

**MINUTES OF THE  
SENATE COMMITTEE ON EDUCATION**

**Eightieth Session  
April 24, 2019**

The Senate Committee on Education was called to order by Chair Moises Denis at 1:10 p.m. on Wednesday, April 24, 2019, in Room 2134 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Moises Denis, Chair  
Senator Joyce Woodhouse, Vice Chair  
Senator Dallas Harris  
Senator Scott Hammond  
Senator Ira Hansen  
Senator Keith F. Pickard

**COMMITTEE MEMBERS ABSENT:**

Senator Marcia Washington (Excused)

**GUEST LEGISLATORS PRESENT:**

Assemblyman Alex Assefa, Assembly District No. 42  
Assemblywoman Michelle Gorelow, Assembly District No. 35  
Assemblywoman Brittney Miller, Assembly District No. 5  
Assemblyman Tom Roberts, Assembly District No. 13

**STAFF MEMBERS PRESENT:**

Jen Sturm, Committee Policy Analyst  
Asher Killian, Committee Counsel  
Steven Jamieson, Committee Secretary

**OTHERS PRESENT:**

Mikaela Lang  
Amber Reid, Education Program Professional, Office for a Safe and Respectful Learning Environment, Department of Education  
Stephen Augspurger, Executive Director, Clark County Association of School Administrators and Professional-Technical Employees  
Mary Pierczynski, Nevada Association of School Superintendents  
Natha C. Anderson, President, Washoe Education Association  
Meredith Smith  
Sierra Schafer  
Maria Liza Flowers  
Don Soifer, President, Nevada Action for School Options  
Chris Daly, Nevada State Education Association  
Susan Kaiser  
Sarah Adler, Nevada Coalition to End Domestic and Sexual Violence

CHAIR DENIS:

I will open the hearing on Assembly Bill (A.B.) 464.

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

ASSEMBLYMAN ALEX ASSEFA (Assembly District No. 42):

Assembly Bill 464 addresses a problem that arises when a student returns to school after participating in a foreign exchange program. Currently, a student who leaves his or her school to participate in a foreign exchange program is not eligible for interscholastic activities and sports when they return to Nevada until the student has completed at least one academic quarter of education. When the student is permitted to participate, the time the student was away from his or her school is counted against the eight semesters allowed for participation in interscholastic activities.

This practice punishes students who excelled academically and were given the opportunity to study abroad; it punishes the students for being excellent students. The Institute of International Education reports that 332,000 students from the United States participated in study abroad programs during the 2016-2017 school year. The United Kingdom is host to the highest percentage

of students, with Italy and Spain close behind. Countries such as Cuba and Greece are hosting a growing number of students each year. Foreign exchange programs provide students with the opportunity to become global citizens, gain independence, learn or sharpen language skills and gain a better understanding of cultures around the world. We do not want to unintentionally punish a student who seeks to be a well-rounded global citizen.

Section 1 of A.B. 464 provides that as long as a student returns to the same school he or she attended prior to leaving to participate in a foreign exchange program, the student will be held harmless for purposes of determining eligibility to participate in interscholastic activities including sports. It will be as if the student never left the school. The only exception to the "hold-harmless" provision will be if the student "ages out" of eligibility under current rules adopted by the Nevada Interscholastic Activities Association (NIAA).

MIKAELA LANG:

In the 2016-2017 school year, I went to Argentina on an 11 month exchange program. Before I went on exchange, I was informed that I was not going to receive credits for my year abroad and that on returning to the U.S. I would be placed with the graduating class below my original one. With this knowledge, I decided to go on exchange. I did not originally know that I would not be allowed to participate in sports when I came back unless I received a report card from my school in Argentina. I was able to receive my report card, but many exchange students do not know about the requirement and are then penalized.

Most exchange students do not go for an academic experience. Most go to learn about the culture and language of a new place. I am now familiar with the Argentinian culture and fluent in Spanish.

Before I went on exchange, I thought that the NIAA would look at the grades I had before I left. I had a grade point average of more than 4.0, so I figured that would be okay. It was not. Fortunately, I was able to get my grades from Argentina and was allowed to play soccer in Nevada this year. As the rule stands, I will not be able to play next year.

I bring this issue to the Committee on behalf of all exchange students. I hope to help encourage students to go on exchange and without being afraid of not being able to play their sports or do everything they want to do when they return.

SENATOR WOODHOUSE:

Ms. Lang, are you presently a junior in high school or a senior?

MS. LANG:

I am a junior.

SENATOR WOODHOUSE:

When you returned from your exchange year, you were able to play sports for the year but you will not be able to play next year? It is like you have lost a year of eligibility.

MS. LANG:

Yes. That is essentially what happened.

SENATOR HARRIS:

Do you know why the NIAA has the current rule? Is there a reason why the NIAA decided not to allow eligibility or is this an oversight? Was this a conscious decision or a loophole?

ASSEMBLYMAN ASSEFA:

This is something that the NIAA has always done as a matter of routine. The student's eight semesters of eligibility in high school are counted consecutively. Anything that interrupts the eight semesters does not stop the clock. It does not matter if the student is participating in a foreign exchange program or away from school for other reasons; the clock keeps counting. This is a discrepancy that we need to fix legislatively.

SENATOR HARRIS:

The current requirements are set in regulation by the NIAA. Why do you not have the NIAA amend its regulations to allow students to participate in study abroad programs, as opposed to passing this legislation? Has anyone spoken to the NIAA and asked it to open a rulemaking session? Is legislation the first solution that was brought to the table?

ASSEMBLYMAN ASSEFA:

The issue was brought to the NIAA. There was not a lot of initiative on the part of the NIAA to address the issue, so legislation was brought forward to resolve the issue.

SENATOR HANSEN:

I had the same question as Senator Harris. This is a NIAA regulation. It is unusual for us to pass legislation affecting the *Nevada Revised Statutes* (NRS) just to order the NIAA to clean up the regulations. I support the idea, but it seems silly to have to come to the Legislature to fix something that should be a matter of correction by the NIAA.

ASSEMBLYMAN ASSEFA:

You are correct. This is something that could have been done a long time ago but was not. I had a conversation with a representative from the NIAA. The representative did not have a good reason for why the issue has not been corrected. When we presented A.B. 464 in the Assembly, the NIAA did not object to the bill. The NIAA testified in the neutral position during the Assembly hearing.

SENATOR HANSEN:

We do not want students like Ms. Lang penalized for being ambitious students and good athletes. I support the bill. However, I am curious as to why a regulatory body would not do the necessary adjustment, rather than waste the time of the Legislature to do something that the regulatory body should have done on its own.

SENATOR PICKARD:

Students will take a semester or a year off for a variety of reasons. Would this policy apply to students in any other situations? The bill cites attending school in another country. What about students who are attending something else in the United States who, but for where they went, are in the same situation? Why not cover those students?

ASSEMBLYMAN ASSEFA:

We have not looked at other situations that would fall under this situation. We saw that the best and the brightest students—those who were eligible and found the opportunity to study abroad, expand their horizons and become better citizens of the State—came back and were punished for being who they are. We

are looking to fix the loophole for those students. If this issue exists for other students, I hope the NIAA will take it upon itself to correct the error.

