

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Eightieth Session
April 12, 2019**

The Senate Committee on Education was called to order by Chair Moises Denis at 12:43 p.m. on Friday, April 12, 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 Marcia Washington
Senator Scott Hammond
Senator Ira Hansen
Senator Keith F. Pickard

GUEST LEGISLATORS PRESENT:

Senator Marilyn Dondero Loop, Senate District No. 8

STAFF MEMBERS PRESENT:

Jen Sturm, Committee Policy Analyst
Risa Lang, Committee Counsel
Shelley Kyle, Committee Secretary

OTHERS PRESENT:

Christy McGill, Director, Office for a Safe and Respectful Learning Environment,
Department of Education
Ryan Herrick, General Counsel, State Public Charter School Authority,
Department of Education
Jhone Ebert, Superintendent of Public Instruction, Department of Education
Amber Reid, Education Program Professional, Office for a Safe and Respectful
Learning Environment, Department of Education

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Raymond Medeiros
John Eppolito, President, Protect Nevada Children
Mendel Levine, Executive Director, Yeshiva Day School of Las Vegas
Valeria Gurr, State Director, American Federation for Children
Mary Alber, Ph.D., Director, Education Innovation Collaborative

CHAIR DENIS:

Senator Dondero Loop will talk about a possible amendment to Senate Bill (S.B.) 319, which this Committee previously considered.

SENATE BILL 319: Revises provisions relating to education. (BDR 34-1063)

SENATOR MARILYN DONDERO LOOP (Senatorial District No. 8):

In a conversation I had with school counselors and Christy McGill, the Director of the Office for a Safe and Respectful Learning Environment in the Department of Education (NDE), we decided it would be good to include in S.B. 319 some information and direction for school social workers. We also want to change the language in several sections from "shall, through consultation or collaboration" provide direct services to, "may" provide such services. The proposed amendment also lists some things directly related to schools, students and the Office for a Safe and Respectful Learning Environment.

SENATOR PICKARD:

You want to broaden the language so that the professionals can collaborate on more than just these limited issues. In moving the language to "may", we tend to make something less likely to happen. Is this something they are already doing? Are we just conforming the language to current practice?

SENATOR DONDERO LOOP:

You are correct. These are things our school social workers are already doing. We felt it was important to include these direct services in legislation.

CHRISTY MCGILL (Director, Office for a Safe and Respectful Learning Environment, Department of Education):

We want to ensure the professionals have some flexibility to meet the needs of their schools. We did not want to lock them in with unintended consequences. I have submitted the proposed amendment ([Exhibit C](#)).

SENATOR PICKARD MOVED TO RESCIND THE PREVIOUS ACTION
TAKEN ON S.B. 319.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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SENATOR WASHINGTON MOVED TO AMEND AND DO PASS AS
AMENDED S.B. 319.

SENATOR PICKARD SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR DENIS:

I will open the work session on S.B. 321.

[SENATE BILL 321](#): Abolishes the Achievement School District. (BDR 34-682)

JEN STURM (Committee Policy Analyst):

Senate Bill 321 repeals provisions creating the Achievement School District (ASD). The bill also provides for the transfer of charter schools currently under contract with the ASD to the sponsorship of the State Public Charter School Authority (SPCSA).

Senator Dondero Loop proposed an amendment to section 37 of the bill. The proposed amendment provides that any achievement charter school approved before July 1, 2019, shall be deemed approved to operate a charter school without completing a new application. Schools affected by the amendment are required to enter into a new charter contract with the SPCSA by July 1, 2020. The new contract must provide for operation of the school pursuant to the provisions governing charter schools set forth in *Nevada Revised Statutes* (NRS) 388A. I have submitted the work session document ([Exhibit D](#)).

SENATOR DONDERO LOOP:

After consultation with several stakeholders and the Legal Division of the Legislative Counsel Bureau (LCB), we felt like the amended language was the cleanest wording to make the intent clear. The proposed amendment gives the few charter schools currently considering opening in the ASD a year to take care of the contract renegotiations.

CHAIR DENIS:

We currently have four schools operating in the ASD. Another two have been approved. One will start next year and the other will start the following year. Is that correct?

RYAN HERRICK (General Counsel, State Public Charter School Authority, Department of Education):

You are correct. There are four open and operating schools. Two schools have been approved but have not yet entered into a contract with NDE, the ASD or the SPCSA. One of the schools anticipates opening in 2020. Leaders for the other school are still deciding if they want to open for the fall 2019 semester or the fall 2020 semester.

CHAIR DENIS:

With the proposed amendments, the bill sets the date by which a new contract must be entered.

