

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

**Eightieth Session
April 9, 2019**

The Committee on Education was called to order by Chairman Tyrone Thompson at 12:35 p.m. on Tuesday, April 9, 2019, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/80th2019.

COMMITTEE MEMBERS PRESENT:

Assemblyman Tyrone Thompson, Chairman
Assemblyman Edgar Flores, Vice Chairman
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:

Assemblywoman Bea Duran (excused)

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Katie A. Dockweiler, Director, Government and Professional Relations, Nevada Association of School Psychologists
Melody Thompson, Coordinator, Nevada Association of School Psychologists
Jhone Ebert, Superintendent of Public Instruction, Department of Education
Seng-Dao Yang Keo, Director, Office of Student and School Supports, Department of Education
Karl Wilson, Education Programs Professional, Department of Education
Alexander Marks, Political Coordinator, Nevada State Education Association
Lindsay Anderson, Director, Government Affairs, Washoe County School District
Kristen McNeill, Deputy Superintendent, Washoe County School District
Vikki Courtney, President, Clark County Education Association
Valerie Padovani, representing Sierra Nevada Academy Charter School
Mary Pierczynski, representing Nevada Association of School Superintendents; and Nevada Association of School Administrators
Paige Barnes, representing Nevada Association of School Boards
Ray Bacon, representing Nevada Manufacturers Association
Linda Sinclair, Private Citizen, Reno, Nevada
Tom Wellman, Private Citizen, Las Vegas, Nevada
Harry Beall, Private Citizen, Las Vegas, Nevada
Steve Horner, Private Citizen, Las Vegas, Nevada
Gerri North, Private Citizen, Las Vegas, Nevada
Sandy Miller, Private Citizen, Las Vegas, Nevada
Chris Daly, Deputy Executive Director, Government Relations, Nevada State Education Association
Natha C. Anderson, President, Washoe Education Association; and Member, Board of Directors, Nevada State Education Association
Ruben R. Murillo, Jr., President, Nevada State Education Association
Marlene Lockard, representing Service Employees International Union Local 1107; and Nevada Women's Lobby
Kathleen Watty, Private Citizen, Reno, Nevada
Thomas D. Dunn, District Vice President, Professional Fire Fighters of Nevada
Mike Ramirez, Director of Governmental Affairs, Las Vegas Police Protective Association Metro, Inc.
Jim Sullivan, representing Culinary Workers Union Local 226
Bryan Wachter, Senior Vice President, Retail Association of Nevada
Anna Slighting, Member, HOPE For Nevada
Michaela Tonking, Research and Advocacy Director, Educate Nevada Now
Brenda Pearson, Director, Professional Learning, Clark County Education Association
Sarah Adler, representing Charter School Association of Nevada
Reuben D'Silva, Private Citizen, Las Vegas, Nevada
Geoff Roberts, Senior Specialist, Veterans Education and Transition Services, College of Southern Nevada

Andrew LePeilbet, Adjutant & Legislative, Department of Nevada, Military Order of the Purple Heart

Tony Yarbrough, State Senior Vice Commander, Department of Nevada, Veterans of Foreign Wars of the United States; and Vice-Chair, United Veterans Legislative Council

Mitchell Roach, Private Citizen, Carson City, Nevada

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

Anthony Ruiz, Senior Advisor for Government Relations and Community Affairs, Office of the President, Nevada State College

Mariana Kihuen, Interim Director, Government Affairs, College of Southern Nevada

Luis F. Valera, Vice President, Government Affairs, University of Nevada, Las Vegas

Chairman Thompson:

[Roll was called. Committee protocol and rules were explained.] The order of today is that we will have our work session, then move into our bill hearings, and then we will open for public comment. We want to say Happy Birthday to Assemblywoman Tolles.

I would also like to welcome the newest member to the Executive Branch, Dr. Jhone Ebert. She was recently appointed by Governor Sisolak as the new Superintendent of Public Instruction for the Department of Education. She is a lifelong educator with executive-level experience in state and district education administration, and decades of experience working with diverse students, geographies, and education delivery models.

In 2015, Ms. Ebert served as the Senior Deputy Commissioner for K-12 education policies at the New York State Education Department. Previously, she served in the Clark County School District for more than 25 years. We officially welcome you back to Nevada and we thank you so much. We look forward to working with you.

Without further ado, we will begin our work session. We will open with Assembly Bill 168.

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

Kelly Richard, Committee Policy Analyst:

Assembly Bill 168 was heard in Committee on March 5, 2019, and was sponsored by Assembly members Thompson and Torres ([Exhibit C](#)).

Assembly Bill 168 requires a school to provide a plan of action based on restorative justice principles before suspending or expelling a student with certain exceptions. It also prohibits the suspension or expulsion from school of a student who is not criminally liable to punishment, under most circumstances. It also prohibits a student from being suspended or expelled solely for offenses relating to attendance. Assembly Bill 168 reduces from ten to five the number of days a pupil who is participating in a program of special education may be

suspended without a review by the board of trustees of a school district. The bill's provisions apply to public schools, including charters schools and university schools for profoundly gifted pupils. There is a conceptual amendment attached for the members' review [page 2, [\(Exhibit C\)](#)]. The conceptual amendment proposes to:

1. Clarify that a student who is not excepted from criminal liability may be suspended for not more than five days per occurrence;
2. Specify that certain provisions regarding suspension shall not be interpreted to change a school's ability to suspend a student participating in a special education program, in compliance with the Individuals with Disabilities Education Act;
3. Insert a new section to amend *Nevada Revised Statutes* 392.4644, which relates to plans for progressive discipline. The statute would be modified to require each district to adopt progressive discipline plans and require those plans to be posted online. Under current law, this responsibility resides with the principal of each school;
4. Provide that an employee of a school who is the victim of battery that results in bodily injury may file an appeal of student placement in accordance with the established procedures and allow a student who commits such a battery to be expelled from school on a first occurrence;
5. Clarify that if the student is placed in another school, it must be a school of the same kind, and provide that the district will work with the receiving school to create a restorative justice plan of action to assist and ensure the required resources are available to carry out such a plan; and
6. Clarify that district and school administrators may use an administrative standard for establishing proof of an occurrence.

Chairman Thompson:

Are there any questions on Assembly Bill 168? [There were none.] I will entertain a motion to amend and do pass.

ASSEMBLYWOMAN TORRES MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 168.

ASSEMBLYMAN FLORES SECONDED THE MOTION.

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

THE MOTION PASSED. (ASSEMBLYWOMAN DURAN WAS ABSENT
FOR THE VOTE.)

I will take the floor statement. Next is Assembly Bill 258.

Assembly Bill 258: Makes various changes relating to the provision of special education in public schools. (BDR 34-760)

Kelly Richard, Committee Policy Analyst:

Assembly Bill 258 was heard on March 26, 2019, and was sponsored by Assembly members Thompson, Duran, and Assefa, et al ([Exhibit D](#)).

Assembly Bill 258 authorizes a parent or guardian of a pupil who is the subject of a decision or a settlement agreement resulting from a due process hearing to submit a complaint to Nevada's Department of Education (NDE) if a local educational agency or charter school has failed to comply with the decision or settlement agreement. If the hearing officer finds merit in the allegations, the local educational agency or charter school is required to: (1) comply with the terms of the agreement; (2) pay the reasonable expenses of the claimant; and (3) take any additional measures deemed necessary by the hearing officer to ensure the pupil receives a free and appropriate public education. The order is to be enforced by NDE, which is authorized to monitor compliance, withhold funding, and refer the matter to the attorney general to enforce the order. The bill further requires a local education agency or charter school subject to the complaint of the hearing to pay for the cost of the hearing and allows an aggrieved party to appeal the decision of the hearing officer to NDE.

The bill also prohibits the State Board of Education from adopting standards that require a pupil who has multiple impairments to have any specific impairment, such as an intellectual disability, to be eligible for such individual education programs or services.

There is an amendment attached from Bailey Bortolin, representing the Legal Aid Center of Southern Nevada. The submitted amendment proposes to:

1. Clarify who may file a complaint;
2. Modify the review process to require NDE to investigate the complaint, issue a written decision, and determine any measures necessary to ensure compliance;
3. Remove provisions related to the payment of expenses; and
4. Remove provisions related to multiple impairments.

Nevada's Department of Education has also submitted an amendment to add a new section to the bill to modify the requirements for receipt of an alternative diploma pursuant to *Nevada Revised Statutes* 390.600 [page 3, ([Exhibit D](#))]. This would allow a student with a disability who participates in an alternate assessment prescribed by the State Board to receive an alternative diploma rather than being required to pass the examination.

Chairman Thompson:

Are there any questions? [There were none.] I will entertain a motion to amend and do pass Assembly Bill 258.

ASSEMBLYWOMAN PETERS MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 258.

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

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

THE MOTION PASSED. (ASSEMBLYWOMAN DURAN WAS ABSENT
FOR THE VOTE.)

I will take the floor statement. Next is Assembly Bill 378.

Assembly Bill 378: Makes various changes relating to the transportation and admission of certain persons alleged to be a danger to themselves or others to certain facilities or hospitals. (BDR 34-711)

Kelly Richard, Committee Policy Analyst:

Assembly Bill 378 was heard in Committee on March 26, 2019, and was sponsored by Assemblywoman Hansen ([Exhibit E](#)).

Assembly Bill 378 clarifies that a facility or hospital may accept for emergency admission to evaluate, observe, or treat any person deemed to be a threat to him or herself or others for whom a proper application has been made, regardless of whether a parent or legal guardian has consented to the admission. The bill also clarifies that a school police officer can make an application for the involuntary court-ordered admission of such a person. Finally, A.B. 378 requires Nevada's Department of Education to include in its model plan for the management of a crisis or suicide a procedure for transporting a student who is determined to be a threat to him or herself or others to a mental health facility or hospital.

Assemblywoman Hansen submitted the attached conceptual amendment to the measure, which proposes to:

1. Require that the transportation procedure include processes for utilizing mobile crisis response services to the extent available prior to making the determination that it is necessary to transport the student; and
2. Require a party transporting a person who is a minor child for emergency admission to make a good faith effort to obtain the consent of a parent or legal guardian prior to transport, and the parent or legal guardian must receive notification upon admission.

Chairman Thompson:

Are there any questions on Assembly Bill 378?

Assemblywoman Tolles:

I want to thank Assemblywoman Hansen for really working hard on this bill and meeting with all of the stakeholders. This is personally really special and important to a lot of people.

Chairman Thompson:

I will entertain a motion to amend and do pass Assembly Bill 378.

ASSEMBLYWOMAN TOLLES MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 378.

ASSEMBLYWOMAN MILLER SECONDED THE MOTION.

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

THE MOTION PASSED. (ASSEMBLYWOMAN DURAN WAS ABSENT
FOR THE VOTE.)

Assemblywoman Hansen will take the floor statement. Next is Assembly Bill 429.

Assembly Bill 429: Enacts provisions relating to veterans. (BDR 18-168)

Kelly Richard, Committee Policy Analyst:

Assembly Bill 429 was heard in Committee on April 2, 2019, and was sponsored by the Assembly Committee on Government Affairs on behalf of the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs ([Exhibit F](#)).

Assembly Bill 429 allows the Board of Regents to grant a waiver of less than half of the total registration and other fees for a veteran who is a resident of this state who has completed a bachelor's degree and is enrolled in, or plans to enroll in, a graduate degree program in the fields of science, technology, engineering, arts, or mathematics, which must be designated as a critical need occupation by the Department of Employment, Training and Rehabilitation (DETR).

Attached is a proposed mock-up amendment [page 2, ([Exhibit F](#))] which includes suggested changes from Bruno Moya and DETR. Mr. Moya proposes the following amendments:

1. Specify the Board of Regents may grant a waiver of no less than half of the total registration fees; and
2. Include health sciences in the graduate degree program fields that qualify for participation.

The Department of Employment, Training and Rehabilitation proposes to:

1. Delete subsections 2 and 3 of section 1 of the bill, which require DETR to determine whether grants are available to assist the Nevada System of Higher Education to defray the costs of granting the waiver, and allow DETR to accept gifts, grants, and donations to carry out the program; and
2. Insert a new subsection requiring the Board of Regents to make the determination of the availability of grants and to apply for and accept any such grant.

Assemblyman Flores:

If I may, I also had an opportunity to speak with the stakeholders prior to this meeting and in addition to the proposed mock-up [page 2 ([Exhibit F](#))], we had an additional conceptual amendment. I do not see Assemblywoman Cohen. I believe Mr. Moya may be in Las Vegas to confirm that this is, in fact, a friendly amendment that we all agree with.

Section 5 as written in the mock-up reads, "The Board of Regents shall" [line 32, page 3, ([Exhibit F](#))]. They wanted to change that "shall" to a "may." My understanding is that everyone was on board and in agreement with that. I can confidently tell you that I had an opportunity to speak with them on the phone prior to this. In addition to the mock-up, I would like to include the conceptual amendment of changing "shall" to "may" in section 5.

Chairman Thompson:

Is Mr. Moya there? [He was not.] We will take your word for it. It actually lines it up. At this time I will entertain a motion to amend and do pass Assembly Bill 429.

ASSEMBLYWOMAN MUNK MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 429.

ASSEMBLYWOMAN HANSEN SECONDED THE MOTION.

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

THE MOTION PASSED. (ASSEMBLYWOMAN DURAN WAS ABSENT
FOR THE VOTE.)

Assemblywoman Cohen will take the floor statement. Next is Assembly Bill 464.

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

Kelly Richard, Committee Policy Analyst:

Assembly Bill 464 was heard in Committee on April 4, 2019, and was sponsored by the Assembly Committee on Education ([Exhibit G](#)).

Assembly Bill 464 provides that as long as a student returns to the same school he or she attended prior to participating in a foreign exchange program, the student will be held harmless for purposes of determining eligibility to participate in interscholastic activities, including sports.

Chairman Thompson:

Is there any discussion or questions on Assembly Bill 464? [There were none.] I will entertain a motion to do pass Assembly Bill 464.

ASSEMBLYWOMAN HANSEN MADE A MOTION TO DO PASS
ASSEMBLY BILL 464.

ASSEMBLYMAN FLORES SECONDED THE MOTION.

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

THE MOTION PASSED. (ASSEMBLYWOMAN DURAN WAS ABSENT
FOR THE VOTE.)

Assemblyman Assefa will take the floor statement. We will close our work session.

[Assemblyman Flores assumed the Chair.]

Vice Chairman Flores:

At this time, I would like to open the hearing on Assembly Bill 289.

Assembly Bill 289: Revises provisions relating to the subject area of reading.
(BDR 34-93)

Assemblyman Tyrone Thompson, Assembly District No. 17:

Assembly District 17 is in the growing City of North Las Vegas, the city in which I was born and raised. I am glad to present Assembly Bill 289 this afternoon, which revises provisions relating to the subject area of reading, which we also know as Read by Grade 3.