SENATOR PICKARD:

The regulatory body did not act in this instance, but it will in a future instance? I wonder if that is likely to happen, but I support the bill.

CHAIR DENIS:

Ms. Lang, while you were in Argentina did you have an opportunity to play soccer?

MS. LANG:

I was able to play a sort of club soccer, but they do not have real teams for girls. Unlike the U.S. school system, Argentine schools do not have school teams.

CHAIR DENIS:

We will close the hearing on A.B. 464 and open the hearing on A.B. 490.

**ASSEMBLY BILL 490**: Revises provisions relating to the discipline of pupils.  
(BDR 34-390)

ASSEMBLYWOMAN BRITTNEY MILLER (Assembly District No. 5):

Assembly Bill 490 revises provisions relating to the availability of school discipline data. The Legislative Committee on Education spent time looking at ways to improve school climate and culture. In February 2018, the Committee heard a presentation from the Council of State Governments (CSG) Justice Center and the Department of Education (NDE) on their work to assess current school discipline policies in Nevada and opportunities for improvement.

In response to recommendations in the report, the Committee voted to provide for the collection and reporting, through Infinite Campus, of all school discipline data by student subgroups. As part of this reporting, suspensions and expulsions are to be reported separately. The recommendation included a mandate requiring NDE to develop and provide guidance to the school districts on expanding data collection.

It was also recommended to require NDE to standardize definitions of offense types and sanctions in order to ensure consistency across schools and districts.

For example, the definition of a "tardy" is unclear. When I was a student, a tardy meant that I was not in my seat when the bell rang. Now, there are classrooms where tardy means the student is not in the room. In some classrooms, the student is tardy if he or she is walking in the room as the bell is ringing and in other classrooms a student is given leniency to come in a few moments after the bell.

Another unclear term is "insubordination." Does insubordination mean verbally talking back to a teacher? Is insubordination refusing to do what you are asked or told? Is insubordination sitting quietly at your desk but not working? We need consistent definitions.

The recommendations also require training and professional development to build staff capacity to utilize Infinite Campus in order to create reports, interpret results and develop responsive action plans.

Section 1 of A.B. 490 requires the Superintendent of Public Instruction to report trends in discipline data to the State Board of Education.

Section 2 requires NDE and the State Board to include trends in discipline data in the annual report on the state of public education.

Section 3 requires each school to collect and report certain discipline data. As recommended by the CSG Justice Center, suspensions and expulsions are to be counted as separate data points. The Justice Center recommends that discipline data be made available by subgroups. Section 3 also requires NDE to develop and provide guidance to school districts on the collection of discipline data. The Department is also directed to develop standard definitions for offenses and sanctions so we can actually compare apples to apples in our discipline trends Statewide. Section 3 requires NDE to provide training and professional development on reporting and analyzing discipline data.

Assembly Bill 490 is not intended to minimize the impact student behavior has on classroom culture and physical and emotional safety, nor the impact behavior has on student achievement. Schools generally interpret directives like this to mean the school can no longer discipline students nor hold students accountable. As adults, our primary role toward children is to bring correction or consequence in order to improve and change behavior. Adults have the

responsibility to give kids the skills and proper habits necessary to be successful.

In the past, teachers spent the majority of their time on instruction. Teachers now spend the majority of their time and energy on classroom management. Teachers must first focus on the classroom environment, making sure the social and emotional needs of students are met, before they can get to instruction. When I was a kid, my teachers' classroom management plans were limited to "don't talk, don't chew gum." The majority of a teacher's time is spent on classroom behaviors ranging from tardies to violent or deadly assaults against staff and other students.

This bill is an opportunity to show the realities of what is happening in our schools and how hard staff is working to keep our students safe emotionally and physically. This bill can serve as another way to prove the need for more staff and more support in the schools. In order to prove that need, we need consistent definitions. We need to ensure that everyone associated with education is identifying, defining, tracking and addressing behaviors the same way. I have taught at two elementary schools and one middle school in various areas of Clark County. I can say for certain that the definitions are not the same across all schools and staff members.

We also need consistency in how discipline is delivered. We need discipline that is in appropriate proportion to the offense and delivered consistently between schools and among each subgroup of students. The disproportionality in discipline between races is nothing new, nor should it shock or surprise anyone. I have seen instances when discipline has been administered consistently regardless of race or color, but I have also seen when it has not been administered consistently. I have seen African American boys punished severely for certain behaviors while White students had no consequence for the same behavior or action. Systemic problems need to be addressed.

AMBER REID (Education Program Professional, Office for a Safe and Respectful Learning Environment, Department of Education):

My remarks will be accompanied by a visual presentation ([Exhibit C](#)). The CSG Justice Center is a non-partisan group that provides practical advice on policies and practices. In September 2017, Nevada was one of two states awarded a technical assistance grant from the CSG Justice Center to study school discipline.



The CSG Justice Center has identified three data-driven strategies that support positive school climate, school safety and student outcomes. The strategies are placed into three categories: data collection, data sharing and using data to inform decision making. The CSG Justice Center began by examining publically available data on school discipline, climate and safety. The Center then conducted a review of documents such as legislation, administrative policies and NDE reports. The Center held in-person interviews with more than 50 stakeholders including parents, district administrators, school administrators, teachers, specialized instructional support personnel, counselors, social workers, psychologists and community members and leaders.

The Center provided a report on its initial recommendations at a meeting of the Legislative Committee on Education. The Center continued to solicit additional feedback from stakeholders and provided its final report to NDE in July 2018. Some of the findings are summarized on pages 6 through 8, [Exhibit C](#). The CSG Justice Center also noted some improvements that had already begun.

The first finding, data collection, is summarized on page 6, [Exhibit C](#). I will explain some of the points of this finding in greater detail.

First, Nevada has common definitions at the State level for some, but not all, disciplinary offenses. There are inconsistencies across, and sometimes even within, districts that make it difficult to meaningfully and accurately compare discipline data when they are shared with NDE.

Second, school districts are at different stages of implementation with Infinite Campus (IC). Clark County and Washoe County have used IC for a little longer. Some of our rural districts are new at using the program.

Third, districts do not automatically share school discipline data with NDE. We do not use IC to produce automated discipline reports. Instead, the discipline data are manually reported to the State.

Fourth, Nevada reports State-level school discipline information through an online, interactive State report card. However, there are some limitations to the online report. The suspension and expulsion data are combined into one category, not split into separate measurements. Only the total number of suspensions and expulsions are reported. The online tool does not allow us to report a suspension rate and disaggregate the rate by student subgroup. This

creates tension with stipulations in the Every Student Succeeds Act of 2015 (ESSA) and other reporting requirements. The reporting for suspensions and expulsions on the Nevada Report Card website only covers a certain number of offense types that we are required to report, not the total number that occur Statewide or in each district.