RISA LANG (Committee Counsel):

Under these amendments, any of the ASD schools currently operating and any schools which have been approved for operation in the ASD before July 1, 2019, are deemed approved without submitting a new application. All of those schools would need to enter into a contract with the SPCSA by July 1, 2020.

CHAIR DENIS:

Does this modified date cover the six schools we have discussed? When we had the hearing on S.B. 321, we wanted to make sure that the schools which have already been approved, operating or not, would be captured in this law. Any school which comes after that date will have to apply to the SPCSA directly.

SENATOR DONDERO LOOP:

The four open schools slide in under the current language of the bill. The other two schools, which are not currently open, are the two which would have to do something. So really, we are only talking about two schools.

CHAIR DENIS:

All six schools would have a year to do new contracts except the two that do not have contracts. They would have to work on that.

SENATOR DONDERO LOOP:

All schools have to renew their contracts at some point. The contracts are not valid in perpetuity.

CHAIR DENIS:

Currently, charter schools have to renegotiate their contracts every six years. Under S.B. 321, the schools have a year to negotiate a new contract.

MR. HERRICK:

The way I read the work session document, [Exhibit C](#), none of the six schools have to reapply and all six schools get new contracts.

SENATOR WASHINGTON:

Once the ASD is dissolved, the schools currently under contract go under new contracts. Would those new contracts be for another six years?

CHAIR DENIS:

Let me reword Senator Washington's question. Once a school reapplies and negotiates a new contract, the school would then be approved for a new six-year contract. Is that correct?

MR. HERRICK:

Yes. One of the operating schools has two years left on its contract. The other three schools have five years left on their contracts. Under S.B. 321, each of the schools would get new six-year contracts.

CHAIR DENIS:

This Committee passed a bill that would allow flexibility in the contract length between two and ten years. If that bill passes both Houses, the contract

negotiations with the former ASD schools would include the length of the contract term.

MR. HERRICK:

Having just looked at this language, I am not sure if the other bill would fall under this or not. We can look at it.

SENATOR HARRIS:

No current ASD school will be allowed to serve out the term of its current contract. Is that correct?

MR. HERRICK:

The way I read the work session document, the schools would not serve out the remainder of their terms. The schools would have a year to enter into new contracts with the SPCSA.

SENATOR PICKARD:

The way I read this, if the school has been approved, the school does not have to reapply. Four schools have been approved. Two have not been approved nor entered into contracts. Is that right?

MR. HERRICK:

All six schools have been approved. Four of the schools are open and operating with contracts. The two remaining schools have been approved but have not yet executed a contract. The way I read this, none of the six completes a new application and all six enter into new contracts.

CHAIR DENIS:

There is a difference between receiving approval and entering into a contract.

SENATOR HAMMOND:

A bill in the Assembly talks about folding these schools into the Charter Authority. Senate Bill 321 essentially does the same thing. I have not seen the language of the Assembly bill. It just seems a little clearer, a little more concise. I am not sure, because I have not seen the language. But this does, in effect, keep the schools going so that they do not die off if we dissolve ASD. I want to make sure. My vote will probably be "no" until I know for sure and feel comfortable with that language. I want to make sure that is correct and

everyone reads it the same way—the bill does not dissolve the contracts. The contracts stay alive.

MS. LANG:

The bill continues the contracts until 2020. During that time, each of the approved six schools would enter into a new contract with the SPCSA and the schools would be able to continue as charter schools.

CHAIR DENIS:

And the schools just get folded into the SPCSA?

MS. LANG:

Yes. Going forward, they would be under the sponsorship of the SPCSA.

CHAIR DENIS:

The options for this idea were that you either "cut it off" and the schools go into the SPCSA now or you try to phase them in. That would have created a bifurcated system, so the decision was to just cut off the ASD now and have the schools redo their contracts.

MR. HERRICK:

We have discussed whether the schools will bring their existing contracts over or if they will enter into new contracts. If they have to enter into new contracts, the new contracts must meet certain statutory requirements that must go into our charter school contracts. We want to work with those schools on the required contract provisions. Nothing in S.B. 321 dissolves those schools. If certain provisions in the existing contracts are important to those schools, and the provisions do not conflict with any of our statutory requirements, we can negotiate those provisions to make sure that the schools transition. We can make the existing contracts work with the new contracts.

SENATOR HARRIS:

I want to get a commitment from you, Mr. Herrick, to do your best in that endeavor to make sure that the provisions that are important to those schools, if at all possible, can be put into the new contracts.

MR. HERRICK:

The SPCSA does not have a position on dissolving the ASD. However, when the discussions came up in the Legislature about dissolving the ASD and those

schools, we wanted to make sure that those schools have a home. We want to make sure they are open and serving kids. Yes, there are going to be a number of practical and logistical issues to work out in order to move those schools over. We want that to be as painless as possible for those schools. We want those schools to be focusing on education not negotiating contract provisions.