I applaud the work of our working group. We have had a working group that has been assembled for approximately nine months. People have come and gone, but we continue to add on to the committee. I am so proud to see that our educator union, our teacher unions, our school districts, the Department of Education, and our fellow legislators have come onboard with this.

As you will hear in the presentation, there is a need to address areas to ensure that our children are on the trajectory to successfully move to the fourth grade. Assembly Bill 289 is an expansion bill where you will hear the reference of "intensive reading interventions" throughout the presentation as the route we should go to truly see the growth in all of our students.

Joining me today is Dr. Katie Dockweiler, Director, Professional Relations with the Nevada Association of School Psychologists. Also with us is Ms. Melody Thompson, National Certified School Psychologist, whom I met at a convening of educators about three and a half years ago. Just to share how dedicated these two ladies are, they pulled me to the side at a community forum and began asking me if I knew the answers to questions relating around Read by Grade 3. I knew some of it, but I did not know all of it. I want to publicly thank them for their tenacity and persistence. Even though we were here two years ago, we have come back stronger and with a bigger work group of people.

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

I would like to thank Vice Chairman Flores and members of the Committee for your time and the opportunity to speak with you today.

We celebrate the legislation that passed in 2015 [Senate Bill 391 of the 78th Session] and seek to increase student literacy skills. We would like to take this program a step further and expand upon the intervention services and intensive instruction components to enhance the overall literacy skills of Nevada's elementary students.

Assembly Bill 289 will positively impact student achievement, increase the social-emotional well-being of students, high school graduation rates, and parental engagement. It will also decrease the dropout rate as well as the youth suicide rate. Suicide is now the leading cause of death for 14- and 15-year-olds. With A.B. 289 we have an opportunity to achieve each of these outcomes.

I will take a few moments to go over the macro- and micro-level components of the bill, then Melody Thompson will review some key research and data.

At the macro-level there are three key objectives. The first is to expand current intervention services and intensive instruction for all elementary-age children. The second is to explicitly include parents in the educational decision-making process by requiring their informed consent relative to decisions made about their children. The third is to decrease negative and disproportionate impact on English language learners and students of differing ethnic backgrounds.

At the micro-level, I will review the specific sections of the bill as introduced and then a conceptual amendment that we will discuss ([Exhibit H](#)).

Section 1 of A.B. 289 expands the literacy supports to all elementary grades. Currently those supports end at Grade 3, so it is proposing to take those to subsequent elementary grades.

Section 2 clarifies the terminology from "learning strategist" to "literacy specialist." It is conceptually proposed to revise that section to further clarify the requirements and duties of a literacy specialist to include a licensed teacher who demonstrates competency and effective literacy instruction and assessment; demonstrates methods in building relationships with adults; collaborates with the principal of a school to develop a schedule of professional development, and may provide the professional development.

Also, revise section 2 by removing "licensed teacher" who is highly effective as eligible to receive additional compensation and require that a licensed teacher must provide reading instruction to be eligible to receive that compensation.

Sections 3 and 4 of A.B. 289 outline the reporting requirements for charter schools and section 10 does the same for school districts. It is conceptually proposed ([Exhibit H](#)) to revise sections 3, 4, and 10 just so that the language is similar for charter schools and public schools, and it includes the same information and amends the requirement for the reports to be submitted on October 15 of each year.

Section 5 describes the required information that should be included within the letter that is provided to parents when their student scores below a designated threshold. Section 6 establishes a plan to intervene and regularly monitor and assess student growth.

Section 7 of A.B. 289 incorporates written parental input and collaboration with the student's teacher and the principal into decision-making for the students. It is conceptually proposed in the amendment ([Exhibit H](#)) to revise that section to remove the "good-cause" exemptions for retention and provides that if a parent or a guardian does not provide written informed consent, the pupil may be retained and provided certain services and instruction.

Sections 8 and 9 of A.B. 289 explain the provisions of a school in offering intervention services and intensive instruction and review of the criteria for intervention plans and outlines additional supports available to parents.

Throughout sections 4 to 9, the bill will require the student to receive intervention services and intensive instruction depending upon their deficits in reading. Such services may require informed parental consent for the intervention services through Grade 5 and progress monitoring of the student's progress.

Section 11 changes the funding from a competitive grant structure to a noncompetitive weighted formula. Sections 12 and 13 review exclusions and effective dates for the bill.

There are six key things that I want to go over before I hand it over to Ms. Thompson. Throughout the bill, we would like to do the following ([Exhibit H](#)):

1. In terms of language throughout the bill, revise the term "average range" to "a level established by the State Board of Education";

2. Revise "level considered by the school district or charter school" to "level determined by statewide assessment" to provide uniformity throughout the districts;
3. Revise "frequently progress monitored" to "regularly progress monitored";
4. Revise "demonstrates progress" to "demonstrates growth";
5. Clarify that the subject area of reading only on a criterion-reference exam (CRT) is the only score that determines whether pupils will receive the intervention supports and intensive instruction; and
6. Provide clarification for other assessments and interventions for improving proficiencies such as growth and progress monitoring in reading.

That is the nuts and bolts of the bill.

Melody Thompson, Coordinator, Nevada Association of School Psychologists:

I have a Nationally Certified School Psychologist credential and I also have some professional experience in research analysis and using data-based decisions when confronting issues with students, systems, schools—that kind of thing. I am here to show you the data on what we are doing with Assembly Bill 289 and why.

I want to thank Chairman Thompson for bringing me in on all of this and for letting me share my data with you. Thank you, Vice Chairman Flores and members of the Committee, for listening to me today.

Basically, what we looked at with Read by Grade 3 was we want our Nevada students to read well. That is our goal. How do we do that? What does the data say? If we can use data to inform our decisions, then we can make better decisions for students [page 2, ([Exhibit I](#))].

I am going to show you some data, then I am going to show you why Nevada's data looks the way it does. If we know why it looks the way it does, then we can learn how we can help students read. Some of the research shows that retention has some problems with it. As we know, psychologically speaking, there is emotional distress and low self-esteem. It is highly correlated with alcohol and drug abuse, suicidal ideation, and other problems [page 4]. I have more research on that if you want to see it sometime.

We were originally looking at this school-to-prison pipeline theory [page 5]. The ultimate goal was to get students to graduate high school and not head down a path toward prison. I did some research on Florida's incarceration rates since they passed their Read by Grade 3 law—their incarceration rates have almost doubled per capita. The Florida Policy Institute shows that their incarceration rates went from 492 inmates to over 960 inmates per 100,000 residents. We know there is a struggle with retention. We are not really sure why we know that retention does not work. We also know that social promotion does not work.

I want to show you what we are looking at in Nevada, and we have broken it down for you so we can understand what does work and we can put that into place for our students. This is the last three years of Smarter Balanced Assessment Consortium (SBAC) data—our statewide assessments [page 6, ([Exhibit I](#))]. If you look at "Emerging"—the first category on the far left of the graph—we are looking at approximately 10,000 students in the state of Nevada who score at that emerging level. We also have to understand that when our students take the SBAC, it not only incorporates reading, it also incorporates writing. It is a language arts test. It is not a pure reading test. That is part of the issue we are seeing with the data.

The other part of the issue is that we have some subgroups in the state of Nevada that are coming in extremely low, even when they hit kindergarten they are coming in low—we know that. When we look at the students who are scoring at that Level 1, there is a disproportionality. If you look at the three bars on the right [page 8], students with individualized education programs (IEPs) who have disabilities, approximately 61 percent of them score at a Level 1. For students on free and reduced-price lunch (FRL), about 33 percent scored at a Level 1. For students who are English language learners (ELL), about 42 percent of them scored a Level 1. We are coming in with students who are low in socioeconomic status, and they are learning English. They are a big percentage.

It is also a disproportionality when we start trying to figure out who is going to be retained and who is not, and who needs help and who does not, but students who are black or Hispanic have a 42.9 percent and a 32.1 percent chance respectively of scoring at a Level 1 [page 8, ([Exhibit I](#))].

If we break it down by the numbers, here is where it all comes into play. We are talking about that 10,000 scoring Level 1, about 5,000 are Hispanic, and about 7,600 are FRL (page 9). If we think about it, we have kiddos who are middle-upper class coming into kindergarten and starting to read already. Kids from lower socioeconomic status (SES) have never seen a book. It takes about five to six years for these kiddos coming in that low to catch up. They need that much time; they need that much intensive intervention to catch up. That is one of the things we are trying to determine—to say it is a cut point at some point along the way may not be the best approach [page 10].

When we look at why, it is that whole time factor. Originally, that was what we were thinking about. If we give them another year in this grade level, they get more time. However, we know that is not working. We want to give them more time in a different way.

If we look at John Hattie's research [page 11], he did a meta-analysis on a couple of thousand different research articles. He actually saw that students who received intensive instruction, formative progress monitoring, and the parents and the students were given feedback, those students made excellent academic growth. Those are the key components to great academic growth—that intensive instruction on student skill deficits, frequent progress monitoring, and then feedback to the parents and students. Retention actually had a negative impact.

Page 12 is data from the Clark County School District. We had some schools that were working to try to do Assembly Bill 289 before they even knew they were doing A.B. 289. They were progress-monitoring students, giving the students who were at-risk individualized interventions on their skill deficits, and then monitoring their progress regularly.

If you look at the longitudinal data from 2008-2009 to 2015-2016, you can see that our students came in well under national averages in 2008-2009 [page 12, ([Exhibit I](#))]. These are just reading fluency skills, and there are a lot of skills involved with reading, not just fluency. By applying this multitiered system of support to students, by the end of 2015-2016 the averages for the schools that were using this model that we are proposing in A.B. 289, the kids were, on average, reading at grade level. That shows that those intensive interventions and that good instruction on skill deficits actually works.

This is kind of what it looks like if you have a child coming into third grade who is reading about 40 words per minute, and we know they need to be reading about 125 words per minute. We would provide intensive instruction on their skill deficits, progress-monitor them weekly, and watch them grow [page 13]. We show them the data, show the parents the data, and do those intervention plans to make sure we are targeting their specific skill deficits. That is the growth we are looking for. When we do not see that growth, and they start to flatline in the data, we change what we are doing. We make sure they get what they need so they can start learning. If we can apply this to students who are lower SES and ELL—this type of instruction—we can get them on grade level and catch them up by fifth grade. That would be the goal of A.B. 289.

I am just reiterating what Dr. Dockweiler said. We want to help them through Grade 5, we want to monitor their progress, and we want to get some clear definitions relative to getting literacy specialists to help the students. We also want to work on the grant money for appropriate distribution [page 14].

Assemblyman Thompson:

To finish our overall presentation before we go to questions, I would like Dr. Jhone Ebert, our Superintendent of Public Instruction, to please come forward.

Jhone Ebert, Superintendent of Public Instruction, Department of Education:

The conceptual amendment presented today ([Exhibit H](#)) came out of the working sessions led by Chairman Thompson which involved the stakeholders from the districts, the state, and those working closely to ensure all Nevada students are proficient by the third grade.

The working group also included leadership from Assemblywoman Miller, Assemblywoman Peters—whom I had the pleasure of sitting in a meeting with last week, my very first day—and Senator Denis, who expressed constituent concerns for reducing the assessment time. Assemblywoman Peters also expressed concern for ensuring an equitable distribution of resources for student success.

The work to ensure all students are proficient in reading by third grade does not end with this bill. This is the beginning of many of our working partnerships going forward. The working group subcommittee for the learning strategists or literacy specialists funding allocation will be meeting again upon passage of the Governor's recommended budget to work toward an equitable distribution of resources and review opportunities to provide services to students until all are proficient in reading by third grade.

Assemblyman Thompson:

That concludes our presentation. Thank you so much for your indulgence.

Vice Chairman Flores:

At this time, I would like to open for questions

Assemblywoman Miller:

I would like to thank Chairman Thompson and the team, because I know there was so much work that went into this bill to respond to some major concerns of our parents, community, and our educators. I do think this is a better step in a better direction.

With that being said, has there been any consideration or somewhere in the programming where attendance would be something to be looked at? I have seen research that says when a student misses even ten days in elementary school, that is like missing the entire school year. We know that we have some chronic attendance issues. Is that something we have considered addressing as well?

Katie Dockweiler:

Yes, attendance did come up in many of our workgroup sessions. As we know, a lot of our kiddos are not coming to school. Obviously that impacts their performance. One of the things Assemblyman Thompson has stressed all along was engaging parents early. By involving them in the process in making educational decisions about their children, you are not having a conversation at third grade, deciding what to do. You are speaking to them in kindergarten, having those conversations at first grade and second grade. Of course, as those conversations progress, attendance can be discussed all along the way.

Assemblywoman Miller:

Is there going to be a direct initiative for that, or is that just part of the overall plan at the school? How do we measure and set that as an objective in a conversation? It is so critical.

Assemblyman Thompson:

When students are on that trajectory of not doing well, there are letters sent out, and that is part of the law. The letters are sent out at the beginning of the school year. We are still trying to work with the districts on that. The language of the letters is really specific and we need to make sure that when the communication is happening, the parents really understand what the letter is truly saying. That is one of the first steps and that is something that

happens every single year. Again, it is going to be case by case, honestly, depending on the school. As you know, with every school, every administrator at the school will be different, but we are trying to spread that culture. We are striving for that parental engagement. To have a specific program, no. We are trying to just work on the language of the letter and that notification with the parents to get them engaged early on.

Assemblywoman Torres:

I definitely understand the importance of literacy. As a secondary education English teacher, I see what ends up happening when we do not have that focus on literacy early on. You mentioned a letter. Where in the piece of legislation is that referred to?

Katie Dockweiler:

I believe it is section 5. It describes the required information that should be included within the letter that is provided to parents when their student scores below a designated threshold.

Assemblywoman Torres:

Does it provide that language in the language of the parent for Spanish-speaking households? Is a copy of this letter in Spanish guaranteed?

Katie Dockweiler:

Yes, a copy is available in Spanish for parents.

Assemblyman Thompson:

I do want to reiterate, there is so much work to do on the letter. It is too intense. When we are looking at the children that we are, again, the communication is clear. We are working with the schools and with the school district to make sure that the letter is as clear as possible. We are not just trying to check a box saying that all the letters were issued to the students who are not proficient. We want to make sure that letter connects as best we can.

Assemblywoman Torres:

I think there also has to be that one-on-one engagement because some parents are more familiar with how to help implement those strategies in the household. I do not necessarily think that is the case in every home. A parent may be well meaning, but also not know how to provide that support in the household. I think we have an obligation as a community perhaps to do more.

Katie Dockweiler:

That came up in our conversations as well with the working group. To really inform the parent is to meet with them face-to-face and make sure they truly understand not only what is available, but what that looks like and what their engagement can be within that process. I cannot tell you where within the bill it is addressed, but we definitely discussed that.

Assemblyman Thompson:

Part of the work of these specialists when they come on board is two-pronged: to work with the student and to work with the parent. We will give them some tips and tools on how to reinforce that to create that environment at home. It is in the bill. We will have to dig a little deeper. That is the effort of the literacy specialists when they make the connection with the family and the student.