Fifth, the Justice Center found that the resources and reports of our school climate survey were not interactive nor very functional and that they were not reported on the Nevada Report Card website. Both of those issues have been addressed since the Center's findings were reported. We have created an interactive "peer matching" tool. In September, the State will present accountability ratings for the current school year. The school climate reports and the climate surveys will be sitting next to each other on the Nevada Report Card website.

Finding two, data sharing, is seen on page 7, [Exhibit C](#). The Justice Center report found that while a limited amount of school discipline data is publicly available, it is not possible to disaggregate those data by subgroup. Navigating that data on the NDE website or through Nevada Report Card is challenging.

The third finding, using data to drive decision making, is seen on page 8, [Exhibit C](#). The Justice Center found that there is significant variation in how data are used to inform decisions at the district level. Some of the larger districts have teams assigned to analyze data but the smaller districts do not have such teams.

Certain schools are using data to address discipline disparities. Ten districts are implementing the Positive Behavioral Interventions and Supports (PBIS) framework. The PBIS School-Wide Information System (SWIS) allows the districts to use that data to look at discipline disparities.

The Justice Center found that nationally, most districts and states do not analyze how state-level discipline data relates to academic outcomes. When discipline or behavior challenges are not presented side-by-side with academic outcomes, the district's ability to connect the role of each is limited.

The Justice Center's 6 recommendations are found on pages 9 through 14, [Exhibit C](#).

First, the recommendation to expand school discipline data is on page 9, [Exhibit C](#). The recommendations addressed in A.B. 490 are to: separate in-school and out-of-school suspensions and track other data regarding suspensions, be able to disaggregate the student discipline data and require NDE to provide guidance and support to districts on those topics.

Second, the recommendation on page 10, [Exhibit C](#), to establish standard definitions will allow us to promote consistent collection of data.

Third, the recommendation to ensure that all districts are collecting the same school climate data and that the information is publicly available is found on page 11, [Exhibit C](#). This was addressed in the findings of the report. These are things that do not require a statutory change, just some flexibility and improvements on the side of NDE.

Fourth, the recommendation to improve access to publicly available data on the NDE website is seen on page 12, [Exhibit C](#).

Fifth, the recommendation to regularly share school discipline data and information is on page 13, [Exhibit C](#). This requires NDE to include trend data in our annual report, as well as information on how we are going to support districts in addressing those identified needs.

Sixth, on page 14, [Exhibit C](#), it is recommended that districts receive help to create a plan of action on how they can use these data for school improvement. These action plans address the needs seen at the individual student, cohort, grade, school, district and State levels.

CHAIR DENIS:

Under the provisions of A.B. 490, the school districts collect the data and submit it to the State Board. What will the Board do with the data?

ASSEMBLYWOMAN MILLER:

The data will actually be reported to NDE, which will then report the data to the State Board.

CHAIR DENIS:

We need to collect the data because we do not know what is going on. Once NDE gives the data to the Board, what do you anticipate will happen with the information?

MS. REID:

Currently, we collect the data from schools and input it into the various accountability frameworks and the Star Ratings. The information then goes to the Nevada Report Card. I assume that a similar mechanism would be engaged. The Justice Center recommended that we automate the process through IC. We are exploring the ability for such automation, but some other steps have to happen first.

The NDE needs to provide guidance on standardized definitions so that everyone understands what counts as what and how we code the inputs within IC. For example, with attendance codes there are different ways to code a tardy and an absence. We need definitions of what would count as what so the data are clean when pulled from IC. The NDE would then provide the trend report mentioned in the bill to the State Board. The trend report would also be included in the annual report given to the Legislature.

SENATOR PICKARD:

It is important to collect data if we are going to do any analysis. Who is collecting and submitting these data? Is it something teachers are doing or is it something administrators or staff are doing?

MS. REID:

All of the above. Data are entered in IC by a variety of professionals in the school. For example, attendance is most often coded by teachers. Some behavior data could be coded by teachers; it depends on the school setting and the grade level. For example, a high school may have a dean or vice principal who is responsible for discipline and for entering that data. Some schools may have an attendance clerk or registrar who is responsible for attendance reporting. The data is collected and entered into IC by a variety of people, which is why you see references to training and support needed to make sure that the information is broadly shared.

SENATOR PICKARD:

We now put so much on the teachers outside of the instructional piece. We want to try to minimize the burden.

I am not suggesting we necessarily need to identify them in A.B. 490 but do we know into which subgroups we are disaggregating this information? Are the subgroups clearly defined somewhere?

MS. REID:

Teachers are already entering these data. The proposal is just to standardize the definitions so that, for example, if one teacher enters a report of "defiance, disrespect or insubordination," another teacher who enters the same report is referring to an equivalent event.

The subgroups are defined in our State ESSA plan.

SENATOR PICKARD:

Section 2, subsection 1, paragraph (p), subparagraph (1) of A.B. 490 describes collecting data on "Trends in the data measuring changes in the discipline of pupils". Are we talking about the discipline exhibited by pupils or the disciplinary procedures taken against pupils? Those are very different things. Do we need to define what we are talking about?

ASSEMBLYWOMAN MILLER:

We are referring to the discipline that is administered through the school. To see trends, we first have to make sure that we all have the same definitions for these offenses. Teachers are already inputting these data. To get a student to the dean's office, the teacher has to fill out the report on IC. If a situation must be handled immediately, the teacher has to stop class to fill out the report.

Many categories on IC are obsolete. The teacher might not know to whom a category applies in various situations. Sometimes a teacher cannot find the right category to fit what actually happened. The list goes from offenses for classroom behaviors up to criminal behaviors.

We have to be concise and consistent about what we are seeing and experiencing and then look at the trends. We look at the trends to see if certain student subgroups are being disproportionately disciplined. We know that certain subgroups are currently being disciplined disproportionately. Are African American and Latino students being punished for certain offenses more than

other groups? Are boys getting punished more than other groups? We would like to see offenses given the same consequences across the board, regardless of who committed the offense. We can see those trends and measure if the trend declines after we go through this process. We can see positive trends as well.

SENATOR PICKARD:

We might want to look at two interrelated trends. One is the trend of what disciplinary actions are being meted out. We recognize that every situation is going to be somewhat unique. A particular disciplinary action might not be appropriate in a given situation. The other trend is of the outcomes of the discipline. Is a certain disciplinary procedure successfully addressing and changing the behaviors? If we are not tracking both, we are only getting half of the story and we are not going to be able to deal with the data once it comes in. We have to understand both sides of that coin.

ASSEMBLYWOMAN MILLER:

We have to recognize that IC does not assign the consequence. Principals and administrators still have the ability for discretion when making those decisions. Every situation can be different. The type of offense is categorized on IC and the resulting discipline would also be entered. When it comes to making sure the discipline is effective, NDE will help analyze that data and give direction in how to move forward.

SENATOR PICKARD:

Yes, but if we do not collect the data on the outcomes, we will not have that piece. We may want to broaden this somehow to include both the discipline that is meted out and the relative success of that discipline so that the analysis can actually tell us if it is working, if it is something we want to replicate or if it is something we need to modify.

