem would be solved very quickly. That would mean, for example, let us say the state gives \$5,000 per student, if the student is two grades behind and there is an institution that can raise them three

grades, whoever performed that job of raising that student to that level of performance would receive \$25,000. That would solve this problem very quickly. There would be lots of people who would be incentivized to participate in a program like that and would produce results and make the Nevada education system the best in the United States.

Chairman Thompson:

We will move to those who are neutral on Assembly Bill 459. [There was no one.]

Assemblywoman Torres:

I want to be very clear about what this piece of legislation does. It is following all federal laws and ensuring that our student data is protected, that names are not released with it, but we can have an idea of the greater scope of the quality of education that we provide. This goes hand in hand with all current and modern educational policy practices and also educational practice. We want to ensure that we can assess students where they are and measure their growth. We cannot measure our growth, we cannot even measure our policy's growth, unless we have created some element of doing that. In other words, this bill does not change any type of educational practice. We have other bills that will do that. This is simply to accumulate data.

Chairman Thompson:

We will close the hearing for Assembly Bill 459 and open the hearing for Assembly Bill 490.

[Assembly Bill 490](#): Revises provisions relating to the discipline of pupils. (BDR 34-390)

Assemblywoman Brittney Miller, Assembly District No. 5:

During the past interim, the Legislative Committee on Education spent a lot of time studying this issue on ways to improve climate and culture in our schools. I was privileged to sit alongside of not just Chairman Thompson, but Assemblywoman Tolles and Assemblywoman Benitez-Thompson as well.

In February 2018, the Committee heard a presentation from The Council of State Governments (CSG) Justice Center and Nevada's Department of Education (NDE) on their work to access current school discipline policies in Nevada ([Exhibit R](#)).

With me today are Amber Reid and Christy McGill from the Department of Education to talk about the studies and the findings. In response to the recommendations in the report, the Committee voted to provide the collection and reporting through Infinite Campus—which our schools are already utilizing—for discipline data by student subgroups, including and separating suspensions and expulsions.

The recommendation included a mandate requiring that the NDE develop and provide guidance to the districts on expanding data collection and standardize definitions of offenses and sanctions in order to ensure consistency across the districts and the schools. For instance, defining and making sure everyone used the same definition of an offense—something as simple as a tardy. When I was a student, a tardy meant I had to be sitting at my

desk, ready, before the bell rang. Some might define a tardy as you just have to be in the room. Some might define it as a student walking through the door when the bell rings. Some might define it as making it 5 or 10 seconds after the bell rang. We need consistency on what is a tardy.

It is the same with insubordination. Is insubordination a student sitting in their desk, not talking or bothering anyone, but not working? Or is insubordination a student who is actively talking back and insulting the teacher or other forms of authority?

The third mandate will be to provide training and professional development to build staff capacity to utilize Infinite Campus to create these reports, interpret the reports, and to develop a critical response action plan.

The bill itself requires in section 1 that the Superintendent of Public Instruction will report trends in discipline data to the State Board of Education.

Section 2 requires that the NDE and the State Board will include this information in their "annual report of the state of public education in this State."

Section 3 requires each school to collect and report certain discipline data. As recommended by the CSG Justice Center, suspensions and expulsions are to be counted as separate data points. The data must be available by subgroup. This section also requires the NDE to develop or provide guidance to school districts on the collection of this discipline data. The goal here is to review and analyze trends statewide. Finally, section 3 requires the NDE to provide training and professional development on reporting and analyzing discipline data.

Another goal is not just to define and use consistent definition in the offense, but also in the actual discipline or sanction that is carried out.

I want to address some concerns because I know that narrative often takes precedence over policy or the actual bill as it is written. This bill is not intended to give the perception that students are no longer to be disciplined. We know that student behavior does have a direct impact on the school culture and climate and what is happening in that classroom, and also on student achievement. Directives like this often freak people out and cause a lot of concern. We know. Our primary role as adults is to guide the students and to bring correction to certain behaviors because we want to improve their lives and build their skills and their characters so that they are able to be successful. We cannot just let behaviors go. Children are going to try things, but again, we have to make sure those behaviors are addressed, whether it is by an assigned consequence or a natural consequence. This is in no way saying that discipline is not going to be carried out.

We also know that teachers in today's world spend the majority of their time and energy on classroom management. The energy that it takes to prepare the classroom to make sure that it is emotionally and physically safe and conducive to learning—making sure that the students' social and emotional needs are met—is quite different from when most of us were

in school. My teacher spent very little time on classroom management. The classroom management plan was basically the first day of school—do not talk, do not chew gum, and do not stand up.