Assemblywoman Hansen:

I have a sister-in-law who is a literacy specialist in the Clark County School District, and I appreciate the good work that they do.

In section 2, subsection 4, paragraph (a), the bill replaces the language that says "learning strategist" with "literacy specialist." Does each elementary school currently have some sort of literacy specialist? I am curious if this is going to become a shortfall. Will we have enough literacy specialists for the demand?

Melody Thompson:

Each school does not have a learning strategist or a literacy specialist at this time. This has been one of the key problems with the whole initial Read by Grade 3 bill. With the grant funding, it was a competitive grant. Only certain schools got the money, and only certain schools hired a learning strategist. Another problem with learning strategists is that they could be a learning strategist who specializes in math. We need those literacy specialists so they can teach reading. Absolutely, we need to be looking at the funding of this bill so that schools will have that support in their school to give the students for these intensive interventions.

Assemblywoman Hansen:

Is the literacy specialist teaching the teachers or teaching the children?

Melody Thompson:

The way the bill is written and the way that interventions are provided, it could be a combination of a variety of things. A literacy specialist can provide training to teachers on how to do better interventions and intensive instruction in their classrooms to small groups—targeting skill deficits right there within general education curriculum. The literacy strategist could also pull small groups of students who are extremely far behind and really need even more intensive interventions, like a multitiered system. A literacy specialist would have that kind of flexibility to do that within this bill.

Assemblyman Thompson:

Section 5, subsection 7 of the bill specifically states, "Describe, explain and, if appropriate, demonstrate the strategies, which the parent or legal guardian may use at home to help improve the English literacy of a pupil who is an English learner."

Vice Chairman Flores:

We will move on with questions.

Assemblywoman Tolles:

This is such an important topic, and it is good to see that we are seeing progress over these past few years. We certainly need to continue to support more. I appreciate the continued attention to this. With the current laws in place, do we know how many students we anticipate would be retained if we did not address this in the next school year?

Melody Thompson:

Right now, the Department of Education has considered a Level 1 on the SBAC as a starting point for consideration for retention. We do have good-cause exemptions that we are looking at, and we are working within this bill to tighten those good-cause exemptions to help the students who need the appropriate help in services. If we are looking at certain ELL components, or students with disabilities, that good-cause exemption cannot help with that.

We are also looking at bringing in that parental piece, and giving them informed consent as to what is happening with their student and why—although we have been informing them all along—showing them the data, and helping them to come to the table to work with us through the process. We do not really know what the exact number would be. We are thinking possibly 9,000 students.

Assemblywoman Tolles:

To reiterate, we think it is about 9,000 or so who we thought were projected to be held back, possibly retained. With the good-cause exemptions, will there be more intervention and probably a smaller number?

When I teach in my classes, we talk about correlation versus causation, so whenever I see causation applied to something that could be correlation, I am always curious about that. It really stood out to me when we talked about what happened in Florida, in drawing the conclusion that was a causal relationship directly. Is there any more backing on that?

Melody Thompson:

That was not a causal relationship, not even really a correlation relationship. It was some interesting information. From a statistical standpoint, all of the states that are putting this into place are looking at third grade as the place where we talk about the students who are illiterate and then we start planning for prison—building and beds.

I was curious, so I looked at the Florida data. They passed their bill in 2003. The data I had was 2005 to 2016 and there was no study done to determine if it was correlated or causal. That was just the data. I found it interesting that if their Read by Grade 3 bill was working

for what they wanted it to do, then I would have assumed that per capita rates—good catch by the way—would have stayed minimally the same for incarceration, they would not have increased minimally. I was hoping they would have gone down. But to see that they almost doubled was shocking to me. Is it related to Read by Grade 3? Who knows. It is not causal or a correlation. I was just putting that out there as an interesting data fact.

Assemblywoman Peters:

At the end of your presentation, there were a couple of places where you changed the language around the average range for pupils and what we are comparing these students to when we decide whether they are proficient or not. What do we use to determine what the average or median skill set is? Why did you decide it was specific to the schools individually as opposed to a larger group of demographics?

Melody Thompson:

We are trying to work on the language in the bill relative to specific schools. It should not be specific to schools because as we all know, especially from a large urban district, we have some schools where students come in as lower socioeconomic packets, so we have a whole school that is struggling with literacy versus higher SES schools in which hardly any students are struggling with literacy.

We would not want to compare students within a school. The average when we are talking about it in this type of legislation would be compared to national averages. We want to look at what the nation is doing and how we compare nationally. It should always be that. We should be using measures that are normed based on national averages. That is where we should be getting our data so that our students are looking good compared to the nation.

Assemblywoman Peters:

I was not looking at the amendment for that language, I just caught that when you were presenting those sections. Thank you for the clarification.

Assemblywoman Hansen:

With regard to the conceptual amendment ([Exhibit H](#)), in No. 1, sections 4 through 9 of the bill would be revised to require "The informed written consent of the parent or guardian of the pupil" in order to perform intervention services. Right below that we drop to No. 2, where it says, "Revise section 7 of the bill to remove the good-cause exemption for retention and provides that if a parent or guardian does not provide written informed consent, the pupil may be retained and provided certain services and instruction."

I think I am just confused. Do we require written consent from the parent to retain, but then we are not going to?

Assemblyman Thompson:

For the students who are in that cohort, as we have said, the parents have been notified multiple times. This is the moment of truth. This is the time where we are getting the final scores, they are finishing up third grade and moving on to the fourth grade. It is now going to be when the parent is going to be told that their student really needs these supports. That is where we will get the parental consent and will continue to work with the student. Should the parent not respond, then it is going to now be up to the schools to determine. Again, that is a student still in that school. If the school decides to retain the child, the child still has to get those supports, but they are going to be retained.

Assemblywoman Hansen:

What do those supports look like? When we say that the student is going to need those supports, could you give me an idea of what that looks like?

Melody Thompson:

The supports would be an intervention plan geared toward the child's specific skill deficits. Within that plan would include the type of interventions that are going to occur, how often they will occur, where and when they will occur, and then how they are going to be progress monitored with the data that is comparable to national norms so we know if the child is making growth or not. If they are not making growth, then that plan would be revisited and changed until they start making growth and closing the achievement gap in reading.

Assemblywoman Gorelow:

Thank you for bringing this bill forward; it relates very close to home. The star ratings seem to be very important with a lot of schools. Would any of these retentions affect those star ratings?

Melody Thompson:

Star ratings are very important to principals, and retentions have been shown to help students score better on the test the next year. In five to six years the differences in those scores are insignificant. You have that cut score where they pass or fail, and where they looked at the data of students who just passed and go on, and students who just fail and are retained. If you look the next year, the students who were retained with interventions do much better on the statewide assessments. In five to six years, the differences between those two subgroups are nil. There is no difference between them. In the long run, the retention did not have a significant impact; however, principals often know that their test scores will go up the next year if they retain a group of students. It does have an effect on star ratings in that it can help a principal get better star ratings because they retained a set of students who can score better next year.

Assemblywoman Gorelow:

Because of my experience in trying to hold my son back—in kindergarten, in first grade, and in second grade but was denied—by the third grade, I gave up. One of the reasons I was told was that it would adversely affect their star ratings by having that retention. It is interesting because what you have on the psychological impact, I see in my son who was not retained.

It was a struggle. What happens when a parent says that their child should really be held back? Redshirt them. He is not emotionally ready, he is not meeting with his peers or relating to them. That was a struggle with me and other parents whom I have talked to. I was curious about that because I had the flipside.

Assemblyman Thompson:

I talked to the Department of Education. We have someone in southern Nevada who can answer that in addition to Ms. Thompson.

Seng-Dao Yang Keo, Director, Office of Student and School Support, Department of Education:

I will ask my teammate to respond to that question. Can I confirm the question again?

Assemblywoman Gorelow:

What happens when parents are wanting to hold their child back but the school does not want to hold them back?

Karl Wilson, Education Programs Professional, Department of Education:

Under current state statute, the opportunity for a parent to make the recommendation to retain is a decision between the parent and the school. It is not related specifically to the Read by Grade 3 program.

Assemblyman Thompson:

Could you answer the question whether this interrupts or helps the star rating at the school?

Karl Wilson:

The current Nevada School Performance Framework (NSPF) system for rating schools does not include a factor that is dependent on or reflective of the number of students who are retained. It does not influence the star rating itself.

Assemblywoman Gorelow:

He is doing much better, but it is because I brought the resources to him. I was lucky. I do have a master's degree in education. I recognized some of his deficiencies. He eventually was diagnosed with attention deficit disorder/attention deficit hyperactivity disorder, which was not helped or not mentioned in elementary school. No one caught it. I think that was part of his issues in elementary school, but he has done better. I can see where someone who does not have the means or the awareness of their child's development can definitely fall through the cracks and have a lot of problems.

Assemblywoman Miller:

For clarification on the question regarding the impact on star ratings, would that be the area where it would be demonstrated in growth? It seems like it is already being demonstrated if we have students who are not performing at standards and if they are not growing. It is certainly already being demonstrated. Again, if we looked at it the next year, we would not see that growth for one of the major categories on that star rating. Is that correct?

Karl Wilson:

We would need to check with our colleagues in the assessment department to see how a student participating in the third-grade assessment two years in a row would be scored and attributed to the school. I do not have the answer to the question. For the number of students retained, that factor alone is not part of the NSPF rating.

Assemblywoman Torres:

I would like to follow up on a question I asked significantly earlier in this discussion. As I was going through this piece of legislation again, I was looking once again at section 5 of the bill which is specifically referring to when that problem of deficiency is noted and the conversation with the school. Then section 9 specifically refers to the conversation where the deficiency continues to exist and what is done in the individual school and the school district. After reviewing this piece of legislation, I do not see anywhere that puts in statute that information has to be provided in a second language that is commonly spoken, like Spanish is here in the state of Nevada.

My fear would be that you would have large populations that might not be able to engage, and then you have workshops only available in English on teaching reading strategies. Anyone who works with literacy knows that it does not matter if you are reading in Spanish, French, or English; having that literacy in any language helps. It is important that we take a look at that language and add that to ensure that those resources are provided.

Assemblyman Thompson:

Thank you for that insight. That is definitely something we can build into the amendment.

Vice Chairman Flores:

I will invite those wishing to speak in support of Assembly Bill 289 to please come forward.

Alexander Marks, Political Coordinator, Nevada State Education Association:

We support Assembly Bill 289 removing the retention mandate from Read by Grade 3. Learning to read by the third grade is critical, as we have heard today. When students are not able to read by the third grade, they risk falling further behind their peers. As highlighted by the National Conference of State Legislatures, third grade "marks the time when the focus is placed on reading to learn instead of learning to read." In 2015, Read by Grade 3 was passed into law by Senate Bill 391 of the 78th Session. The legislation contained a provision that students must be held back if they cannot read at the end of the third grade. Since that time, the Nevada State Education Association (NSEA) has expressed concerns regarding the retention provision which would be triggered at the end of this school year. For the past several years, NSEA's members have been troubled by the amount of paperwork and testing demanded of our students without the resources provided to educators to help our students succeed as learners. There are far better ways to solve this issue without having a mass retention of more than 9,000 students.

With A.B. 289, NSEA is encouraged. There is flexibility with student retention. Moreover, under this bill such retention would now require written consent by the student's parent or guardian. There is no doubt that this program has the potential to work better and NSEA believes the cleanup language about the literacy specialists and expansion of interventions will enhance this program greatly.

Further, a great deal of complaints over the past several years have dealt primarily with the lack of resources. For the last biennium, \$45 million was allocated and Governor Sisolak has proposed \$63 million for this biennium. To that end, we are encouraged by the noncompetitive grant weighted formula language contained in this bill because the success of Read by Grade 3 relies heavily upon investing these funds where they are needed the most.

Assembly Bill 289 moves forward with responsible fixes which will benefit our students without penalizing them for simply attending school in a system that has been chronically underfunded and consistently underfunded as well.

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

There is so much to say about this. I want to answer some of the questions that came up. In the Washoe County School District (WCSD), we estimate there are about 1,000 students who would likely be retained who would not qualify for a good-cause exemption. That is before we have gone through the process of portfolio demonstration. Those kids are our kids, too, so we are not letting up on the gas in making sure that they are making their growth targets. Their test scores are included as part of school star ratings. I think this bill really addresses some of those issues around flexibility. If you will remember through the competitive grant process, not every school received additional resources, but every student is subject to this law whether they are in a school that receives additional support or not. This legislation takes a step back from that and makes sure that we can get resources to students across the schools. Even in the high socioeconomic schools we still have struggling students, and those students deserve support as well.

We have been working really hard on the funding formula to make sure that it is distributed in a way that meets our students' needs. We have some schools that may only have 10 students who are nonproficient, and we have some with 300 students. We need to be able to meet the needs of those students through a more flexible system which I think this bill addresses.

I am going to have Dr. McNeill answer some of the questions about how we communicate with families. That is something we take very seriously in those early interventions. I want to ensure it is clear that our school district is not going to let up on the gas in getting these students to proficiency by third grade. That is absolutely the target. However, we cannot punish a particularly disproportionate number of our students of color or poor students who would largely be retained as a result of the existing legislation. We know that those 1,000 kids are from about three ZIP Codes. Those ZIP Codes in the WCSD are suffering from some of the social factors that contribute to their success.

Assemblywoman Tolles:

I particularly appreciate your testimony on the importance of the flexibility to be able to respond. I want to make sure I got this right; you said 1,000 students without the good-cause exemption. With the passage of this bill, what do you anticipate it will look like?

Lindsay Anderson:

I cannot speculate on how many. We think there are 1,000 students who would be retained. Taking out those who would be eligible for a good-cause exemption, whether they are a special education student, a student who had been retained previously, or a student receiving less than two years of English language instruction, we still have 1,000 kiddos left who would be retained.

Kristen McNeill, Deputy Superintendent, Washoe County School District:

Our district supports Assembly Bill 289 and its efforts to improve outcomes for students. We have had concerns about the mandatory retention provision of the original Read by Grade 3 legislation from 2015, and we appreciate this opportunity to make modifications in the best interest of all of our students. As a former classroom teacher and principal, my experience has been that the power is in the classroom instruction and the interventions used for students who are struggling readers.

Retention should only be used as a last resort, and even with that, it works best when our parents are supportive of the retention. Believe me, a student knows when they are a struggling reader. Therefore the social-emotional well-being of students must be taken into consideration. As well, removing the mandate for retention in the current legislation does not preclude a teacher or a principal from making that decision. This can still be done for students when that need exists.

We know that the best service model for students is to provide early intervention and intensive, evidence-based instruction and interventions to meet the needs of all students. Examples include small group instruction focused on needed skill development such as reading comprehension with guided reading practice; tutoring on a one-to-one environment; and frequent progress monitoring. These should be emphasized in primary grades; however, best practice interventions and strategies need to continue throughout the later elementary grades. Students from all backgrounds need equitable opportunities to learn in a classroom with a teacher who progress-monitors and shares that information with parents. We in the Washoe County School District do this in both Spanish and English on a regular basis through letters and also through different types of translation services that are provided.