I sat on the Clark County School Justice Partnership. We talked about this very issue, the disproportionality of the discipline in the various schools and how we needed to try to correct it. It was interesting to see the different data that were coming in from that effort and realize that what may be happening in one school is very different from what is happening in another school. The same Band-Aid that might fix an issue in one school might not fix it in another. It is a very complex issue given the cultural differences between the schools, the students in them and what defined discipline may or may not be working.

I support this, but I want to make sure we are getting all of the data we need in order to do an accurate analysis.

SENATOR HAMMOND:

You would like to educate and train people so they have an equivalent definition of terms. You gave one example of an unclear definition. Can you give me a few more examples of some of the terms that are problematic or that people are not following very well? You mentioned a tardy. Can you give me other examples of some of the data we are not correctly getting that would help us understand the trends?

ASSEMBLYWOMAN MILLER:

With something like a tardy, if one teacher gives a three-second leniency, and another teacher has the expectation that the students are in their seats ready to go, we are not even reporting the tardy the same. The quantifiable data of that is already off because more tardies may be reported by one teacher than another.

For another example, imagine that a student cusses somebody out or uses some vulgar language. Sometimes that language is used to assault or attack someone. Sometimes it is used to threaten someone. Sometimes it is used just because the student was being careless or thought it was funny. There are many different reasons why a student would use cuss words at someone else. There are not always the appropriate categories to fit that in. You do not want to mark it as a threat when you know it is not truly a threat, but does it go under vulgar language? In my mind, the word vulgar hits another category of language, not just a cuss word or an inappropriate word. Does vulgar language imply something of a sexual nature? There are limited categories and not all the behaviors fit in a category.

On the other hand, there are a lot of categories of offenses that are generally not happening in the classroom. Assembly Bill 490 would help NDE see what behaviors are actually happening in the classroom and give better categories to match.

SENATOR HAMMOND:

I experienced this in the classroom. Some students would say that I was really lenient and that other teachers were not. I always told my students that is how life is sometimes—when you get a job you have to know your boss and

acclimate yourself accordingly. I would like to get more accurate information, but I also know that sometimes you cannot change a teacher.

Sometimes you get better results when you adjust according to the situation, just as you have to figure out how to discipline each of your own children differently because they respond differently. You are not suggesting to take that discretion away from the teacher. You are never going to get exact uniformity, but clarity allows you to collect more accurate information. Accurate information allows us to analyze and figure out where we are going, who is getting disciplined more often and why. It allows us to find out if those disciplines have ended in a good or bad result. It is important to get information on the result of the discipline and be able to analyze it.

ASSEMBLYWOMAN MILLER:

I also used the example of insubordination. I have heard of teachers who claim a student is insubordinate because the student will not do their work. I do not see that as insubordination, I see that as the student just not doing his or her work. I do not see that as a reason to kick a kid out of the classroom. For some people, insubordinate means the student did not follow a direction. For others it means the student is actively talking back. What is insubordination?

I agree with you Senator Hammond. The intent is not to take away the ability to know what works with certain students and when. The intent is to ensure that decisions are not based on the subgroup to which the student belongs. The intent is for decisions to be administered equitably across all subgroups. We are trying to get away from the disproportionate administration of certain disciplinary consequences on specific subgroups.

SENATOR HAMMOND:

I understand that; I think you are right. You are trying to come up with a sort of "floor." You establish a base definition of insubordination. A teacher can be more lenient if he or she chooses, but the standard remains fixed. A teacher cannot write up a student for insubordination for an action that does not fit the definition. A teacher can be forgiving of it if that is his or her style or if the teacher is trying to modify behavior and is having some success with that particular student. Every teacher has his or her discipline plan at the beginning of the year. It is important to have the plan posted in the classroom so students get used to it. You are saying we have to at least have a definition, a starting



point of what is and what is not insubordination. I see that Assemblywoman Miller is nodding her head in agreement.

STEPHEN AUGSPURGER (Executive Director, Clark County Association of School Administrators and Professional-Technical Employees):

We are in strong support of this bill. This kind of data collection and transparent reporting will only have good outcomes for schools. My only concern is that it appears that this information will be included in an annual report. An annual report will not be an effective tool for schools to make the necessary changes and address issues that come up when you have more frequent reporting. I suppose the frequency of the reporting remains to be determined, but no less than quarterly would be best.

MARY PIERCZYNSKI (Nevada Association of School Superintendents):

We support the bill. School staff already input much of this information into IC. We look forward to more assistance from NDE for our districts that are new at using IC. I hope that school-level teachers and administrators can be involved in the process when NDE starts to define some of the terms which do not currently have standardized meanings.

NATHA C. ANDERSON (President, Washoe Education Association):

We also support A.B. 490. I have come to this Committee before to give anecdotal evidence of times when educators have been hurt or when other disciplinary actions have been taken. Having the documentation reported to NDE in a consistent fashion will help clarify some of those issues.

CHAIR DENIS:

Assemblywoman Miller, would you please respond to Mr. Augspurger's question whether this is an annual report or a quarterly report?

ASSEMBLYWOMAN MILLER:

It is an annual report.

CHAIR DENIS:

Would doing it only annually really be helpful? Could it be done more often?

MS. REID:

The annual report is the "State of Education" report provided by the Superintendent of Public Instruction. We would have to explore the ability to do

quarterly reports. The information that is provided for the Nevada School Performance Framework is conclusive of the entire previous school year. We start to collect that information in June and it gets reported on September 15. If we are able to get our data systems automated to where we can pull those data from IC, it would be easier to report on a quarterly basis.

CHAIR DENIS:

We can start out seeing if the annual report is helpful and then go forward if we have the technology to do additional reporting without creating an extra burden. We do not need to do one more thing just to do one more thing.

SENATOR HARRIS:

Section 2, subsection 1, paragraph (p), subparagraph (2) states that an analysis will be performed on "Areas identified by the Department where the Department will provide support to a public school to address trends in the data on the discipline of pupils". It appears that there has been some thought that NDE will inevitably try and close some of the gaps in discipline which we anticipate seeing once we get these data in. Has there been any concerted effort put into what that advice might be on how to address that gap and what kind of support could be provided?

MS. REID:

We require districts to annually provide us with their progressive discipline plans. Senate Bill (S.B.) 89 contains a couple of sections that address progressive discipline plans and switch them to restorative discipline plans. Senate Bill 89 also inserts requirements for restorative discipline practices into the model policy for safe and respectful learning environments.

**[SENATE BILL 89 \(1st Reprint\)](#)**: Makes various changes relating to education.  
(BDR 34-331)

We have already begun collecting and working with districts on reviews of their progressive discipline plans. We are making suggestions on where districts might improve, providing information and training on restorative practices. It would be a natural transition to include information on discipline data in our work with districts around those restorative discipline practices.

SENATOR HAMMOND:

My comment goes back to the two questions that came up during testimony.

First, the annual report is helpful, but the question is if it would be more helpful to have quarterly reports. How do you go about doing that? Could you get the service provider to help? We can make suggestions to the provider.