With this, it is also giving the state a chance to get a much better view of what is actually happening. With this bill, it can demonstrate the need for more support as well: making sure that we are able to identify, define, track, and address behaviors the same way: making sure that a behavior in Pahrump or Yerington or in Henderson means the same and has similar discipline and that discipline is in proportion to the offense and is carried out the same way for all subgroups. I have worked in three different schools in Clark County, in three different neighborhoods, two elementary and one middle school, and I can promise you that discipline is not defined nor is it carried out the same within those three schools.

Another thing we will be looking at, of course, is the disproportionality. We have heard a lot this session in multiple committees about the disproportionality among races and different subgroups. That will be something that should not come as a shock to anyone, but it is something that will also be analyzed.

Amber Reid, Education Programs Professional, Office for a Safe and Respectful Learning Environment, Department of Education:

We appreciate the chance to provide a very brief overview of the CSG Justice Center's final memo to us ([Exhibit S](#)).

The Council of State Governments is a national nonprofit, nonpartisan membership association that works with members from all three branches of state government [page 2, ([Exhibit R](#))].

The Justice Center provides practical, nonpartisan advice informed by the best available evidence. You may recall that between the 2015 and 2017 Sessions, the CSG Justice Center worked with the juvenile justice advisory and task force to make policy recommendations regarding the school-to-prison pipeline. We leapt at the opportunity to work with CSG Justice Center at looking at the school side of that pipeline. We began our work with them through a technical assistance grant in September 2017. We were one of two states that were selected to receive this grant. You can see on page 3 ([Exhibit R](#)) the steps that were included.

The CSG Justice Center and their previous work has identified three key strategies for data-driven decision-making for strengthening school climate, school safety, and student outcomes. Those are collected under the three buckets of data collection, data sharing, and using data to drive decision-making [page 4]. When I go through the findings in a moment, we will be doing it through that lens of those three buckets.

The methodology that the CSG Justice Center engaged in began with a review of publicly available data through the NDE's websites and other data reports provided by the NDE. They also conducted a thorough document review and then came out to the NDE and

conducted some focus groups with more than 50 stakeholders, including policymakers, state and local leaders from education agencies, and practitioners themselves—from teachers to principals, counselors, and social workers. They provided a preliminary report to the Legislative Committee on Education in February 2018. They followed up with additional interviews with other key stakeholders following that report and presented to NDE in July 2018, their final report of recommendations [page 5 ([Exhibit R](#))]. You have the memorandum before you ([Exhibit S](#)).

Regarding some of those findings, under the bucket of data collection, we do have some common definitions for disciplinary offenses, specifically bullying, cyberbullying, and habitual disciplinary problem, for example. Inconsistencies across and sometimes even within districts make it difficult to meaningfully and accurately compare data when it is rolled up to the state level.

Districts in Nevada are in different stages of implementation. You may not know that Clark and Washoe County School Districts have been utilizing Infinite Campus as their student information system for a number of years. The rest of the state came on board within the last few years, so they are newer to the Infinite Campus platform and have less capacity to integrate and to utilize Infinite Campus technology beyond its basic functionality.

Regarding the fact that district-level data are not automatically shared with NDE, that is linked to that newness in the capacity of Infinite Campus system and the district's ability to roll that up. Currently, based on former processes, districts report that data to us manually so that we can upload that for the Nevada Report Card, et cetera.

The online interactive website which you heard about with Assembly Bill 459, the Nevada Report Card and the Accountability Portal, provides quite a bit of information, but the CSG Justice Center noted a few limitations. Suspension and expulsion data are combined into one category. We cannot pull those two apart. Only the total number of suspensions or expulsions are uploaded, but not the unduplicated number of students who are suspended or expelled. Discipline data are not currently disaggregated by student subgroup. The Report Card only includes discipline data—suspensions and expulsions for a subset of offenses—not the total number of suspensions and expulsions for all types of offenses.

Finally, it was noted that we are one of very few states who administer a state school climate survey statewide [page 6, ([Exhibit R](#))]. Some of the feedback we received from the CSG Justice Center on that was that some of the tools we provided for that data to school districts were not interactive or customizable, and they presented a completely different website. I am happy to report that the NDE has made improvements to both of those efforts.