The evaluation of interventions tried on a student also needs to be considered to see if the interventions are working, and the teacher to make adjustments accordingly. We know that intensive individualized intervention plans for students who have performed significantly below their grade level peers in literacy are making a difference in classrooms.

Vikki Courtney, President, Clark County Education Association:

I am speaking in support of Assembly Bill 289. We appreciate the work Assemblyman Thompson has done to bring all stakeholders together to make the changes to this bill that will, based on research, give students a support system for improving their reading and comprehension skills.

Assembly Bill 289 provides students with ongoing support from kindergarten through Grade 5. This ongoing support is the intervention for students instead of retention which research shows can be ineffective in improving students' literacy skills. Assembly Bill 289 addresses these concerns through the good-cause exemptions and creates a structure where data drives decisions at the school and district level instead of simply retaining students. The collection and analysis of data will give us a road map to meeting the needs of our students.

We also need to ensure that we identify literacy specialists who have the knowledge and expertise to support educators and students. Specifically, A.B. 289 calls for a licensed professional who has demonstrated the ability to improve the literacy of pupils and to provide professional development and assist teachers at the school to implement a system of support which includes various methods to provide intensive instruction and intervention.

We need to be cautious as we move forward, though. Read by Grade 3 legislation is an opportunity for Nevada to create impactful instructional solutions. The burden cannot be felt by one literacy specialist in each school. Districts across the state need to consider how they can continue to optimize the impact of these positions on student learning.

Valerie Padovani, representing Sierra Nevada Academy Charter School:

First, we want to thank the bill's sponsor for working with us on such short notice. We submitted a very short, friendly conceptual amendment ([Exhibit J](#)). The change we are asking for is to amend section 11, lines 21-24 to add "district sponsored charter schools" to the types of schools eligible to be awarded grant funds. District-sponsored charter schools are not governed by the State Public Charter School Authority. This corrects an oversight and allows these schools to be eligible for the literacy grant fund.

We appreciate Assemblyman Thompson for working with us to correct this small but impactful oversight so that district-sponsored schools like Sierra Nevada Academy Charter School can apply.

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

You heard from Washoe County School District and they are one of the members of our organization; I would like to say a few things for the other 16 counties. We want to thank Assemblyman Thompson and the other legislators who have worked on this bill to try to correct some of the problems that we are experiencing with the current legislation—the current Read by Grade 3.

This bill helps us expand assistance to kids who are beyond the third grade in our elementary schools. The bill also gives us a little more flexibility in our school districts as far as how the funds are spent.

Also important to our districts is the grant process, which was very difficult for districts that did not have good grant writers. They were expected to do the work with little or no additional funds. We are in support of this bill.

Paige Barnes, representing Nevada Association of School Boards:

I will take the advice of the Vice Chairman and just say, "Ditto." We thank Chairman Thompson for bringing this legislation.

Vice Chairman Flores:

Is there anyone else wishing to speak in support of Assembly Bill 289? [There was no one.]
Is there anyone wishing to speak in opposition to Assembly Bill 289?

Ray Bacon, representing Nevada Manufacturers Association:

I have been working on the Read by Grade 3 issue since Florida started it. You have a handout and I will ask you to look at only two things ([Exhibit K](#)). Look at the page that shows Nevada's numbers [page 2], then take a look at what happened in Florida over the same period of time. They can say as much as they want that it does not work—it has actually proven that it does work.

Everybody is on the same road. We know that Nevada is in trouble. We know that we have to make improvements. We know that our demographics are such that our minorities and our poor have been shortchanged in our system for decades.

The steps that we are making are steps in the right direction, but recognize that it is not going to fix everything and sometimes we are going to have to make those tough decisions and say that this is not working, that we are not getting to these kids yet. We are talking about a lot of additional people who are hired at a point in time where the Clark County School District cannot hire all that they have open positions for all of the time. Now we are looking for another specialist. I am not sure this is the full solution. It is a huge step in the right direction, but I am not sure we are going to close the gap. We are not done with this project; we will be back next session for more changes.

We also had some allocation problems the last time. There were some school districts in the second year that got completely zeroed out and did not have 100 percent of their kids reading at grade level.

By the way, there is a book—the bible on how people learn to read, titled *Preventing Reading Difficulties in Young Children* by the National Research Council, written in 1998. We still have not gotten there yet.

Vice Chairman Flores:

Is there anyone else wishing to speak in opposition to Assembly Bill 289? [There was no one.] Is there anyone wishing to speak as neutral to Assembly Bill 289?

Linda Sinclair, Private Citizen, Reno, Nevada:

I am speaking for myself, but I thought you might like to hear from a teacher. I came from Colorado and I taught the first year that they had Read by Grade 3 in place. We sprang into action and did everything we could to get our kids up to grade level. We did.

Last year I was wondering how the program worked out, so I called Colorado to find out how it was working. They said they abandoned that long ago. They said that they found that intervention worked better than retention. I thought I would just pass that on to you. Also, they did not base their results on test scores. They had a person actually come into the classroom, read with the child, and then asked questions to see if they understood what they had read. You might think about that.

Karl Wilson:

On behalf of the Read by Grade 3 staff of the Nevada Department of Education, we want to briefly share some aspects of Assembly Bill 289 that we feel the Committee should be aware of. There are some very positive things that we see, including the continued emphasis on early literacy that provides a strong foundation for educational success for all students. We feel the extension of the focus from grades kindergarten, 1, 2, and 3 to all of elementary school is a positive feature. The extension of the definition of reading skills to include vocabulary and reading comprehension, which were not in the previous version of the law, is a step forward.

We feel changing the learning strategist to a literacy specialist has real potential for helping to enhance reading. The involvement of the parent or legal guardian of the pupil providing informed written consent is a positive step forward.

There are a few concerns in the current language of the bill. First, as mentioned earlier, if skills necessary at a level that is considered by the district or the charter school to be within the average range is a feature that does need to be addressed, all performance levels need to be consistent across the state and should be determined and standardized across the state.

In terms of the format of the bill, we also heard that there are some sections addressing districts and some charter schools that could be simplified and streamlined into sections that address both within one set of requirements.

We also had information regarding parental informed consent. If a parent does not provide consent, the Nevada Department of Education feels it would be a strong recommendation that students who move on to fourth grade be required to participate in those intensive reading interventions that would be available to students who were retained in third grade to move them toward literacy.

In terms of the good-cause exemptions, there appears to be at least one case where a good-cause exemption has been created that addresses any student who is retained in kindergarten, grades 1, 2, and 3, and it conflicts with a later part.

Vice Chairman Flores:

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

Assemblyman Thompson:

I want to thank everyone for their participation in the conversation today. I want to reemphasize how real this is. The number given by the Department of Education was at 9,000 students, but it could be more than that. In reality, we are looking at thousands of students who may be retained if they do not have the supports they need. Basically, in our state we will have a second third grade. That would be the starting point.

I want to reemphasize that retention causes a traumatic effect on our kids. The school-to-prison pipeline is real. We as legislators address that in other committees as well. I always hear the narrative that we want to start with it on the front end so we do not have to worry about all of these things on the back end. This is our opportunity to do so.

In closing, I want to say that I truly thank you because I can see the difference in growth—in that it is really symbolic when we are talking about growth of a student. I have seen the growth in the work around this bill within the past two years. Those of you who were with us in the hearing two years ago, I am sure that you can agree there are way more stakeholders at the table now rallying and embracing this. We hope we can gain your support.

Vice Chairman Flores:

I will close the hearing on Assembly Bill 289.

[Assemblyman Thompson reassumed the Chair.]

Chairman Thompson:

We will open the hearing on Assembly Bill 304.

**Assembly Bill 304: Revises requirements relating to class sizes in public schools.
(BDR 34-930)**

Assemblywoman Brittney Miller, Assembly District No. 5:

It was difficult at first for me to decide how to present this bill, mostly because I was focusing on a lot of the research about the impact of large class sizes, student academic and social development, teacher workload and attrition, and even safety issues. Then I realized, I did not need to prove this. We already know that Nevada has the largest class sizes in the country as cited by the National Education Association (NEA). What is worse, the class

sizes are increasing. In 2013, Nevada's student-teacher ratio was only the 5th largest in the country with a ratio of 21.5 to 1. Three years later in 2016, NEA reported that Nevada had the largest average number of students enrolled per teacher at 25.86, making Nevada—three years later—the highest in the nation.

Keep in mind that these are just averages. Also keep in mind that our state continues to grow. The reason why averages are important is because as I read through the Nevada Report Card—a website with a lot of information about all of the schools—half the schools in the Clark County School District did not identify class sizes, but of the ones where that information was available, the high average was 33. That is still not the full picture because, again, it is just an average. It does not take into account all of the classes with 40- or 50-plus students.

Nevada's class-size reduction program, which is funded, began in 1989 but only covers up to Grade 3. Pursuant to *Nevada Revised Statutes* (NRS) 388.700, the student-teacher ratio for kindergarten through second grade must not exceed 16 to 1, and in Grade 3, must not exceed 18 to 1. However, our current funded class-size averages are 17 to 1 in Grades 1 and 2, and 20 to 1 in Grade 3. In cases where class-size ratio exceeds that approved funded ratio, the school district must request a variance from Nevada's State Board of Education. In the 2017-2018 school year, there were 666 classrooms with variances. That is up from the 2015-2016 school year which had 650. Again, this is a trend that shows class sizes are increasing.

When looking at recourse for these instances when the student-teacher ratio exceeds the maximum ratio, and the state Superintendent of Public Instruction finds the school district's board of trustees have not made every reasonable effort to comply with the standard, NRS 387.1234 provides the state apportionment of money due to the school district may be withheld.

Last session, primarily because there was nothing pertaining to class-size parameters for Grades 4 through 12, I introduced Assembly Bill 312 of the 79th Session. It successfully passed and was codified into NRS 388.890. It required the Department of Education to prescribe nonbinding class-size ratios for all grades K-12 based on evidence-based national standards while taking into account the unique needs of students, including those students with special needs or English language learners. It required recommendations for all classes including specials and electives. The only classes that were exempt were performing arts classes—band, orchestra, and choir.

Additionally, last summer a survey was conducted by the Department of Education that approximately 9,000 teachers throughout the state responded to. More than half were elementary school teachers. This is important because generally elementary school classes are smaller, especially due to class-size reduction in grades K-3. Also, we know that not

every district is impacted the same. Many of our rural districts do not struggle with excessive class sizes. Still, 58.44 percent responded having classes over 25 students; 40.92 percent reported having classes over 30 students; 23.47 percent reported having classes over 36. There were still 7 percent of our teachers who responded to having classes over 40.

When teachers were asked to what extent they believed student-teacher ratio impacts student learning, only 3.5 percent responded a moderate, minimum, or no impact; 19.5 percent responded that it had a strong impact; 77 percent reported it had a significant impact. That is just about student learning. What about social development and physical safety, or the emotional culture of the class?

Teachers were also asked to make their class-size recommendations. The Department of Education did take those into consideration when developing the recommendations to the State Board of Education. The state recommendations were passed and adopted by the Nevada State Board of Education last July. In grades K-3, the suggested ratios are 15 to 1, and in grades 4 through 12, 25 to 1.

Before I explain Assembly Bill 304, I must pause to acknowledge that this issue cannot be fixed overnight. Nor can it be fixed with one bill. Given the budget restraints, physical capacity, teacher shortages, working conditions—and it should be noted that in 2016, 61 percent of Nevada teachers cited large class sizes as their most significant challenge—that rated us as second in the nation. Again, we know this cannot be fixed in one fell swoop. Rather, this bill keeps us moving toward a target—incrementally toward the goal of reasonable class sizes as recommended by the Department of Education, the goal of creating the most conducive and safe learning environments for our students.

As I go through the bill, I will be including the conceptual amendments as posted on the Nevada Electronic Legislative Information System ([Exhibit L](#)), some of which I wanted to make sure reflected the initial intent and requirements of the original bill draft request.

First, the provisions of A.B. 304 establish that a uniform maximum of student-to-teacher ratios must be achieved by the beginning of the 2028-2029 school year [section 1, subsection 2]. In order to achieve the class size goals by 2028, the measure provides that beginning with the 2020 school year, the State Board must establish reduced ratios that provide for either a 10 percent reduction toward the goal every two years or a 5 percent reduction each year [page 1, ([Exhibit L](#))].

Secondly, parallel with the nonbinding class-size recommendations, the State Board is directed to establish uniform student-to-counselor, student-to-social worker and, where applicable, student-to-librarian ratios that also must be met by the 2028 school year [page 1, ([Exhibit L](#))]. It must also include ratios for classrooms with students with special needs.

Assembly Bill 304 enables the ability for teachers and licensed professionals to negotiate class size or pupil-teacher ratios in collective bargaining agreements [page 1, ([Exhibit L](#))]. Of the 149 largest districts in the country, more than 100 of them explicitly mention class-size restrictions in their contracts with a variety of remedies. One of those remedies, as A.B. 304 also includes, is additional compensation from the school district for teachers with classes that exceed class-size recommendations [section 1, subsection 6].

Next, student learning goals (SLGs) do not apply to teachers with five or more students over the recommended ratios [page 2, ([Exhibit L](#))].

In cases where grades K-3 classroom ratios exceed the recommendation, the school district must continue to request a variance. It must include a plan of action to reduce ratios and be published in the school improvement plan. A copy of each request and plan of action must be provided to the staff, and where applicable, the School Organization Team of each affected school that operates in Clark County. Approved requests will also be provided to the impacted staff [page 2, ([Exhibit L](#))].

The sixth thing the bill does is that the State Board must determine a maximum number of variances allowed per school, per district. The State Board is prohibited from granting a variance if it will place the school in violation of the maximum percentage of classrooms that may exceed the prescribed ratios. The State Board is prohibited from approving a variance if it is determined that the plan of action will not likely provide the desired outcome.

At the beginning of each school year, the board of trustees of each school district that is not within the recommended ratios shall report to the Department of Education the exact number of students per licensed teacher, per classroom—not the average per school [page 2, ([Exhibit L](#))].

Finally, the measure also requires the Department of Education to compile the information received from the school districts as well as variances, and submit a report to the Legislative Committee on Education during odd-numbered years and to the Legislature on even-numbered years [section 3].

You heard it while campaigning—it is a huge topic of discussion in the state of Nevada. Whether it comes from parents, students, or educators, you have heard it at the doors, you have had those conversations with your constituents—there is an outcry in Nevada to address class sizes.

Chairman Thompson and Committee Members, I ask for your support. Yes, it sounds complicated and will eventually require a huge infusion of funding incrementally over the next decade. But the time is now. We have to start somewhere. We have to look into the

future. If we do not enact bold legislation, where will we be in ten years? How large will our class sizes be? What will our student performance and school environments be like? How many teachers will be left? How do you want this day in history—when there was an opportunity to take a stand—to be remembered?