Second, has anyone from NDE contacted IC about the data we are getting back? Could other categories be inserted? That goes back to the comment about getting more input from the teachers as to what experiences the teachers are having that do not fit in the current reporting categories. Perhaps we can see trends of what people are experiencing and find out what categories should be developed. Can we change that?

ASSEMBLYWOMAN MILLER:

Infinite Campus is not a new system. When it was brought to Clark County I called some of my friends in Washoe County who told me that they had been using IC for years. When I called people from other states, they told me that they had gotten rid of IC ten years before and were now on to the next new thing.

We did not purchase all the bells and whistles, all of the abilities of the IC program. Are we able to add or do certain things that IC is not currently doing? Yes. That is not a limitation of IC; the limitation is based on the package that was purchased.

Getting data in four chunks is easier than in one huge chunk. However, we need to be cautious when looking at a trend that we might see when we look at the quarterly data. Each quarter has different behavior trends. The beginning of the school year, the first quarter, looks quite different in behavior than the last quarter. I would not want those differences to skew the data.

SENATOR HAMMOND:

A quarterly report may also reveal things that we need to know. Each quarter is different.

ASSEMBLYWOMAN MILLER:

I personally have seen changes in academic achievement and behavior from quarter to quarter.

SENATOR HAMMOND:

That is precisely why it would be beneficial. I am not saying that it is the "end-all, be-all," but if it is not burdening anybody tremendously, it would be interesting to see what those quarterly trends are.

CHAIR DENIS:

We will close the hearing on A.B. 490 and open the hearing on A.B. 342.

**ASSEMBLY BILL 342 (1st Reprint)**: Revises provisions governing pupils who are children of military personnel. (BDR 34-624)

ASSEMBLYMAN TOM ROBERTS (Assembly District No. 13):

Clark County Commissioner Marilyn Kirkpatrick came across some military families who were having a challenge. The children of the families had received a zone variance but were having difficulty signing up for sports at a school within my district. By working with Clark County School District (CCSD) Trustee Chris Garvey and others at the District, the issue was rectified for this family. In the process we found some gaps in the law that needed to be changed to eliminate hurdles for the accommodation of military families.

We also found issues with Nevada's implementation of the Interstate Compact on Educational Opportunity for Military Children. *Nevada Revised Statutes 388F* creates the State Council to coordinate the implementation of the Interstate Compact. The State Council has recently lacked attention. There are some vacant Council positions and the Council has not met in two years. This legislation will improve both of those issues.

Assembly Bill 342 revises the provisions governing the eligibility of a pupil who transfers schools pursuant to the Interstate Compact to participate and practice in sanctioned sport or interscholastic events. The bill revises the provisions related to the administration and implementation of the Interstate Compact and provides some other matters thereto.

Section 1.7, subsection 2 of A.B. 342 stipulates that a pupil who is the child of an active duty military family and transfers schools "pursuant to the provisions of chapter 388F of NRS is immediately eligible to participate and practice in any sanctioned sport or other interscholastic activity or event at the school to which the pupil transfers".

Section 2 of the bill adds some of the language related to military families and the NIAA to NRS 385B.160. Section 3 of the bill adds similar language for active duty military families to NRS 385B.170.

Section 4 of A.B. 342 tightens some of the statutory language as it refers to the State Council. Section 4, subsection 1 states that "Each school district shall designate an employee of the school district to serve as a liaison between the school district and military families within the school district to facilitate implementation and administration of the Interstate Compact". The bill requires the district liaisons to coordinate with the Statewide Interstate Compact liaison. Section 4, subsection 2 stipulates, "Each school shall ensure that the person designated to serve as a liaison ... possesses knowledge of the Compact". The bill describes the duties required of the liaison and requires the liaison to receive some corresponding training. The liaison is to work with families and involve them in the process.

Section 5 of the bill requires that the Council meet at least twice per year. One of those meetings must be held at the beginning of the school year.

Quite often, military families get stationed and come in at odd times of the year. Under current rules, the children of families who come at odd times of the year are ineligible to play sports or participate in interscholastic activities. This bill cleans that up. Some military commanders are required to live on the military installation, so their children might apply for a variance to certain schools based on the children's academic histories on prior bases. Depending on when they transfer in and out, the children can become ineligible for activities. This is not a bill to stack sports teams; the provisions of the bill only apply to a small number of students.

MEREDITH SMITH:

I am a military spouse, an active volunteer in the military community and an advocate for military children.

Nevada adopted the Interstate Compact on Educational Opportunity for Military Children in 2009. All 50 states are members of the Compact. The Interstate Compact was drafted by the CSG in cooperation with the U.S. Department of Defense. The Compact addresses the key issues encountered by military families enrolling their children in school when the families move to a new area. These issues include eligibility, enrollment, placement and graduation. The

Compact provides for a detailed governance structure at the State and national levels with built-in enforcement and compliance mechanisms, with the ultimate goal to replace what were once widely varying policies affecting transitioning military students.

As military families transition from one duty station to another, children often attend many different schools. The average child in a military family will move six to nine times during a school career which is an average of three times more frequently than non-military families. One of the greatest difficulties military children will face is being apart from one or both parents who have been deployed. These challenges can result in military children suffering in areas of school performance, educational attainment and social support from peers.

A study commissioned in 2013 by former Secretary of Defense James Mattis showed that most Americans have a positive but shallow view of the military. Most Americans said they supported the military, but when asked specifics about policies and how the military works, respondents were likely to answer "no opinion" or "don't know." In the context of this hearing, this means that most people who hold power over the lives and educational experiences of military children have a relatively shallow view of what it means to move so many times because of service to the Country by one or both parents.

There are 4,654 military children in Nevada. This includes children whose parents are members of the National Guard or the Reserves and those on active duty status. Currently, NDE does not disaggregate data based on service status, but NDE has plans to do that beginning in 2020. In Clark County, there are 2,044 military-connected students in kindergarten through Grade 12 (K-12). That means that 0.6 percent of the students in Clark County are in some way connected to the military. In Washoe County, 2.8 percent of all students are military-connected; 1,833 children.

Assembly Bill 342 recommends only one administrative change to Nevada's statutory language on the Interstate Compact. The national Interstate Compact Commission has approved that change as being within the purview of the State to adjust. The change is seen in section 5 and would ensure that the State Council meets at least twice per year. The Council has not met in more than two years.

The bill ensures that active duty military children are able to have a more "normal" school experience, even when they are granted an approval for a zone variance.

Imagine that you are 17 years old. You have already attended school in seven different districts in seven different states; three of those being in the last three years. Your mother or father has been in Afghanistan for all of the last 365 days and prior to that was away from home for another 80 days for training, school and staff meetings on temporary duty assignments. Now imagine that you move to Nevada and prior to coming here your mother, because it is usually the mother who does this, calls ahead of time to the new district to ensure that the school you will be attending offers the next science course sequence, only to find that it doesn't. She diligently finds out that you can be granted a zone variance. You are granted the zone variance, get to school and want to play soccer. You try out, make the team, start to make friends on the team and then you find out that you are ineligible to play because you are on a zone variance. You might never get to play because the rule is that you have to wait 180 days to play. Just when you think you have found community in something you enjoy, it is taken away from you. This is not in keeping with the spirit and intent of providing consistency for active duty military children.