Regarding data sharing, a limited number of school discipline data is publicly available through the Nevada Report Card, but, again, it is not possible to view that disaggregated by student subgroup [page 7, ([Exhibit R](#))]. The CSG Justice Center provided feedback that it

was difficult to navigate, and they suggested having a clearly labeled discipline tab on the report card that would provide for clearer access to bullying statistics or a school safety tab for example to lead to more detailed discipline reports.

Regarding using data to drive decision-making, the CSG Justice Center noted that there is significant variation in how those data are being used in our districts. Clark and Washoe County School Districts, because they have the greater experience and capacity, have been able to utilize those data more robustly to analyze and look at that data. Our smaller districts have fewer resources, and conducting that type of analysis is more challenging.

There are schools and programs that utilize data to address discipline disparities. Those are predominately in our schools that are Positive Behavioral Interventions and Supports (PBIS) [framework established by the U.S. Department of Education] which utilize a system called the School-Wide Information Systems. Most districts do not analyze discipline data as it relates to other academic outcomes [page 8]. The CSG Justice Center noted that they do not often consider the connections between behavioral and academic outcomes as a result.

Through the recommendations you will see many of these reflected in the language of the bill. The first recommendation was to expand school discipline data collection through various efforts [page 9].

The second was to promote consistent collection of school discipline data across all schools and districts in Nevada [page 10].

The third was to ensure that all districts are collecting the same school climate data and that this information is publicly available [page 11].

The fourth was to improve access to publicly available data of the NDE website [page 12].

The fifth was to regularly share relevant school discipline and climate data with state policymakers and the public [page 13].

The sixth was to provide the training to build staff capacity to analyze and use data to inform decisions [page 14].

That is the superfast, PowerPoint review ([Exhibit R](#)) of the final memorandum ([Exhibit S](#)).

Chairman Thompson:

Are there any questions from the Committee?

Assemblywoman Krasner:

I am looking at the Legislative Counsel's Digest notes on A.B. 490. If you look at page 2, it states that section 1 requires the Superintendent of Public Instruction "to report on a regular basis to the State Board of Education on trends in the data on the discipline of pupils in the

public schools of this State." We just heard Assembly Bill 462 before this that talked about how charter schools are public schools. Is this also collecting the data from charter schools?

Assemblywoman Miller:

I will defer to legal on that, but I do believe so because in everything else when it comes to that type of data collection, we are including the public charter schools.

Victoria Gonzalez, Committee Counsel:

Yes. The definitions that would apply here are in Nevada Revised Statutes 385.007. In subsection 7 of that statute, public schools is defined and it "means all kindergartens and elementary schools, junior high schools and middle schools, high schools, charter schools and any other schools, classes and educational programs which receive their support through public taxation and, except for charter schools, whose textbooks and courses of study are under the control of the State Board." That definition would apply to this.

Assemblywoman Torres:

Is this data going to be made available for parents and the general public so they can take a look at what school discipline looks like here in Nevada?

Assemblywoman Miller:

Apparently, it will become record.

Assemblywoman Torres:

Is that data going to be broken up by school as well?

Amber Reid:

All of our data on the Nevada School Performance Framework, the Nevada Report Card, is reported at the school level.

Chairman Thompson:

Are there any further questions? [There were none.] We will open for support of A.B. 490.

Felicia Ortiz, Public Citizen, Carson City, Nevada:

As a member of the State Board of Education, I will be super excited to see this data. I am happy to see that we are actually getting this data. There has been concern, and we have expressed concern both at the State Board level and at the district level of not being able to see if at least we have accurate and timely data about the potential disproportionality of discipline. I have also sat on many committees where we realized that definitions do not always mean the same thing across districts and schools. I am super happy to see this happening. The only thing I would point out is to make sure there are some dollars associated with it for training. One of the biggest challenges, especially for Infinite Campus, was that we never did training well in the first place. If we can do that better, it would be awesome.

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

We are in support of Assembly Bill 490. I have come before this Committee before to express some concerns around discipline and what is happening with our educators—the violence and everything. There are a few items that I was happy to hear about in this bill. One of them had to do with consistent terms because what is being said in one district might not be the exact same in another district. That is a very important element.

The other thing is that this is a way for us, sadly, to show that there are trends that are beyond anecdotal. I can come in front of you and tell you stories that have been shared with me or that I have experienced myself, but unfortunately our reality in education is that anecdotal is important, but the data backs it up. This would allow for that data to actually be beyond the stories.

I also believe that the training is so important—not only in professional development, but also in how to read the data. Sometimes I feel like I am gaining a doctorate in Google. The data I get from Google is not always the data I need, nor is it always accurate. Having the training on how to read the data for the districts as well as for the practitioners will be incredibly helpful. I ask for your support of this bill.