In closing, can we really afford to say no to the children of Nevada?

Chairman Thompson:

Are there questions from the Committee?

Assemblywoman Hardy:

I agree. I followed this and remember when they put in the class-size reductions through Grade 3, and you are right. Parents are campaigning. That was the No. 1 thing you heard about—how many kids are in the classrooms, then they remove teachers. I agree that this is such a problem. I do not know how teachers teach when they have 30, 40, and 50 kids in a class and try to handle discipline problems and other issues with kids. This is definitely something that needs to be addressed.

I do have questions about how this would be implemented and the ramifications and consequences of this. You mentioned in section 1, subsection 6 of your amendment ([Exhibit L](#)) that they would be able to negotiate through collective bargaining agreements.

Assemblywoman Miller:

Yes.

Assemblywoman Hardy:

Why do you think that was put in there, and why would labor representatives be better able to address that than the districts? Why would they be more qualified to negotiate that? Why would they be dictating that would be a better way instead of the districts?

Assemblywoman Miller:

Is the question why it is dictated or is the question why the labor groups would determine or negotiate that as opposed to the school board?

Assemblywoman Hardy:

Why would they be better able to dictate the class sizes?

Assemblywoman Miller:

Because that is what the labor unions do. They negotiate working conditions and that would be considered under one of the working conditions.

Assemblywoman Torres:

As a colleague both here and in the classroom, I think we both understand the implications of what large class sizes do for the educators. Can you speak to the impacts on the working profession? You talk about the SLGs in your proposed amendment and why this would not apply to teachers with five or more students either by class or by period. I think we need to better explain the workload that adds to the classroom teacher for the Committee members.

Assemblywoman Miller:

I do not want to get into a long discussion on the Nevada Educator Performance Framework because any time that is brought up, that is what it becomes. That is the evaluation the teachers are evaluated by. There are many different parts of it—I believe 52 indicators that teachers are evaluated on. When you are looking at the actual SLG, it is the actual part of student performance. We know right now there are some bills addressing that in the Senate—the idea that student performance is solely on the teacher to bring achievement from a student and that it is a reflection of the work, effort, or expertise that teacher has.

The question I have asked many times is, when this was developed, did they envision 45 or 50 students in the class, or were they envisioning the past when they had taught when there were still under 30 kids or under 25 kids? As a teacher myself, I know that I will order supplies—again, you know who is paying for those—and the supplies come in packets of 25 or 27, which is interesting because obviously corporations around the nation think that is how many students you have in your class. With each additional student who is in your class, the workload increases. It is not just one more student whom you are preparing for, or one more student whom you are teaching, it is one more different style that you have to teach to and consider. It is another set of parents, it is another set of grades, and it is another set of conferences. You add a few more students, but now add 15 more students and imagine the workload. Then imagine what that classroom looks like for our students.

We talk a lot about bullying; we talk about the importance of the culture of that classroom, that kids feel physically and emotionally safe. Again, the challenge of managing the behaviors of 40 or 45 students is quite different from 20 or 25 students. I always present this scenario to people: Imagine that you told your son or daughter that you would take them and a few of their friends to a swimming party, the roller rink, Chuck E. Cheese, or wherever. At some point there is a number where you are going to start to say, Whoa, wait a minute. In your mind you were probably picturing seven or eight kids. You were not picturing 45 kids. Most of us would not say yes, because with that, it adds with each child.

Back to the question, there is so much that is considered in those evaluations and it also continues to say the word "all." That means "all" 45 students, "all" 52 students. It does have an impact. We also know this is the profession that is under challenge right now. We have talked before in this Committee about the number of teachers the state is losing, which requires so much effort, money, and time spent to recruit every year. We also have to start recognizing the workload and manageability. At some point, there needs to be some type of acknowledgment, some type of relief, and some type of reward for our Nevada teachers.

Chairman Thompson:

I want to thank you. Your passion is all through that microphone, and we see it too. We love that because it brings on great legislation.

In section 1, subsection 4, as mentioned in your conceptual amendment ([Exhibit L](#)), with the dialogue we have been having statewide on school safety, do we already have those proposed ratios around school counselors, social workers, and librarians, or are you suggesting that we need to go school by school?

Assemblywoman Miller:

Are you asking the question in consideration of all of the other programs such as restorative justice where we have talked about the importance of having counselors?

Chairman Thompson:

Right, and around the Statewide School Safety Task Force. For example, counselors have twice as many students than the national average or ratio should have. Being that some of those ratios are already established on a national level, in this section, are you asking that we create our own ratios with the state?

Assemblywoman Miller:

Yes. That is what I am asking. It would give the Department of Education the same abilities they had when they created student-teacher ratios, which would be to use national standards and best practices, but also to look at what is expected of students and the needs of students in Nevada, and to make those recommendations particular to our state. Again, I imagine that they would definitely use the national standards as a bar.

Assemblywoman Hansen:

I want to be on the record that I totally understand and feel the pain of what you are trying to accomplish. It is a problem in our state. I had my 18 grandchildren over for dinner and I was kind of losing my mind, let alone a classroom of 30 or 40 students.

I know that we are always told that we are a policy committee, not a money committee, but that is like a gag order—we essentially cannot talk about what we are talking about. I look back and wonder how we even begin to tackle this problem we all see. Classroom sizes are getting really prohibitive for effective teaching in the classroom. I look at this from the standpoint of my personal experience of being a parent and as a business owner. If we were looking at this and projecting into the future financially, three things come to mind in the business world when you are looking to address problems in your business: you look at people, processes, and product. I think we can apply that here. Where is the system breaking down? Where are we not delivering? When I think about the budgetary issues and the constraints that education faces right here in this room, we have heard 87 percent of the budget in education goes to personnel and payroll, and 13 percent is for everything else. I know that from a business model, I would go bankrupt if I only had 13 percent left for everything else. That is why you are buying your own supplies. We spent \$800 million in the Guinn administration.

Chairman Thompson:

We are digging in to the budgetary policy. This is truly just the policy and framework around classroom size. That would be discussed in the budget committees.

Assemblywoman Hansen:

I just want to be on record that I support your intentions completely. This is a large financial issue that we are looking at down the road in another committee. Do we need some kind of SAGE [Spending and Government Efficiency] Commission study to help us get to a place where we can indeed find a way to fund these sorts of things? That would be my suggestion.

Assemblywoman Miller:

I would also like to say for the record, I know that the quotes around the percentage school districts spend on personnel is something that is stated all of the time—Oh, 87 percent, 90 percent! I ran public service programs for years and staff was always the No. 1 line item. That is not much different from many other public service and human service programs. The school districts are pretty on par with that percentage. Studies have been done and, of course, we can always do more to ensure that we are doing everything effectively.

Assemblywoman Tolles:

The class size discussion has been going on forever. I have been an advocate for years before I became elected. This was one of the biggest issues from being a mom of elementary school children. Try to have a birthday party for 35 seven-year-olds.

Assemblywoman Miller:

You do it outside.

Assemblywoman Tolles:

I really appreciate your bringing this conversation. It is an important one and we need to keep having it.

I have some technical timeline questions to make sure I am reading this right. It says this is effective January 2020 and I assume that means it is by 2020 that the State Board of Education needs to come up with those per-pupil class-size ratios, then by 2022, we begin the 10 percent implementation. Is that correct?

Assemblywoman Miller:

Yes, it is. It is actually that both would happen by the 2020 school year. In most cases, the districts have budgeting, staffing, and even class assignments well underway, if not finished, for 2019. That would give the Department of Education a year to address what those ratios should be. I modeled a lot of this off of our renewable energy bills that we see where there are basically targets and benchmarks—building and working toward something incrementally. That is correct.

Assemblywoman Tolles:

In 2020 I would assume we are going to find almost immediately that we are out of compliance in our larger districts. The SLGs would be exempt at that point and the additional compensation to be determined would be implemented, or would that be by 2022? When would that kick in?

Assemblywoman Miller:

That is an excellent question because there are some moving dates within this. If passed and signed, the bill would go into effect by this summer. Some parts of it, like the SLGs, I do not know why there would be a reason to wait, as opposed to the parts of the bill that mark specific dates like 2020. At that point, we say that is when it would begin. Reasonable time would need to be in effect for that. That is why the bill is written in a way that is a moving calendar. I am looking at two separate dates.

Assemblywoman Tolles:

This would not be the intent, but do we automatically remove all SLGs for Clark and Washoe Counties? I would imagine that they are probably out of compliance with those ratios. It is so important that we do this and do it incrementally. I am trying to understand how soon and what the step-up process would be in the implementation. There are all of the wraparound considerations, such as construction of classrooms and the availability of teachers. Coming from the higher education perspective, we really need to beef up our training—getting them graduated with their bachelor's degree and licensed to be able to fill from Nevada first.

Assemblywoman Miller:

I appreciate that, and I would also add that while we are looking to grow and recruit more teachers, we need to put some energy into retaining our teachers as well. We know that when we are looking at the national shortage, it is due to the working conditions and the demands of the profession. Wherever we can address those issues, we need to. When it comes to the dates, like anything else, this is a living document at this point. I am happy to meet with the school districts, the Department of Education, and school boards to make sure that the dates are appropriate with enough time to do things effectively, but also recognizing that dates are in place to set some boundaries to ensure goals are accomplished.

Chairman Thompson:

Is there anyone in support of Assembly Bill 304?

Tom Wellman, Private Citizen, Las Vegas, Nevada:

I live in Senate and Assembly Districts No. 1. I am the president of the Nevada State Education Association Retired Committee. I was employed for 32 years by Clark County School District as a teacher and a counselor. As a school counselor, the issue of class size was a daily part of my life working with teachers, students, and parents. I saw classes balloon from 29 and 30 students per teacher and slowly rise to 35, 45, and more students per class. As a school counselor, it seemed I was in the position of constantly begging and pleading with teachers to take just one more student and trying to figure out where we could put that extra desk so that every student had a place to sit.

Teachers being faced with overcrowded classrooms are trying to teach but are simply warehousing students. Think about it. How do you teach algebra, biology, or writing to 45 students? It is time that we address the issue of class size for our students, parents, and teachers in this state. It is time that we address the issue of caseloads for counselors, nurses, librarians, and other licensed professionals in this state. It is time that you, as elected leaders, do the right thing for public education and support A.B. 304. Make learning and public education a priority.

Chairman Thompson, before I close, could I have a point of personal privilege? I want to say congratulations to Dr. Ebert and welcome home.

Harry Beall, Private Citizen, Las Vegas, Nevada:

I am a retired English and journalism teacher and I am speaking in favor of the passage of A.B. 304. Class size greatly impacts teaching and learning. The more students there are in a classroom, the less individual learning there is. I have taught in classrooms with over 35 students, and I have taught in classrooms with 20 to 25 students. Smaller class sizes are easier for the teacher to monitor and to provide one-on-one instruction.

Which do you think would help the student learn better, having the teacher pass back essays full of red marks or having the teacher sit with the student during class and explain the mistakes that the red marks indicate?

Speaking as an English and journalism teacher, smaller class sizes also mean fewer hours grading student writing. Six periods of 35 students creates a huge workload for the English teacher reading every work and making suggestions. That grading work is done out of class. For me, it amounted to a work week of about 60 hours or more. There are a lot of teachers who cannot do that. For me, it came with the territory and I had seen my father with a similar workload when he taught English and journalism.

For some teachers, such a workload is just too daunting, so they cut back on grading their students' writing by requiring fewer or shorter pieces, and that does not help the students improve, so they continue to make the same grammatical mistakes, mistakes which, unfortunately, can follow them all the way into the workplace. The passage of A.B. 304 is the best thing to do for our students and for our teachers.

Steve Horner, Private Citizen, Las Vegas, Nevada:

I reside in Senate District No. 9 and Assembly District No. 35. I am a grandparent of Clark County students, I am an Army veteran, a retired special education teacher, and the vice president of the Nevada State Education Association Retired Committee and Clark Retired Education Association. I promise to be brief.

Public educators are given impossible odds yet produce almost miraculous outcomes, as a classroom with 25 to 50 students is an impossible situation. Our students deserve better. Despite a statement by the current secretary of education, students do much better in classrooms with smaller student-to-teacher ratios. This is true at all levels from

prekindergarten through higher education. Assembly Bill 304 will ensure that teachers and students are learning in the best environment for everyone. Others will give you all of the statistics, but I have walked this walk and have experienced the results. When our students have more time with a teacher, they achieve at a much higher level. Please pass A.B. 304 for our future.

Gerri North, Private Citizen, Las Vegas, Nevada:

I am president of the Clark Retired Education Association and I am speaking in support of Assembly Bill 304. As a teacher who retired after 33 years in the classroom and who has been a guest teacher since 2010, I believe the class size is important as teachers try to call on every child for each lesson to give them a chance to participate and to add their information and experiences to the class discussions. My kindergarten and first grade classes have had 35 students at one time. When five students were removed to go to a newly formed class, I felt immediate relief and had noticeably more time to spend with students one on one.

Researchers classify a small class as one with fewer than 20 students in elementary school, and no more than 100 students a day at the secondary schools. The benefits are many, including stronger gains in elementary school that continue into the upper grades. Students are less likely to be retained, more likely to stay in school, and more likely to graduate. As graduates they earn more and enjoy better health than dropouts. This is especially true for minority and disadvantaged students.

These benefits are the result of more individual interaction with teachers along with a more supportive classroom climate as distractions are reduced. Coping strategies, good or bad, are developed in the early years and carry over from classroom to classroom. In a small classroom, each child gets noticed and participates more. With more participation and individual help from teachers, they actually learn more and they learn faster. Small classes also help with teacher retention. Many teachers burn out and leave the classroom because of large and chaotic classes. They used to leave after five years; now I hear many leave after two years.

Class size and more individual attention are two major factors parents consider when they choose private schools over public schools. Student discipline, a better school climate, and improved student safety round out the top five and they are all influenced by class size. Please pass A.B. 304.

Sandy Miller, Private Citizen, Las Vegas, Nevada:

I am a former First Lady of Nevada, representing myself and my husband, former Governor Bob Miller. As you can probably imagine, this is an issue that is near and dear to our hearts and we are here to speak in favor of Assembly Bill 304 and to thank Assemblywoman Miller for this strong, bold proposal. I think she might be our cousin because class-size reduction is probably the thing that my husband pointed to with the most pride. When he announced that he would reduce class sizes in first, second, and third grades, it was to be phased in over three years. At that time, we did not have enough teachers to reduce class size in first grade.

The classrooms were not built to have individual classrooms, so it took almost ten years for us to actually reduce class sizes in first, second, and third grades.

I think you would have a riot on your hands if you decided to go back to 30 students in first grade. We did not have enough classrooms and we did not have enough teachers. We did a lot of team teaching in that situation, where we had 2 teachers and 34 students, so each teacher was responsible for 17 students. We had lots of team teachers.