SENATOR WOODHOUSE:

Your story about the student who was denied permission to play made me think about A.B. 464. In addition to what you are addressing here, are there also NIAA issues for our military students who are trying to be involved in sports, particularly those in middle school and high school?

MS. SMITH:

Similar to what Assemblyman Assefa described, I have seen an inability to come to a solution or a resolution outside of a legislative fix. This issue has arisen in part because the State Council which is charged with dealing with the issue and overseeing the Interstate Compact has not met in over two years. There is no statutory requirement for frequency of meetings. I do not think the omission of a meeting frequency requirement was deliberate, it was simply an oversight. However, in the absence of State Council meetings, military families in this State are not provided an adequate avenue through which to remedy issues in a

timely manner. The NIAA has a representative on the State Council, which could have created another avenue for the solution of the problem had the Council been meeting.

SENATOR WOODHOUSE:

We push hard on academic achievement for all of our students including military students, but the other side of being in an educational setting is the opportunity to be part of a school culture. That school culture includes both the arts and athletics.

SENATOR HARRIS:

Are we talking about military students who move in to CCSD because their parents have been transferred and who are having trouble being eligible for sports? Are we talking about military students who are seeking zone variances and are therefore ineligible like anyone else who took a zone variance might be?

ASSEMBLYMAN ROBERTS:

We are talking about both situations. This would cover the students when their families move into the area, because under the current rule they are often ineligible based on the transfer date. This would also cover students who get a zone variance and allow them to not wait the 180 days to participate in activities.

SENATOR HARRIS:

I understand the argument for the first situation you just described, but I am less understanding of the second and why any child of a military family who is seeking a zone variance should not have to comply with the same rules with which any other student who might ask for a zone variance has to comply. I am not sure why the situation is different in the example of someone who might get a zone variance for a number of reasons.

MS. SMITH:

Based on the job that the service member does, some military families do not have a choice in where they live. For example, some families have to live on Nellis Air Force Base because they are considered essential personnel. The student is coming from another state and might have had a different academic trajectory than is offered at the school for which the child is zoned. If the school the student is zoned for does not have the next course sequence that the student needs, the parents will apply for a zone variance to another school for



academic reasons, which is what zone variances are for. If granted the zone variance, the student is still ineligible to participate in sports. The intent of the Compact is for military children to be able to access as much as possible the full scope of experience of a school, including academics, sports and the arts.

A lot of families that come through Nellis may only be here for a year or a year and a half. If a student's family is on a rotation which has them moving every year or year and a half during high school, and if the student is granted a zone variance in every district he or she attends, the student is effectively ineligible to play sports for his or her entire high school career. If you are moving into a district, getting a zone variance and then having to wait 180 days, it is a whole school year before you are eligible to try out and then you are moving again. If that is the case, you would never be able to participate in some of the activities that are available.

If zone variances are given for academic reasons, we would like to see military children be able to access the opportunity to play sports and participate in other activities in the same way while they continue their academic trajectory.

SENATOR HARRIS:

That somewhat answers my question. The argument you made is true for anyone who would seek a zone variance every time they moved. Such a child would also not be able to play sports, even if he or she moved within the same city.

There might be an argument that we need to completely get rid of the rule on variances for children who have moved, as opposed to just creating an allowance for military families. I just do not see where this instance is different than any other student who might seek a zone variance for academic reasons.

The Interstate Compact is codified in NRS 388F. Article VI, part B states:

Eligibility for participation in extracurricular activities – State and local education agencies shall facilitate the opportunity for transitioning children of military families to be included in extracurricular activities, regardless of application deadlines, to the extent they are otherwise qualified.

*Nevada Revised Statutes* 388F already explains that military students should be eligible for sports. Is this not sufficient? Are people not following the law and we need a new one?

MS. SMITH:

I am not going to say whether or not people are following the law, but I will say that when I initially read NRS 388F, I felt the "shall facilitate the opportunity" language was clear. We would like additional clarification that the "shall" means that even students who are granted a zone variance can fully access the school experience.

We would like to see school districts designate liaisons who are familiar with this issue. While the State Council has not met in over two years, at the State level we have seen a true example of a civilian-military divide in terms of district personnel not familiar with the statutory language and the spirit and the intent of the language.

ASSEMBLYMAN ROBERTS:

I would like to address the question of why we would treat military families a little different. These families are being forced to move every one or two years for their service to the Country. We did not expand the bill to include more military members or all military families because we did not think that the bill would pass if we did. We wanted to make it the smallest number of students. Of 2,000 military families we pushed it down to apply only to active duty military members. We are accommodating a small number of students, which will not disproportionately impact sports teams at specific schools.

SENATOR HAMMOND:

I have experienced this a couple of times as a teacher. Students whose families are transferred do not always move to a school which lines up academically with what the student is used to receiving. Military families are always trying to figure out how the academic day lines up with the academic day of the year before when they were at a different school.

Families find a school that fits their student, then the student tries out for sports. The student is allowed to play but, in many cases, he or she is only allowed to play at the junior varsity (JV) level. Junior varsity level teams are not eligible to play for a State championship. Seniors are not eligible to play on JV teams. Military-connected seniors are essentially ineligible to play sports

because they cannot play on either the varsity or JV teams. Most people look to recruit for college during their junior year. If you are a military-connected student forced to play on a JV team, you will be overlooked because no recruiters are going to the JV level to look at athletes. There are some disadvantages for military students just in that scenario. There are probably more disadvantages that I have not listed.

You are looking for consistency for military families. They come in and are told where to go and when to go, then they try to find something suitable for the student that is compatible academically with what they have had before. It is a little difficult. It is not so difficult if you go to a small place with one school in the town, but it is more difficult when you are trying to find a suitable arrangement in a bigger city like Reno or Las Vegas.

MS. SMITH:

Yes. That is one of the scenarios with which I am familiar. Your point about being eligible to play or how the classification falls will effectively mean that students cannot play. That is where we are trying to provide some consistency.

CHAIR DENIS:

You mentioned that the students would be getting a zone variance on academics. Is that an actual procedure that is followed? Is there some criteria that states what an academic variance means?

ASSEMBLYMAN ROBERTS:

Yes. There is a set procedure. The student would normally apply for a zone variance just as any other student would. The only difference would be that once the student is accepted, this would kick in for other scholastic activities.

CHAIR DENIS:

Are students only allowed to do this with one school? Can they use this to transfer the next year to a different school within the same city?

ASSEMBLYMAN ROBERTS:

We did not put that into the restrictions of the bill. Under zone variances there may be some protections for that already. We worked collaboratively with the CCSD and the Trustees' office to draft this legislation so it was something compatible with their current procedures.

CHAIR DENIS:

Is anyone here with NIAA? I do not see any representatives from the NIAA.