Keenan Korth, Communications Specialist, Clark County Education Association:

We are in support of Assembly Bill 490. We believe data is important. Discipline of students cannot be disentangled from academics because there is a reciprocal relationship between academics and behavior. Provisions within this bill will also provide a more robust picture of the culture and climate of our schools.

The current district survey in the Clark County School District on school culture and climate has a low response rate and provides limited information. This bill would allow us to look at it from a more holistic level, which will in turn allow our schools, our students, and districts to learn from each other and about the successes that are occurring.

As we understand it, this bill has a fiscal impact at the state level and possibly at the local level, so while we support this bill, given the current budgetary restraints, we would be remiss if we did not, once again, urge the Committee to ensure that if passed, this bill is also fully funded.

This is good policy, and it deserves to be properly implemented—that means funding. It is time to fund our schools now.

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

We, too, are in strong support of this bill. In fact, our organization has called for this kind of transparent reporting for some time. We think it will only lead to good things in schools. We strongly encourage your support.

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

We also are in support of Assembly Bill 490 and the transparency that this is going to bring to some of our disciplinary actions in breaking things out a bit more. The training is important. The standardization of definitions is important. We hope that if there is a fiscal note on this, the Legislature will provide the funds to carry it out.

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

I am also a member of the Las Vegas My Brother's Keeper Alliance (MBK) which during the past two years has been working very hard on this disproportionality issue.

I want to start by thanking Assemblywoman Miller on the excellent presentation she made on this bill. It is a very strong bill, and I am very happy to hear that we are going to follow best practices laid out by the CSG Justice Center. I am also very happy to hear that we will have NDE leadership, which was very much needed in this area of disproportionality.

I will share with you that, as part of the team working with MBK, I put in an open request to try to get school-by-school data on disproportionality and discipline and it took a full five months to have that request fulfilled by the Clark County School District. That is not to pick on any district in particular, but when a parent is making a choice about where they want to have their child go to school, this information of disproportionality is extremely important if your son or daughter is a child of color. For example, parents who are now dealing with the Arbor View High School situation would have benefitted a great deal from knowing what the disproportionality data was there. That gives you a glimpse of what the culture and climate and race relations are on that campus. This is a great bill, and we support it 100 percent.

Yvette Williams, Chair, Clark County Black Caucus:

I would like to echo 100 percent the sentiment of Assemblywoman Miller on A.B. 490 brought forth by the Legislative Committee on Education.

The Clark County Black Caucus (CCBC) has focused on this issue for many years—bringing light to the disparate discipline by race that has seen no improvement, and in fact, resulted in a civil rights complaint of Clark County School District (CCSD) to the Department of Justice and the Department of Education.

In 2017 CCBC was asked to send a letter of request to the CSG Justice Center to help us identify and address Nevada issues of disparate discipline. Over the years, we have also served on many committees and work groups led by the Nevada Department of Education, CCSD, and even the State Board of Education when they had their school justice committee.

We are thrilled about having Assembly Bill 490 before us today. We would like to extend our heartfelt gratitude to the Assembly Committee on Education for bringing this bill forward. We will be following it very closely with your approval and following it through to the Senate and hopefully on to Governor Sisolak's desk. It will be a great day in Nevada to be able to celebrate the passing of this bill.

Chairman Thompson:

Is there anyone else in support of Assembly Bill 490? [There was no one.] We will go to opposition for Assembly Bill 490. [There was none.] We will go to neutral for Assembly Bill 490. [There was none.] We will close the hearing for Assembly Bill 490 and we will open for public comment.

Cyrus Hojjaty, Private Citizen, Las Vegas, Nevada:

The elephant in the room is one of the major reasons why our schools are not performing well. We have 25 percent of the students in Clark County School District, 20 percent in the state of Nevada, who do not have a parent who is authorized to be in the United States. It certainly does not help when you have lots of low-skilled immigrants flooding your state and impacting the job market. As a result, we have many schools that are not performing well. Schools are overcrowded, and many are taking English language learning courses. Why do we provide these courses? Why can they not have the same standards as everybody else, like myself? I am bilingual. I was born with two languages.

I hear many times that we have to address racial differences. Then again, how do you explain how Asians do better than the average? How do you explain that Iranian Americans like myself do better than average? Speaking of race, many of these people who do not perform well are brought here by our immigration policy. Maybe we need to adopt a more merit-based immigration system.