My daughter, Megan, moved to Las Vegas with us—she was in the third grade so she did not have an option—and she was in the first class at Frank Lamping Elementary School when I do not believe that the Clark County School District (CCSD) believed we would, in fact, hold on to class-size reduction. We walked into a classroom with practically paper walls because this was a new footprint for CCSD. The classroom was indeed very small. We had 17 third-graders in the class, and my husband walked into this classroom where children were shoulder to shoulder and he said that is not what he meant by class-size reduction. Please be bold and pass A.B. 304.

Chairman Thompson:

Thank you so much for coming and sharing that information and that history with us.

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

We have been the voice of Nevada educators for more than 100 years. I would like to thank Assemblywoman Miller for her leadership. She gets it. The Nevada State Education Association is proud to support Assembly Bill 304 to establish student ratios for teachers, counselors, and librarians and set a timeline to meet these ratios.

We also support the conceptual amendment ([Exhibit L](#)) to add social workers, allow licensed employees to negotiate student-teacher ratios along with an accountability mechanism through collective bargaining, and waive the student learning goal (SLG) requirements in classrooms with five or more students over the established ratios.

Common sense tells us—and research confirms it—that the number of students in a class makes a real difference for students and teachers alike. The issue of large class size remains one of the most frustrating issues for Nevada educators, students, parents, and school communities. For the second year in a row, Nevada has the largest student-to-teacher ratio in the country. While rapid growth fueled the problem in previous decades, the lack of sufficient funding for school districts is the main reason Nevada continues to rank dead last. Meanwhile, we know smaller class size has real benefits. For students, it can help close the racial achievement gap, lead to earlier identification of learning disabilities, improve high school graduation rates, improve student behavior, and allow for more engagement in lessons. For educators, smaller class size improves educator morale as it allows for more individual and differentiated instruction, less time on paperwork, and stronger classroom management as teachers become more aware of individual student strengths or weaknesses.

Reasonable caseloads for other licensed education professionals are significant in helping students succeed. With an average state ratio of 485 to 1—from 2015-2016 American School Counselors Association—as opposed to the 250 to 1, counselors are overworked and too many students go without needed services. Social workers and librarians face similar issues.

Finally, I will say this about collective bargaining. I know there were questions. There is a nexus between school funding, educator compensation, and class size. This is smart public policy.

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

I would like to read a few of the letters that have been sent in within the past two days. We have received just under 300 emails from our members. This is something that is very important to them. Again, I will just be reading.

This comes from a Washoe County School District educator:

I cannot emphasize the difference these large class sizes has impacted my ability to interact and get to know students individually. As a teacher of mostly ninth and tenth grade, I feel like I cannot address the needs of all 34 to 37 of my students each period. Ninth grade is a pivotal year for success, so these grades should exclusively and automatically be legislated to be smaller classes. If you want to raise graduation rates, help us help the students early in their high school career.

Additionally, I teach an advanced placement (AP) course to tenth graders. For most of them, this is their first introduction to the academic rigor required. I cannot meet each individual student's needs when they need it most—in their most academically challenged class to date.

Smaller class sizes, as in 25 at the high school level, especially in AP, will allow me to work individually with students. Right now, I have 32 and 33 in each of my AP classes. It saddens me to know that I cannot mentally meet their needs. I am not able to provide 100 percent of the help that I should be able to provide.

This comes from an elementary school teacher from Washoe County School District:

I am writing to you as a third-grade teacher in the Washoe County School District. I have taught fourth and fifth grade since 2010. Our class sizes have steadily increased from 25 students when I started teaching to an average of 32 to 34 students. I have always worked in low-income schools because these are the students I have a passion to work for. Unfortunately, now I will be moving to the fourth and fifth grade. Please support A.B. 304.

Alexander Marks, Political Coordinator, Nevada State Education Association:

I am also reading a letter from a member in the Washoe County School District, a teacher of 19 years:

This year I have 35 fourth-grade students in my class—the most I have ever had. Being a teacher to 35 students comes with many challenges, and I will give a few examples of how teaching so many students is a disservice, not only to myself, but [more] importantly, to the students.

Fourth graders are 10 years old. Organizing materials and transitions takes a very long time. At the beginning of the year, I felt awful about the amount of time it was taking for me to pass out homework and transition from one subject to the next. Kids do not know where their papers are, they cannot find a pencil, et cetera. The amount of time we take is still significant. Rather than get exasperated or leave them behind, I have to simply stop and help them along while very capable students suffer and wait. It makes me feel awful that students lose so much time waiting for everyone to get ready for the lessons all day long.

I am telling you the truth when I say that my students bump into each other all day long. I have tried to rearrange the desks in the classroom, but the fact is they are all backing into each other. I hate it and I cannot imagine how I would feel if I were sitting in that classroom for five hours without the ability to back my chair up without hitting someone else.

I spent hours a week off of my contract trying to manage my job this year. I have no time during the day to grade papers, make lesson plans, or to prepare for parent conferences. I spend my prep time answering emails, counting money for student field trips, meeting with my teacher partner—an intervention teacher—or running copies and stapling papers because I am choosing not to use an outdated reading series as my reading curriculum.

I do not feel emotionally connected to this group of students as I have in years past, and I hate that there [are] a few who I know have rough home situations and could certainly benefit from more one-on-one time with me, but I just do not have that time.

I choose to teach fourth grade because I love Nevada history and I am a fourth-generation Nevadan with a love for my state and a love for teaching. I am sad to know that our state has the largest student-to-teacher ratio in the country at 25.86 students to 1 teacher—35 is way too many students to effectively teach while expected to show growth on high-stakes testing.

I hope the Legislature makes a positive change for Nevada students and teachers and please support A.B. 304.

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

I have a couple of letters I would like to read from Clark County School District educators.

As a school counselor who just got hired by a new school, my caseload jumped from 350 to 700. We have a Safe School professional, but she is not allowed to do so many of the tasks I need assistance with to build a successful school counseling program in my middle school.

Also, Safe School professionals have a bachelor's degree in social work and very limited training in how to deal with the mental health in schools. The American School Counselor Association suggests that school counselor ratios are best at 250 to 1. It pains me to see how long students have to wait for one to help them. I urge you to make the change.

The next letter says:

I have had a classroom of 34 fourth graders in one year. It is very hard to give individualized attention so all of those kids can be successful. Really, that was the year I was more like a police officer than a teacher. The majority of my job was controlling the number of students in my classroom so that everyone could have a wonderful habitat to learn in.

This year I have 27 kindergarteners. I am lucky enough to have an aide for six hours a day; however, even with an aide it is just too many kids in a room. I feel very unsupported by the state of Nevada. You are willing to put a huge number of students in our classrooms, have us test our young learners three times a year, and worst of all, 40 percent of my evaluation is based on how these children do.

Marlene Lockard, representing Service Employees International Union Local 1107; and the Nevada Women's Lobby:

It is clear, the evidence is in, and the data is in. We know this works, it is just a matter of will at this stage.

Kathleen Watty, Private Citizen, Reno, Nevada:

I am a retired Washoe County School District principal and teacher. I would like to read excerpts of emails that have come from two teachers from the Clark County School District:

As a former CCSD teacher and current elementary school principal, I see firsthand the effects that present student-teacher ratio regulation has on our teachers, and most importantly, on all of our students. Having 40-plus students in a fourth- and or fifth-grade classroom is certainly not conducive to effective learning. This needs to change if we ever want our students to progress academically and socially.

I have been teaching 40-plus students per class period at the secondary level since I got here in 1996. In those 23 years the numbers have only risen. It is impossible to be an effective teacher for all students with those kinds of ratios. Thank you.

Thomas D. Dunn, District Vice President, Professional Fire Fighters of Nevada:

In full disclosure, I am a parent of a 10-year-old student and an active volunteer in her school, attending school events and chaperoning class trips. Multiple members of our professional firefighters in Nevada have family members and spouses who are teachers in our schools. As a parent, I have seen firsthand how large class sizes have a negative impact on our students. My daughter has needed a tutor to catch up in math to where she currently meets standards in her education grade today based on large class sizes. She had 28 in her kindergarten class, 37 in her first-grade class, almost 40 in her second-grade class, 36 two years ago, 34 last year, and is hovering around 33 this year.

The class time where she needed help from her teacher was unfortunately taken up with discipline and behavioral issues with other students in the class. She never got the focus of her primary teachers that she needed.

Our kids need a positive and constructive learning environment. Kids need more resources and one-on-one time with their teachers, not less. It is an incredible disservice to our teachers when we cram multiple students into a classroom and then try to hold them accountable based on student testing outcomes when evaluating them. That ratio is a negative impact.

As a professional firefighter, large class sizes can have an impact on public safety. What we have done is cram 30 to 40 students into classrooms that were designed for 20 to 25 students. This means more stuff that we have to be concerned with as we do our jobs in classrooms and respond to incidents in schools. More desks, more chairs, and more backpacks have to be negotiated and searched during an incident and during the performance of our duties—and potentially more patients who have to be evacuated, triaged, or moved to another location.

With that, we are in support of Assembly Bill 304.

Mike Ramirez, Director, Governmental Affairs, Las Vegas Police Protective Association, Metro, Inc.:

I also represent the Law Enforcement Coalition and its 10,000 members. Likewise, Mr. Dunn and I had two children who went through the CCSD system. Both of us went on field trips and saw what these teachers have to go through. The number of kids they have to handle as well as the point Assemblywoman Miller brought up as far as having X number of kids at a party, I cannot imagine being the one dealing with 30 or 40 of these children as they do day in and day out. Likewise, it is difficult with three people in custody and handcuffs, let alone have all of these kids running around. We support Assembly Bill 304 and thank Assemblywoman Miller for bringing it forward.

Jim Sullivan, representing the Culinary Workers Union Local 226:

The Culinary Workers Union is Nevada's largest organization of parents. We represent 60,000 members, and when you include children and spouses, approximately 130,000 Nevadans are part of our family. Our families are negatively affected by the severely overcrowded classrooms in Nevada, and we support any legislation that would bring class sizes back to reasonable numbers and improve educational outcomes for students. We fully support Assembly Bill 304 and applaud Assemblywoman Miller for bringing this bill forward.

Chairman Thompson:

At this time, is there anyone in opposition to Assembly Bill 304?

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

It is very difficult for us to be in opposition to this bill. We consider Assemblywoman Miller the Nevada crusader for class-size reduction. She talked about it last session and in this session. We appreciate her concern. We share the concern and share her philosophy that smaller class sizes are absolutely the best way to go. As a former high school teacher and a high school counselor myself with way too many students, I think we all get it. I know many of you have taught as well.

Superintendents have to look at the practicality of carrying out legislation, and that is where our concern is. Where do we get the teachers? Where do we get the facilities to house the extra classrooms? We know that we are short of teachers all across the state and across the nation. It is not just Washoe and Clark County School Districts that have substitutes. Carson City also has long-term substitutes in some of the classrooms because they could not get teachers. Students are not going into education and it is a shame, but it is not a popular career right now and that is a problem.

The other issue that we have is that we are concerned about section 1, subsection 6, of the amendment ([Exhibit L](#)), which talks about negotiating the class sizes. We do not think this should be a subject for negotiations.

Finally, we are concerned about taking away the student learning goals for classrooms where they are over the limit that has been set. We think student learning goals are very important for our children. At this time, we are opposed to the bill, but we would be more than happy to work with Assemblywoman Miller.

Bryan Wachter, Senior Vice President, Retail Association of Nevada:

I, too, have two students in the Clark County School District, and my wife teaches at a Title I school in North Las Vegas. I wish I were here in support of this bill. I think this is probably the single most important bill that will come in front of your Committee. If you want to do something that will do the best for the most number of students, lowering class sizes is important.

I signed in, in support of the bill and would love it, but I have a couple of issues with the conceptual amendment, specifically section 1, subsection 6 ([Exhibit L](#)). To echo another comment, we, too, do not believe that this should be subject to an employment negotiation, which is essentially what the collective bargaining agreement with the teachers' administrative union is. We do not think that ratio is something that should be involved in that discussion. We believe that the ratio is properly set through the State Board of Education, looking at what is helpful for students, whether that is different in English, math, or history but allowing experts who are, and we pay a considerable sum of money to hire to advise us on those types of things. We think the teacher-student ratio is something that should be there, so we would disagree that it should be included in the collective bargaining agreement. With that changed, the Retail Association of Nevada would be very happy to support Assemblywoman Miller and Assembly Bill 304.

Chairman Thompson:

We will ask Ms. Pierczynski to come back up to answer a question from Assemblywoman Tolles.

Assemblywoman Tolles:

I really mean it when I say this is such an extremely important conversation, one that I have been passionate about for a long time. Thank you, Assemblywoman Miller, for bringing this.

Because I just came out of the experience of being on the Statewide School Safety Task Force, and this was an executive order [Executive Order 2018-5], this is an emergency. We have to bring all of the stakeholders together and talk about this.

I brought you back up because I was curious if you had some historical knowledge on whether or not there has ever been a task force like that, where it has brought together superintendents, teachers, and experts in capital projects from the facility standpoint, being able to speak to the facilities from the counselors and school psychologists, as well as higher education being able to speak to that teacher pipeline, to teachers being able to come together and talk about teacher retention and quality of work.

Are you aware if there have been prior efforts to try to bring forth a task force to say how we logistically pull all of these pieces together?

Mary Pierczynski:

I do not recall us ever doing that. I was a superintendent for seven years and we were not involved in any kind of a task force. However, Assemblywoman Miller's Assembly Bill 276 would do just that and bring together a group of people to look at what we need to do to get more teachers, which is so huge. That is the bottom line. How do we do all of that? That will be one of the first times we have had that in the state, at least in my memory.

Chairman Thompson:

At this time we will open for neutral for Assembly Bill 304.

Anna Slighting, Member, HOPE For Nevada:

I am representing HOPE For Nevada, a student-focused public education advocacy group. We would like to thank the sponsors for addressing class-size reduction. We want nothing more than to support this bill, including Assemblywoman Miller's amendment. However, we are testifying as neutral because we cannot realistically support bills without the needed funding.

Ditto to everything that everyone else has said echoing Assemblywoman Miller's comments on the chaos, discipline issues, and safety concerns of overcrowded classrooms. The stories that were shared today are heartfelt, and we would love to see changes made to this. We are glad to see a timeline to accomplish these suggested ratios to help these issues, but because this is currently an unfunded mandate, we can only hope that A.B. 304 does not fall into the scrap heap of good ideas.

Assembly Bill 304 is another prime example of why having a cost-based funding formula is an essential solution for Nevada's education issues. If there is foresight enough to enforce a timeline with punitive measures to remove desperately needed funds, then there should also be the same foresight and effort to put forth a plan to pay for what we prioritize. Otherwise, subsequent grades will carry the burden of fewer teachers, as principals will have to move more of them into grades kindergarten through 3.

The bill's ratios are determined by evidence-based standards, yet we do not fund schools based on evidence-based standards as provided by the APA [Augenblick, Palaich and Associates] study. We look forward to hearing how moving toward a cost-based funding formula can be accomplished for Nevada's public education.