SIERRA SCHAFFER:

I am a military spouse and the mother of two military students currently enrolled in CCSD schools. I support A.B. 342, a bill which would ensure that military-connected children in Nevada receive support as intended by the Interstate Compact.

As a leadership spouse at Nellis Air Force Base, parents speak to me not only about their children not being allowed to participate in extracurricular activities, but also about schools not honoring grade placement. For example, a student who completed kindergarten in a state with a different birthday cut-off is not allowed to enter first grade in CCSD.

The collaborative efforts promoted in A.B. 342 will assist parents, guardians and military students to find swift resolutions to their issues. The provisions of A.B. 342 will assist school districts in Nevada to centralize a point of contact for issues or concerns and help provide consistency for military students in the education environment.

I work for the U.S. Chamber of Commerce as the Program Manager for Hiring our Heroes. I support transitioning service members find leadership roles and long-term employment in Nevada. With the passage of A.B. 342, I can confidently tell the transitioning service members in my program that Nevada cares for and will continue to support military students and their education. This will be an additional reason for these service members to stay in the local community after their retirement or separation.

MARIA LIZA FLOWERS:

My family is one of many military families serving at Nellis Air Force Base in Las Vegas. We are in favor of A.B. 342. My son is a senior attending his third high school in four years due to military orders. He was denied participation in varsity basketball because of a zone variance he had acquired in order to participate in the Air Force Junior Reserve Officer Training Corps (JROTC). Despite the Interstate Compact, we met a lot of resistance, negative attitudes toward military children, lack of understanding and sheer refusal to abide by the Compact at the CCSD and NIAA levels. Thanks to civic leaders and the State

Board of Education members who could speak to the Compact, my son was finally deemed eligible to try out.

Our military students are not seeking zone variances for the sole purpose of participating in athletics, recruitment or to "stack" a team. The students simply want to have continuity in their educational goals and be eligible to participate in a beloved sport. This can serve a significant role in social integration and resiliency and prevent adverse psycho-social outcomes that may occur when being uprooted and placed into new environments. My son's participation in the Air Force JROTC, varsity sports and a supportive school was key to his successful transition into the community and to a memorable last year of just being a kid.

Other military families have been in the same situation as our family, but without a successful resolution. Assembly Bill 342 will help to ensure that the Compact is followed as intended.

DON SOIFER (President, Nevada Action for School Options):

I echo many of the points that have been raised. This is a very thoroughly researched bill. I have also done a lot of research in this area. I have published two white papers for the Bill & Melinda Gates Foundation on schools that serve military-connected kids on bases around the Country. States that have a robust and active State Council provide more opportunities for military-connected families. The liaison piece will work well here. I have submitted additional written testimony ([Exhibit D](#)).

CHAIR DENIS:

I will close the hearing on A.B. 342 and open the hearing on A.B. 205.

**ASSEMBLY BILL 205 (1st Reprint)**: Makes various changes concerning pest management in public schools. (BDR 34-844)

ASSEMBLYWOMAN MICHELLE GORELOW (Assembly District No. 35):

Schools are a hotbed for bugs and pests. In Clark County, a middle school had such a bad rodent problem that the Southern Nevada Health District had to be called in. Another middle school had to close its cafeteria because the rodent problem had become so damaging. Last August, health inspectors discovered rodent feces in the cafeteria of a high school. There was such a bad cockroach

infestation in another high school that the students were unwilling to use their lockers.

Rodents carry diseases. Roaches trigger asthma. I do not need to explain how unsanitary and unacceptable that is in our schools. Assembly Bill 205 addresses the rodent and pest problem by requiring an implementation of integrated pest management (IPM) practices in Nevada schools.

According to the U.S. Environmental Protection Agency, IPM "encourages long-term, sustainable approaches to successfully manage pests ... it addresses not only the safety concerns of pesticide use, but also focuses on solution-based approaches that solve the reasons why pests are in schools."

Section 2 of the bill defines IPM as a strategy for controlling pests and weeds with minimal use of pesticides or herbicides.

Section 3 of A.B. 205 requires each school district board of trustees to establish and maintain an IPM policy. The bill prescribes the contents of such a policy, which must include a procedure for monitoring the school to determine when pests or weeds are present and when corrective action is needed. The policy must also include written guidelines for determining the circumstances in which specific measures should be taken to control pests and weeds.

Section 4 requires the superintendent of each school district to appoint a chief IPM coordinator to carry out the policy. Section 4 also authorizes the superintendent to appoint subordinate coordinators to assist the chief.

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

Section 6 requires that the school district board of trustees adopt a plan by January 1, 2020 and implement it thereafter.

CHRIS DALY (Nevada State Education Association):

My remarks will be accompanied by a visual presentation ([Exhibit E](#)) which is adapted from the IPM Institute of North America and Dr. Shaku Nair, an

entomologist from the University of Arizona who assisted in the presentation in the Assembly Committee on Education.

Integrated Pest Management is a sustainable, cost-effective risk reduction strategy used to solve pest problems with the least possible risk to people, property and the environment. A chart on page 2, [Exhibit E](#), shows the cycle of IPM. Prevention is much more effective than just over-spraying or dealing with an infestation or outbreak after it occurs.

We care about school IPM because of the kids. Children spend a major part of their day at school. Young people, particularly early elementary age kids, are the most vulnerable to both pests and pesticides as their bodies are still developing. A healthy, pest-free environment leads to improvement in student health and scholastic achievement.

Many schools face pest management problems that affect their day-to-day operations. Many schools and other environments receive routine pesticide applications. Monthly spraying without regard to pest prevalence means wasted resources and unnecessary exposure to pesticides. Just spraying is not the most effective way to control for pests. When we look at instituting a policy like [A.B. 205](#), we also talk about ensuring proper training for school personnel. Because they do not have adequate information or awareness, school personnel are not making the most effective pest control decisions.

The installation of door sweeps and a focus on exclusion can stop pests from entering classrooms or other school facilities. Exclusion can significantly reduce pest complaints. The picture in the bottom left corner of page 5, [Exhibit E](#), shows a scorpion entering a room from under a door. An IPM focus on exclusion would keep these pests out.

The picture in the upper right corner of page 5, [Exhibit E](#), is of a dirty floor drain. Floor drains can be the incubator of flies and other problems in cafeterias and restrooms. Bacteria growing on floor drains can be carried by pests from drains to food and food preparation areas. It is important to use IPM policies in cafeterias where food is prepared because that is one of the places where children are most susceptible to taking in these toxins.

The bill is intended to make life easier at school sites. Integrated pest management is designed not to be more work. School IPM is designed to be

smarter work when doing daily tasks like trash management, repairing leaks or making sure there is not clutter in storage facilities where pests could potentially find shelter, food or water. You are doing smarter work. You are being more efficient by preventing additional work required to manage pests and control outbreaks.