Speaking of race, based on my understanding, there have always been racial differences—for thousands of years. If we do not understand the root of the problem, we are never going to really understand what is going on, no matter how much equity or affirmative action or whatever we do. By the way, that discriminates against people like me if that actually happens.

From what I have heard throughout the day, it probably proves that diversity has issues. Diversity really does not work. It seems it leads to conflict and battle. By the way, I do not believe school is really education. I got a lot of my knowledge and understanding from being self-taught. That explains how I see myself and many others as unique. We need more individuals like that because the school system teaches us how to be obedient and followers.

Chairman Thompson:

Is there anyone else in southern Nevada? We will come to Carson City.

Sarah Adler, representing Charter School Association of Nevada:

I want to thank you, Chairman Thompson, Vice Chairman Flores, and all of you for a really terrific discussion around Assembly Bill 462—how charters are serving all children in our state. We are happy to be serving all kinds of children in our state as another voice for and a force for quality public education. We thank you for your interest and the great dialogue we had earlier today.

Chairman Thompson:

Thank you. We will close our meeting today. Thank you, Committee members, for your engagement. The meeting is adjourned [at 3:47 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 the Work Session Document for [Assembly Bill 92](#), presented by Kelly Richard, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit D](#) is a letter dated April 3, 2019, to Chairman Tyrone Thompson and members of the Assembly Committee on Education, from Yvette Williams, Chair, Clark County Black Caucus, regarding [Assembly Bill 92](#).

[Exhibit E](#) is an *English Journal* reprint titled "Acknowledging the Language of African American Students: Instructional Strategies," dated March 2001, authored by Sharroky Hollie, and published by the National Council of Teachers of English.

[Exhibit F](#) is the Work Session Document for [Assembly Bill 342](#), presented by Kelly Richard, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit G](#) is a proposed amendment to [Assembly Bill 342](#) prepared by Assemblyman Tom Roberts, Assembly District No. 13, presented by Kelly Richard, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit H](#) is the Work Session Document for [Assembly Bill 358](#), presented by Kelly Richard, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit I](#) is a proposed amendment to [Assembly Bill 462](#), dated April 4, 2019, submitted by the Assembly Committee on Education, and presented by Assemblyman Tyrone Thompson, Assembly District No. 17.

[Exhibit J](#) is a letter dated April 4, 2019, from the Nevada State Education Association in support of [Assembly Bill 462](#), to the Assembly Committee on Education, presented by Alexander Marks, Political Coordinator, Nevada State Education Association.

[Exhibit K](#) is a document titled "Public Charter Schools Performance and Demographics," by the Kenny Guinn Center for Policy Priorities, presented by Chris Daly, Deputy Executive Director, Government Relations, Nevada State Education Association.

[Exhibit L](#) is a document titled "Educational Options for Improving Student Success," submitted by Leigh Berdrow, Principal, ACE High School, regarding [Assembly Bill 462](#).

[Exhibit M](#) is a letter dated April 3, 2019, to Chairman Tyrone Thompson and the Assembly Committee on Education, submitted by the Board of Directors, Charter School Association of Nevada, regarding [Assembly Bill 462](#).

[Exhibit N](#) is a copy of an article from *The Nevada Independent* titled "More Than A Free Lunch," by Jason Guinasso, dated December 17, 2018. This copy was submitted by Jason Guinasso, Chair, State Public Charter School Authority, Department of Education.

[Exhibit O](#) is a Charter School Association of Nevada document titled "Active Accountability," submitted by Sarah Adler, representing Charter School Association of Nevada, in relation to Assembly bill 462.

[Exhibit P](#) is a packet of letters dated April 2019, in opposition to Assembly Bill 462.

[Exhibit Q](#) is a letter dated April 3, 2019, to Chairman Tyrone Thompson and members of the Assembly Committee on Education by Mike Kazmierski, President and CEO, Economic Development Authority of Western Nevada, regarding charter schools.

[Exhibit R](#) is a copy of a PowerPoint presentation titled "School Discipline in Nevada: Summary of the Final Memo from the Council of State Governments (CSG) Justice Center," dated April 4, 2019, presented by Amber Reid, Education Programs Professional, Office for Safe and Respectful Learning Environment, Department of Education, in relation to Assembly Bill 490.

[Exhibit S](#) is a memorandum from The Council of State Governments Justice Center, dated December 12, 2018, to Christy McGill, Director, Office of Safe and Respectful Learning Environment, Nevada State Department of Education, and Amber Reid, Education Programs Professional, Office for a Safe and Respectful Learning Environment, Department of Education.