HOPE For Nevada supports adequately funding the needs of our state's public education students. Thank you for not just discussing good ideas like this, but also for your leadership to fund them.

Michaela Tonking, Research and Advocacy Director, Educate Nevada Now:

Educate Nevada Now is powered by the Rogers Foundation. We are testifying in neutral on A.B. 304. We adamantly believe that policies aimed at addressing Nevada's class size crisis are incredibly important. Nevada has the largest student-to-teacher ratios in the country, which affects student achievement and teacher morale. There is simply no way to provide individualized attention to student needs in classes of 40, 45, or even 50 students.

That said, we are testifying in neutral because we are unsure how effective this policy will be without either additional funds to support it or knowing if the fiscal impact will be included in the new school funding formula that has yet to be released.

In addition, there are concerns that the current funding aimed to address class sizes may be shifted to support the proposed 3 percent teacher salary increase. Seemingly, not only will no new funding be dedicated to reducing class sizes, but existing funding devoted to class-size reduction may be used to support a different, albeit important, part of the education budget.

We testify in neutral because we are unsure whether the new funding formula will support the requirements of A.B. 304. We need to know if the money for class-size reduction will simply be shifted around. We appreciate the efforts of A.B. 304 and the positive impact it will have on our students, but we ask legislators to be considerate of the potential costs of this initiative and the realities of our education funds, as well as this and other mandates that will be considered in the new funding formula bill.

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

Class-size reduction is an important issue. Take a look at the experience of this Legislature during the 2017 Session. In short, the state allocated \$147.4 million to class-size reduction. Aimed at meeting the class-size reduction requirements, Clark County School District was allocated enough money by the state to hire almost 1,400 teachers. However, an additional 500 teachers were needed to realize the class-size reduction goals, resulting in an additional cost to the district of more than \$40 million over and above that which was acquired by the grant.

Assembly Bill 304 expands class-size reduction to all grades over a ten-year span. As a point of comparison, reducing class sizes in all grades to a 25-to-1 ratio in 2017 would have resulted in an additional \$309 million over and above the state class-size reduction grant.

The Clark County Education Association understands the benefits of class-size reduction for our schools, students, and community. We are strong advocates for the Governor and legislators as they address this issue, but it cannot be addressed without more funding.

As written, Assembly Bill 304 would place an undue burden on all districts. In short, it becomes another unfunded mandate, but worse yet, it sets up a cliff that districts are heading toward in ten years without addressing the need for the resources this issue demands. The language of this bill requires proportional reductions to take place every two years or the district will suffer financial penalties. We penalize a district financially if they do not meet the standard, but we do not give them the resources to meet the standard. This does not seem to make sense. Class-size reduction encompasses three complex issues—education funding, teacher pipeline, and brick-and-mortar constraints. As of now, the Clark County Education Association has 500 vacancies.

Chairman Thompson:

Are you in opposition?

Brenda Pearson:

I am neutral.

Chairman Thompson:

Maybe it was just the fire in your voice.

Sarah Adler, representing, Charter School Association of Nevada:

We are here today as neutral because charter schools are not anticipated to be a part of this initiative. However, we feel it is important to say that every student in public education in Nevada deserves to be known and understood as a kid and as a learner by every teacher that student has. Every teacher wants and deserves the same thing, as do school counselors and social workers.

In my own experience as a hard-core high school English teacher for several years, I am blessed with enough energy to have gotten my hands figuratively around every child. The years that I had smaller classes, it was so much better and I had a little energy left over for my own children—not that they really wanted it. Together, if we have class sizes that are appropriate, students and teachers can thrive and learning can explode.

This is critically important work. The challenges that have been described are real, but these need to be tackled. We applaud and appreciate Assemblywoman Miller for taking this on.

Assemblywoman Miller:

I would like to address some of the concerns that were brought up. As briefly mentioned, there is another bill that has already passed out of this Committee to develop a task force composed of teachers for recruitment and especially retention [[Assembly Bill 276](#)].

The other thing is the concerns with funding. Absolutely, there is not one person in this room or in this state who does not recognize the correlation between education, practice, policy, and the funding to support it. Unfunded mandates make me cringe, because I know exactly how it is going to translate to my classroom come this August.

I would like to clarify a couple of things regarding the funding. There are two fiscal notes—and I know this is not a funding committee—but one has already been removed, and one we are working to have removed. This bill does not require any money for the next two biennia. In fact, even our largest school district is only listed under future biennia.

We recognize that much of the responsibilities and work is being put on the school boards, the State Board of Education, and the Department of Education. We also realize that there is not just time needed in order to achieve goals, but there is also time that is necessary to achieve financial goals and to talk about revenue and education spending. That is obviously something that is going to take a while as well. That is why that timeline is allotted. This is in no way intended to be another huge unfunded mandate. In fact, it is intended to keep the conversation and the issue alive as we continue pursuing a goal.

That being said, I appreciate and thank everyone for their attentiveness as you listened to all of the witnesses and testifiers and their passion and sincere concern. In closing, we have to remember that, as a state, we have a responsibility to our children. We are either going to accept the fact that we have classes with 40 and 50 students—and if that is the case, we need to take responsibility for those outcomes—or we are going to commit to doing what is best for our kids in this state. Again, this is not an overnight fix or expected to be overnight, but in a decade I would hope that we would be able to come up with the solutions and make the necessary decisions to do what is best for our students.

I am also open to working with all of the stakeholders to make sure we can get the best piece of legislation possible.

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

Chairman Thompson:

We will close the hearing for Assembly Bill 304 and open the hearing for Assembly Bill 427.

Assembly Bill 427: Revises provisions governing the tuition charges assessed against certain students within the Nevada System of Higher Education. (BDR 34-894)

Assemblyman Edgar Flores, Assembly District No. 28:

I represent some of the hardest-working men and women in the state. It is an honor for me to be here to present Assembly Bill 427 on their behalf. Beside me today is Reuben D'Silva, someone who has been awarded the Purple Heart after being wounded in combat. He is an amazing individual who is a teacher in southern Nevada, and I am proud to be able to call him my brother.

I intend to quickly open up and set the platform and then walk away from the conversation. I say that because I think it is prudent for this conversation to be led by those who have experienced and have gone through what it means to be a Purple Heart recipient. I do not think that I am anywhere near their resumé or have a right to pretend that this is my bill. This conversation started in the interim—specifically in conversations with Reuben D'Silva. I am very grateful that he gave me the tremendous privilege to be able to present this bill.

I would like to briefly discuss what the bill does. There is a conceptual amendment that I will be working off of ([Exhibit N](#)). Afterwards, I will hand over the presentation to Mr. D'Silva.

I want to preempt one issue that I foresee happening here. Assembly Bill 427 as written, and the conceptual amendment as written, are still missing a few points that I am going to bring up for the record now that are not on either one of these documents. I want to make that point of clarification. I am going to bring up three additional points that are intended to be captured in the conceptual amendment.

First, we want to say thank you in a very small way as a state through this bill. One of the ways we thought we could do that for Purple Heart recipients was by saying that once they have served our country in such an honorable way—in a way that very few people in this room and in this country will ever understand—they can come back home and we will ensure that we are going to take care of them. Taking care of them is just by laying out the platform to make it as easy as possible for them to be able to continue in their career.

What we have here is language to help accomplish two things. If you have been awarded the Purple Heart, we want you to have the ability to say you want to pursue higher education, either through the Nevada System of Higher Education (NSHE) and/or attending a trade school that has been accredited—make that very clear, accredited—and we are going to ensure that you do not have to spend any money out of pocket. The way we intend to achieve that is through the U.S. Department of Veterans Affairs (VA) benefits that you receive. You will have the GI Bill [Servicemen's Readjustment Act of 1944], but there is a whole host of other federal options available. Once you have exhausted those, if you still have some additional costs associated with higher education and/or the trade school you are pursuing, then we want to make sure that we, as a state, are saying that we are going to ensure that you do not have to pay that. That is the intent. Whether it be a trade school or NSHE, after you have exhausted all of your federal resources, you can then be assured that NSHE and our trade schools will ensure that you do not have to pay anything additional.

Beyond that, we also want to eliminate the requirement for you to be a "bona fide" resident. What I mean by that is presently *Nevada Revised Statutes* 396.540 talks about a "bona fide resident." We do not want someone who has been awarded the Purple Heart to have to come to this state and then wait a year before they can take advantage of what this bill is trying to accomplish. What we are saying is, the moment you step foot here and you say you are living in Las Vegas or Reno or in the rurals, wherever it may be, you automatically qualify as the bill is written.

In addition to that, we want to make it very clear that we only want to capture accredited trade schools. In the past, we have seen some schools that are not accredited that take advantage of our veteran community. What they will do is set up these garbage schools that do nothing for our veterans using their GI Bill, take that money, and disappear as they lose their accreditation or they never were accredited. Then all of that benefit money will have been used and there is nothing to show for it at the end. We want to make sure that we, as a state, are sending a very clear message that we want to ensure that they are, in fact, accredited and that we are utilizing the resources in the best way possible to set our Purple Heart recipients on a pathway to continue in their personal careers.

Reuben D'Silva, Private Citizen, Las Vegas, Nevada:

Thank you all for having me here before you today. Thank you, Assemblyman Flores, for listening to the Purple Heart community in our state and for sponsoring this bill.

I served in the United States Marine Corps. I enlisted in 2004 at the height of the war in Iraq. I was deployed to Iraq as a reservist. I served in the Marine Corps Reserve—that is important to enunciate here—while I was a full-time student at the University of Nevada, Las Vegas (UNLV). I remember the September I received the letter; it was the fall of my junior year. It said be ready by December, and I was probably going to be in a combat zone.

That entire deployment was part of a program the U.S. Department of Defense had initially called "the surge"—a true buildup. We were expecting to have heavy casualties. While I was out there during the summer of 2007, we saw some of the heaviest combat that the American military had been involved with since the Vietnam War. It took about 100-plus killed in action—not wounded in action, but killed in action that summer. I, too, was involved in some of that combat. I was serving in an area in the heart of Iraq, the heart of the "Sunni Triangle," an area situated around Fallujah, Ramadi, and Habbinyah. On the night of June 6, 2007, while on a resupply convoy, I was hit by a sniper from a window in downtown Fallujah. The wound left a gaping hole in my arm. It almost blew off my arm. I had to go through about a year-long rehab process at the Balboa Navy Hospital in San Diego [Naval Medical Center San Diego]. I came back and started the second half of my junior year after a two-year stagnation of my education. When I came back, it was really the GI Bill benefits that allowed me to reenter school. I had exhausted some of the other scholarships. My grade point average (GPA) was not the strongest back then. If it had not been for some of the scholarship monies I received back then—we did not have any guaranteed benefits for Purple Heart recipients—it would have come out of my pocket even after I exhausted my GI Bill benefits.

This is a reminder of the fact that we have many veterans. I am not just talking about my own generation. There have been about 50,000 recipients of the Purple Heart who were combat-wounded in Iraq and Afghanistan, over 200,000 from the Vietnam era who are still around and may want to go to school. Overall, since 1932 we have had 1.8 million American men and women who have been wounded in combat.

What I found personally to be an issue was some of those gap tuition fees and issues that, oftentimes, many veterans find themselves coming out of pocket for things like application fees, lab fees, and parking fees. In the end, the amount was anywhere from the \$200 to \$3,000 range that had to come out of pocket.

What this bill will do—and I am very proud that Assemblyman Flores put some of this language in the bill—would make Nevada a truly cost-free state for combat-wounded veterans. It would be one of the leading states in the entire country, and the friendliest state for combat veterans now who are pursuing an education.

Thank you for hearing this testimony and thank you, Assemblyman Flores, for promoting and sponsoring this bill. I hope we can do something good here for veterans and for combat-wounded particularly.

Chairman Thompson:

Thank you, Mr. D'Silva, for your service. Every time I hear your story, I learn more and more. We appreciate all that you have done for our community.

Assemblywoman Torres:

Thank you, Mr. D'Silva, for coming to present this piece of legislation, and thank you for your service to our country, to our state, as well as being an educator.

I am looking at the amendment ([Exhibit N](#)) and the legislation and I think that the intent of the legislation is for us to address the gap between what aid has already been given and what the individual pays. I am imagining that this is supposed to be a last-dollar amount. How about in cases where an individual might be receiving other state scholarships or awards? For example, a Silver State Opportunity Grant would be one of them, or any other types of grants we have, or the Governor Guinn Millennium Scholarship. Some recipients might actually be eligible for one of those.

Assemblyman Flores:

In the scenario you painted, we would definitely exhaust all of those resources first. The NSHE Board of Regents would do it just naturally. If there are A, B, C, and D options on the table, whatever institution the veterans are going through, NSHE will make sure they utilize all of those resources first before waiving tuition. If the money is on the table, they will utilize it.

The other thing I want to put on the record is—and they will back me up on this as I had an opportunity to speak with them—in speaking to the respective schools, UNLV, Nevada State College, the College of Southern Nevada, and NSHE at large, one of the questions that came forth was all of them who have interacted and/or currently work with veterans, have someone who is staffed right now in the institution and is prepared for this. How are we going to achieve that level of involvement when it comes to the trade schools when those might not have someone staffed in the same way? I want to take the opportunity to ask this question and open that door to make it clear that NSHE is more than willing to utilize their resources to help those trade schools, which I think is phenomenal. It is going to make this process a lot smoother and easier. They would serve as a guide and a resource to our trade schools. When it comes to implementation, with dollars on the table or not, NSHE at large is going to be instrumental to our trade schools.

Chairman Thompson:

This goes to Mr. D'Silva. In your words, you say "the Purple Heart community." Approximately how large is that community in Nevada?

Reuben D'Silva:

From the estimates from the Veterans of Foreign Wars of the United States (VFW), we are saying there are no more than about 20 per NSHE school. No more than 10 to 20 per school in terms of matriculated students seeking degrees.

Chairman Thompson:

I think there are eight institutions, so about 150, but no more than 200. Would that be safe to say?

Reuben D'Silva:

To be precise, 186.

Chairman Thompson:

In validating the trade schools, would that include a barber school or a cosmetology school? How expansive does that go? Would we go through an apprenticeship council or how would we determine that?

Assemblyman Flores:

I think our committee counsel could also help, but my understanding is that not every trade school can accept the GI Bill or federal benefits that are given to veterans. They have to go through the accreditation process themselves in order to be able to receive those funds. My understanding is that is specifically set in law at the federal level to protect our veterans from being taken advantage of by the garbage schools I referred to previously. Our counsel could also correct me or add other information.

Victoria Gonzalez, Committee Counsel:

That is correct. My understanding is that to be considered accredited, we could limit that to either being approved by the state of Nevada, the U.S. Department of Education, or just a general recognized accreditation service.

Chairman Thompson:

Thank you for the clarifications.