The IPM Institute of North America provides online training modules at <[pestdefenseforhealthyschools.com](http://pestdefenseforhealthyschools.com)>. The website offers free and flexible training modules as well as the latest scientific updates on pest management. These modules were developed by national school IPM partners for K-12 school staff who are involved in pest management. The modules provide practical examples and templates for school IPM plans. A certificate is given for completing the modules and passing the tests. An evaluation was done of the IPM Institute website. Since December 2017, there were 3,240 unique views of the training modules. The ratings were all very high, about 4.9 out of 5 on average.

School IPM has significant benefits. Being proactive around pest control and doing prevention is better than dealing with pest outbreaks after the fact. School IPM can significantly reduce complaints as well as pesticide applications. This means a safer school environment for students and staff, including a reduction in asthma incidents. Asthma is one of the leading causes of student absences. School IPM is also tied to improvements in student performance and scholastic achievement. The whole goal of IPM is to prevent future pest infestations. Reducing the need to use pesticides can cut unnecessary costs.

Responsible Industry for a Sound Environment (RISE), a national trade association for the pesticide industry, issued a letter in opposition to A.B. 205. In the letter, RISE specifically took issue with section 3, subsection 1, paragraph (d), subparagraph (2) of A.B. 205. This section explains that district pest control plans must "Require the use of nonchemical pest or weed management before using pesticides or herbicides". Our intent is not to ban or prohibit the use of pesticides or herbicides. There are certainly times and situations that call for the application of pesticides or herbicides. Assembly Bill 205 prescribes that nonchemical pest or weed management be used before getting to the point of using pesticides. If possible, it is preferable to deal with pests by the use of traps than by using heavier chemicals at the school site.

I have submitted some additional written testimony ([Exhibit F](#)).



SENATOR PICKARD:

This is an interesting issue. I did not know that the school districts were using pesticides indiscriminately. I had not heard that this use has caused asthma in children. I would be very interested to see the data confirming that claim.

What is the current pest management program? Is there no program? Are these policies site specific, allowing each site to do whatever they want? How do the districts deal with this now? Do we need to hire an outside firm to train our people on IPM?

MR. DALY:

It is different district by district. The CCSD does have an IPM plan. Smaller school districts do not have IPM plans. Assembly Bill 205 would require that every district have these plans.

The training aspect of A.B. 205 was worked out with amendments in the Assembly Committee on Education. The training is provided by the IPM Institute at no cost. In the bill, school districts are required to have at least 10 percent of custodial or food service staff trained in IPM. There is a caveat that the training needs to be available at no additional cost to the school district. As such, this legislation would not have a negative fiscal impact. If the application of IPM were effective, there would be a positive fiscal impact because of a reduced cost for heavy-duty pest management.

SENATOR PICKARD:

The first page of the bill states that there is an unfunded mandate. Are you saying that is incorrect? Are you saying this will actually save school districts money? Will those savings even apply to districts which do not currently have an IPM plan?

MR. DALY:

It is the opinion of the National Education Association (NEA) Education Support Professional Quality department and the IPM Institute of North America that school districts which have IPM plans and are applying this process achieve a savings in the overall cost of pest management.

SENATOR PICKARD:

It is your testimony that the unfunded mandate designation is incorrect. Is that right?

MR. DALY:

Your question is about the designation of "contains unfunded mandate" as it was "not requested by affected local government". It is my belief and the belief of the NEA and the IPM Institute that districts which successfully implement this will have an overall net savings in their pest management.

SENATOR PICKARD:

I am interested to see what the districts say. Somebody put that designation on there so there has to be some conflicting data.

The bill requires the organization certifying our school personnel to be nationally or internationally recognized and have 15 years of experience giving pest management training. Outside of the IPM Institute, is there any other organization that meets that criteria, or is this written specifically for them?

MR. DALY:

I am not aware of any other organization which meets that criteria at this time. There could be other organizations in the future.

Going back to the unfunded mandate language, there was concern with the original version of the bill that the language requiring districts to have a chief IPM coordinator would require a new hire. The first reprint version of the bill, the version currently before the Committee, clarifies that the person could be an existing facilities manager who would have this title as well.

SENATOR PICKARD:

The bill requires 15 years of experience providing education training to school employees. In another 15 years there may be another organization that could fit the requirements in this bill. However, it is going to be 15 years before we have any competition, right?

MR. DALY:

Competition to provide free training. Perhaps you are correct.

SUSAN KAISER:

I support A.B. 205. As a science educator and a horticulture certificate holder, I share the concerns addressed by the bill. The risks to living things posed by the overuse of pesticides are well documented. Students have allergies and sensitivities to chemicals. I have several students who carry an Epi-pen with

them everywhere. I must be ready to deliver the injection immediately if I see that one of them is showing symptoms.

Pesticides contain strong chemicals that have potentially long-term impacts on all life. These chemicals may be used indoors as well as outdoors, putting our students at risk in all learning environments. Many concerns regarding pests can be addressed through preventive measures and staff training to reduce pesticide exposure. Educators of child-bearing age are especially at risk when pesticides are used in the workplace.

CHAIR DENIS:

I will close the hearing on A.B. 205 and open the meeting for public comment.

SARAH ADLER (Nevada Coalition to End Domestic and Sexual Violence):

Today we celebrate Denim Day, part of Sexual Assault Awareness month and a visible pushback to cultures around the world that perpetrate sexual violence. Denim Day is a way to stand up for victim survivors. Unfortunately, sexual assault is a significant problem not only in our Nation and our State, but also in our schools.

Tip categories in SafeVoice, the student safety and well-being tip-line, include harassment and sexual assault. In the most recent data report, from August to March of this school year, SafeVoice has received 56 reports of sexual assault and 375 reports of harassment. Many of the 375 harassment reports are of sexual harassment. As a coalition, we appreciate those who are sporting denim today. We appreciate your support of important pieces of legislation addressing sexual assault, sexual harassment, sex trafficking and domestic violence. I want to bring to your attention S.B. 332, an Interim study proposal sponsored by Senator Seevers Gansert.

**SENATE BILL 332**: Revises provisions relating to education. (BDR S-640)

Senate Bill 332 would examine not only bullying and cyberbullying, but also experiences of discriminatory harassment and sexual assault within our school system from elementary school through higher education, and appropriate responses to such experiences. It essentially would put Title IX protections into Nevada law.

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April 24, 2019  
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CHAIR DENIS:  
The meeting is adjourned at 3:10 p.m.

RESPECTFULLY SUBMITTED:

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Steven Jamieson,  
Committee Secretary

APPROVED BY:

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Senator Moises Denis, Chair

DATE: \_\_\_\_\_

<b>EXHIBIT SUMMARY</b>				
<b>Bill</b>	<b>Exhibit / # of pages</b>		<b>Witness / Entity</b>	<b>Description</b>
	A	1		Agenda
	B	6		Attendance Roster
A.B. 490	C	14	Amber Reid / Department of Education	Visual Presentation
A.B. 342	D	2	Don Soifer / Nevada Action for School Options	Written Testimony
A.B. 205	E	10	Chris Daly / Nevada State Education Association	Visual Presentation
A.B. 205	F	1	Chris Daly / Nevada State Education Association	Written Testimony