Assemblywoman Miller:

For a point of clarity, I agree with you, Assemblyman Flores, in that I assume that any institution that accepts the Pell Grant, which would be federally recognized, should absolutely be accredited. That would include barber shop and dog grooming, or whatever. If they accept a student loan, then they should be accredited. I have one clarifying question because I know that we often write legislation that gets translated differently later. I would like to go on the record now, so people can go back later and say, "They said that up there." When we talk about exhausting all the veteran benefits, considering the lifestyles that we live now, there are probably veterans, Purple Heart veterans, who may not be in their 20s. They are 40, 50, 60, or 70 years old, and we know people are still living and changing careers and making choices to go to school later in life. I know your intention is not to prohibit based on age, but how would that work? Now I am 60 or more and I want to go back and do something different, but my benefits are exhausted. Can we speak to that?

Reuben D'Silva:

Once you receive your GI Bill benefit as a service person, it is pretty much a lifetime benefit. It does not matter when you come back to school; you can pretty much use it the rest of your life whether you are 20 or 90 years old. I believe there is a statistic out there that there are more Purple Heart recipients alive today from the Vietnam era than there are from the Iraq era, or very comparable. Now we are talking about service men and women who are in their 50s, 60s, and 70s that may want to go back to school. It is a benefit that they earned. If they want to go back to school at that later stage of their life, there should not be any prohibitions.

Assemblywoman Miller:

I appreciate that. I am speaking specifically to people who we know may have second and third careers. Maybe I have exhausted my GI Bill on that first degree 20 years ago, and now I am tapped out. I want to understand that the intention of this would still include those individuals because I am looking at the amendment. Would this still apply to individual second and third careers?

Assemblyman Flores:

The answer is yes. If you wanted to go to every single NSHE institution, there is nothing stopping you. Realistically, we do not foresee that happening because people have to feed their families. The focus is on a host of life issues that force them to get out of whatever situation they are in academically, so they can start putting food on the table. In the hypothetical you presented where someone has made a career and are now thinking of coming back, but they have exhausted whatever resources they had, our NSHE institutions and trade schools will waive that tuition and make sure they are taken care of.

Chairman Thompson:

I have a quick question about GPA. Is there going to be a requirement to maintain a GPA? I do not see it. If it is, direct me to it.

Assemblyman Flores:

The answer is no. I say that with a caveat. I know that currently our NSHE institutions have what I would call a career academic success advisor. They are consistently meeting with students and talking to them. My understanding is this is also happening on the VA side as well. They want to make sure students are successful because we want our veterans to be marketable. In other words, we want them to be able to graduate with an undergraduate degree, and at the same time, whether they are intending to pursue something different, that their resumé is as strong as possible so they can move on to the next step.

Assemblywoman Torres:

Will it also include graduate school and postdoctoral programs?

Assemblyman Flores:

Yes.

Reuben D'Silva:

This is a two-part answer, addressing your question and your question about exhausting the actual benefits. The way it is set up, you have vocational rehabilitation that is available with the GI Bill as well. This is really for combat-disabled veterans, which most Purple Heart recipients are. I think I am blessed for just having one gunshot wound in my arm. Most of the combat wounded we have seen in this war, particularly in Iraq and Afghanistan, are much more harmful to the body—you are talking about improvised explosive devices (IEDs), roadside bombs, and much more complex injuries such as traumatic brain injuries. In that case, the issue becomes what can we do to get this veteran prepared to reinject themselves into the economy. Oftentimes they need more than just a bachelor's degree. Your job can be utilized for graduate degrees, it can be utilized for retraining. If they have already used up their benefits—20 or 30 years down the line the economy has changed and now they need retraining—they can go back and utilize their vocational rehab benefits, which again are federal benefits guaranteed through the GI Bill for those purposes. It does not just stop at a bachelor's degree. These benefits are available for veterans beyond that.

Assemblywoman Torres:

My only concern with accredited universities is I am thinking about all of the online accredited universities and how that might take effect. Could there be specific language to ensure that it is for universities and trade schools that are located here in the state of Nevada?

Assemblyman Flores:

In this language, it does specifically address NSHE, but we will be adding language in there that addresses trade schools. For the record, the intent is rather clear that we want to make sure they are accredited here. If it is a little shaky, we definitely do not want to be involved in that.

Assemblywoman Tolles:

As the daughter of a veteran, I really appreciate your service and this effort. Are there any plans to promote this? Have you thought about maybe putting into the bill how you would get the message out to potential recipients that this is available to them?

Assemblyman Flores:

I do not have that in the bill, although I think our NSHE institutions will also very likely take that role. There is every incentive in bringing veterans here. One of the questions I was asked is, Why would NSHE be so supportive of it beyond the fact they want to make sure that we value our veterans? The reality is that we also want individuals from other states to come in. That GI Bill is following them. Those resources are going to be paid. Our NSHE schools are actually going to have federal dollars coming in. They have every single incentive to go out there and promote this and bring in as many individuals as possible. Not only because we want to be known as the incredible state that really values our Purple Heart-awarded veterans, but we also want to be known as the state that helps take a career to the next level.

Chairman Thompson:

For those in support of Assembly Bill 427 in Las Vegas, please come forward.

Geoff Roberts, Senior Specialist, Veterans Education and Transition Services, College of Southern Nevada:

I come before you today representing the Veterans Education and Transition Services Center at the College of Southern Nevada (CSN) where I serve as a senior specialist and the primary academic advisor on campus for all of our veterans. We make the decision to start or continue their higher education journey at CSN. I have the opportunity each day to serve this population who have given so much to earn the benefit of a lower-cost college education to better their lives, our economy, and their families.

Assembly Bill 427 would further serve a subset of this astounding population who have truly been placed in harm's way and have earned the Purple Heart medal for being directly wounded by enemy actions. When I was a reconnaissance scout in the 82nd Airborne Division of the United States Army, I had the distinct honor of sharing the frontline with several Purple Heart recipients still actively serving. One man who had his eardrums ruptured by an enemy IED in Iraq in 2006 grew to be an ally of mine in service and in life. Coming home, he immediately went to school and gained his finance degree despite the challenges created by his injuries. That is what this population does. They persevere through the most austere environments and the most complicated situations that civilian life can throw at them afterward. By supporting this legislation, we have an opportunity to let them know that we recognize their sacrifice and their challenge. We let them know that when their GI Bill stops, their education does not have to stop. They have earned the privilege of attaining higher education through their selfless journeys, and we have a duty to support them as they attain their education for the betterment of us all.

Thank you for the opportunity to speak on this important piece of legislation that is designed to secure the future of numerous veterans who have placed themselves in danger on behalf of our country.

Chairman Thompson:

Is there anyone in Las Vegas in opposition to Assembly Bill 427? [There was no one.] Is there anyone in Las Vegas neutral to Assembly Bill 427? [There was no one.] I will come to Carson City for those in support of Assembly Bill 427.

Andrew LePeilbet, Adjutant & Legislative, Department of Nevada, Military Order of the Purple Heart:

I am with the Military Order of the Purple Heart and the past Commander of the state of Nevada. We represent all of the combat-wounded in the state of Nevada. There is an estimate by the Department of Veterans Services that there are about 5,800 Purple Heart recipients in the state of Nevada and there are approximately 251,000 veterans in our state, and a half-million when you consider their families. As you can see, Purple Heart recipients are about 2 percent—that is good news, it is not 50 percent or 100 percent.

The state of Nevada became a Purple Heart state two years ago. Carson City is a Purple Heart city and Reno, Sparks, Henderson, Las Vegas, and North Las Vegas are too. Those are just some of the cities that have proclaimed being a Purple Heart city, and the purpose of that was to recognize our killed in action and our wounded in action. By the way, our killed in action receive a Purple Heart as well.

We did an analysis with the Department of Veterans' Services and there are a lot of us old guys and gals—talking about the 70s and up. We are not likely to be going back to school, but we have a lot of our young veterans who have gone through many, many tours of duty—we are talking one, two, three, four, up to nine tours of duty, then we send them home from combat zones. They need to get themselves up to speed and educated. We met with Assemblyman Flores and NSHE and this is a very small number on our student body in the state. The top estimate was that there would be 186 Purple Hearts that would take advantage of this when their GI Bill ran out. We are a Purple Heart state and we need to look after these people who shed their blood and their limbs in the battlefields. For our young men and women who want to go on past their basic GI Bill to get an advanced degree, this shows that we care about those people who shed their blood and their limbs. We support this bill entirely.

Tony Yarbrough, State Senior Vice Commander, Department of Nevada, Veterans of Foreign Wars of the United States; and Vice-Chair, United Veterans Legislative Council:

I represent the Chairman of the United Veterans Legislative Council, which is an umbrella group of every veterans' organization, military family, and advocate in the state. As Mr. LePeilbet commented, that number is just under a half-million people.

One of the things that is significant to recognize is the process that I have been through with Assembly Bill 427. It has been an outstanding example of team interaction by every stakeholder. I have been lobbying for 28 years, and this certainly tops some of the most important things we have done.

Obviously, a significant number of Purple Heart recipients will not be able to take advantage of such a great educational opportunity. Those who may, this is just a very small number who will be able to take advantage of this opportunity. There was a comment made about how we would get this information out; well, I think among the half-million whom I am a part of, that would kind of help. The veteran centers in all of the NSHE schools will also do it. The veterans resource centers, the Department of Veteran Services, and, of course, NSHE will spread that word as well. I will tell you that I think we will get a pretty fair saturation of this information. We stand in support of Assembly Bill 427.

Mitchell Roach, Private Citizen, Carson City, Nevada:

Today I am testifying on behalf of 8,000 American Legion members as being a past department commander for the American Legion. Our Purple Heart recipients are a very important part of our membership. That being said, I want to fully support A.B. 427.

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

I would like to say thank you to Assemblyman Flores for bringing this bill forward, and thank you to Mr. D'Silva for his story and for helping to present it. I would like to invite the three previous speakers to come and take classes even though they are self-defined as old-timers. You are welcome. I want to thank all of our active service people and veterans, especially under this bill. We support Assembly Bill 427. I am going to let you hear from our campuses and why it is important for them. Thank you for hearing this bill today.

Anthony Ruiz, Senior Advisor for Government Relations and Community Affairs, Office of the President, Nevada State College:

We are in strong support of Assembly Bill 427 and want to thank Assemblyman Flores for his leadership and also Mr. D'Silva for bringing this forward. At Nevada State College, our Scorpion Vets veterans club already does a couple of things for veterans and their families, things like early registration and giving them a special designation upon graduation. There is more work to be done, but this a really important step.

I just found out that this bill would put Nevada on a par with 20 other states that already have a similar tuition waiver, including border states such as Utah. I urge your support of Assembly Bill 427.

Mariana Kihuen, Interim Director, Government Affairs, College of Southern Nevada:

You have already heard from my colleague, Geoff Roberts. He is our advisor at the Veterans' Center. The College of Southern Nevada is in support of Assembly Bill 427 as a way to honor the service and bravery of our veterans who wish to pursue higher education. As of the fall of 2018, we have a total of 1,035 students who are certified by the Department of Veterans Affairs—meaning they are working with the VA office and also receiving VA benefits.

On a personal note, I am particularly honored to support this bill after hearing the testimony of my childhood friend, Reuben D'Silva. Reuben and I attended Rancho High School together. I partially take credit for his success, as I was the one who recruited him to student government when he was a freshman at Rancho High School. He was also my date at the Aloha Dance way back then. He has, not surprisingly, left a huge mark in our society.

I also want to thank the Military Order of the Purple Heart. They work closely with all of the NSHE institutions, and, of course, Assemblyman Flores for bringing this all together to ensure that we made amendments to the bill to make sure it reaches as many Purple Heart recipients as possible. I ask for your support this afternoon. Thank you so much.

Luis F. Valera, Vice President, Government Affairs, University of Nevada, Las Vegas:

For the record, I want to thank Assemblyman Flores as well without repeating everything that has been said here today. We are obviously very much in support of this and other efforts to welcome home our heroes and to let them know that they have a home in Nevada.

To clarify one of the points: At the Military and Veterans Service Center at UNLV, we currently welcome student veterans who are looking to access their benefits, whether they be scholarships or otherwise. What I shared with Assemblyman Flores earlier today was that because we already have the center built and staffed, we are willing to absorb those initial impacts of welcoming those other veterans who perhaps do not want to attend UNLV or an NSHE institution but one of the trade schools or another program that is certified and recognized. We are willing to absorb that at UNLV to the extent possible. Again, it is a low number, as others have testified. Even if it were not, we would be more than happy to take on that burden. I urge your support.

Chairman Thompson:

Is there anyone in opposition to Assembly Bill 427? [There was no one.] Is there anyone neutral for Assembly Bill 427? [There was no one.]

Assemblyman Flores:

Thank you to our veterans who are here today. Again, we are surrounded by giants, and it is somewhat intimidating to be around such amazing human beings. Thank you to them and for their service, and I look forward to continue working with them on this bill. Mr. D'Silva, thank you for being here. I appreciate you, brother.

Reuben D'Silva:

As a student veteran myself who has benefited big time from the GI Bill, it really made my American Dream come true with the pursuit of an education. It would not have happened if I did not have my veterans benefits. I want to say thank you for listening to our testimony and hopefully you will consider the progress of this bill. This has been great for our veterans community in Nevada.

Chairman Thompson:

We will close the hearing on Assembly Bill 427 and open for public comment. [There was none.] The meeting is adjourned [at 3:54 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 168](#), presented by Kelly Richard, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit D](#) is the Work Session Document for [Assembly Bill 258](#), presented by Kelly Richard, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit E](#) is the Work Session Document for [Assembly Bill 378](#), presented by Kelly Richard, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit F](#) is the Work Session Document for [Assembly Bill 429](#), presented by Kelly Richard, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit G](#) is the Work Session Document for [Assembly Bill 464](#), presented by Kelly Richard, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit H](#) is a proposed amendment to [Assembly Bill 289](#), presented by Katie A. Dockweiler, Director, Government and Professional Relations, Nevada Association of School Psychologists.

[Exhibit I](#) is a copy of a PowerPoint presentation titled "AB289: Data Based Decision-Making for Improved Student Outcomes," presented by Melody Thompson, Coordinator, Nevada Association of School Psychologists.

[Exhibit J](#) is a proposed amendment to [Assembly Bill 289](#), presented by Valerie Padovani, representing Sierra Nevada Academy Charter School.

[Exhibit K](#) is testimony in opposition to [Assembly Bill 289](#), dated April 9, 2019, presented by Ray Bacon, representing Nevada Manufacturers Association.

[Exhibit L](#) is a proposed conceptual amendment to [Assembly Bill 304](#), presented by Assemblywoman Brittney Miller, Assembly District No. 5.

[Exhibit M](#) is a copy of a letter to the Assembly Committee on Education, dated April 9, 2019, authored by Jeana Taylor, Private Citizen, Las Vegas, Nevada, regarding [Assembly Bill 304](#).

[Exhibit N](#) is a proposed conceptual amendment to [Assembly Bill 427](#), dated April 9, 2019, presented by Assemblyman Edgar Flores, Assembly District No. 28.