SENATOR WOODHOUSE MOVED TO AMEND AND DO PASS AS AMENDED S.B. 321.

SENATOR HARRIS SECONDED THE MOTION.

SENATOR HANSEN:

After hearing the testimony in previous meetings, it seems like everyone who is involved in the ASD likes it. I did not see anyone who said that we needed to get rid of the ASD. After hearing all of the amendments and the explanations for them, I see where I think we are going with the bill. I will vote "no" today. It seems like the people who have actually participated in the current Achievement schools love the experience. The ratings have been in existence long enough to track upward progress. I wonder what problem we are really trying to solve here. If the students and the parents like it and the ratings in formerly poor performing schools are going up I am hesitant to change something that appears to be working. I will vote "no," but I would like to take some time to review all of the amendments.

SENATOR DONDERO LOOP:

I would be happy to have that conversation after the meeting.

SENATOR PICKARD:

I agree with what my colleagues have said. I had also intended to try to go through this and try to get comfortable with the thought that we are altering existing contracts. Altering existing contracts usually creates a conflict with provisions of the U.S. Constitution. If I have a chance to work that out before the bill gets to a vote of the entire Senate, I may change my vote.

THE MOTION CARRIED. (SENATORS HAMMOND, HANSEN AND PICKARD VOTED NO.)

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CHAIR DENIS:

We would like to re-refer S.B. 351 to the Senate Finance Committee.

SENATE BILL 351: Makes certain changes relating to education. (BDR 34-247)

SENATOR HARRIS MOVED TO RE-REFER S.B. 351 TO THE SENATE COMMITTEE ON FINANCE.

SENATOR HANSEN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR DENIS:

We would like to re-refer S.B. 404 to the Senate Finance Committee.

SENATE BILL 404: Provides for the issuance of scholarships for certain career and technical education or early childhood education programs by scholarship organizations. (BDR 34-778)

SENATOR PICKARD MOVED TO RE-REFER S.B. 404 TO THE SENATE COMMITTEE ON FINANCE.

SENATOR HANSEN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR DENIS:

I will open the work session on S.B. 91.

SENATE BILL 91: Establishes the commission on Innovation and Excellence in Education to develop a statewide vision and implementation plan to improve the public education system in this State. (BDR 34-386)

Ms. STURM:

Senate Bill 91 creates the Commission on Innovation and Excellence in Education to develop a Statewide vision and implementation plan to improve

Nevada's public education system. The bill prescribes the membership and duties of the Commission, summarized in the work session document ([Exhibit E](#)). Senator Woodhouse proposed several conceptual amendments. The amendments are included in the work session document, [Exhibit E](#).

SENATOR WASHINGTON:

Has there ever been a committee similar to this to look into and address why our educational system and our students are failing? I do not want a group of people coming together to play with children's lives. I want people to take the educational system seriously. We have many children who are not being successful or graduating.

Looking at the big picture, if they are not educated, these kids are going to do whatever they have to do to survive. Some students will break in to other folks' homes. Some will jeopardize your family members. I just want people to take educating our kids seriously. I do not want this to be a dog and pony show.

CHAIR DENIS:

Earlier this Session, we heard a presentation on the genesis of this bill.

SENATOR WOODHOUSE:

This proposed Commission is the result of considerable work over the last three years. Todd Butterworth, formerly of the LCB, and I were on a committee with the National Council of State Legislatures (NCSL). The NCSL Committee studied 13 high-performing school systems in other countries. We compared what the other school systems are doing with what is going wrong in the United States. Senate Bill 91 mirrors legislation that is now in its third year in Maryland. Maryland is doing a phenomenal job.

No, we have never had a commission of this magnitude to look at all aspects of education from prekindergarten through Grade 12. The Commission will look at the structures of what we need to do to make change happen, rather than doing many piecemeal things which we know work, but which do not always jive together in the way in which we expect. This project will not be something that can be done in a year. It will take some time to do the research. It will take time to look at what is going on in Nevada and look at what we can learn from other states and countries.

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SENATOR HAMMOND MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 91.

SENATOR PICKARD SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR DENIS:

I will open the work session on S.B. 354.

SENATE BILL 354: Revises provisions relating to the Nevada System of Higher Education. (BDR 34-59)

Ms. STURM:

Senate Bill 354 reduces the number of members of the Board of Regents from 13 to 9 and the terms of office from 6 to 4 years, after the initial term. The terms of the Regents serving at the time Assembly Joint Resolution (A.J.R.) 5 of the 79th Session passes will expire on January 2, 2023. I have submitted the work session document ([Exhibit F](#)).

ASSEMBLY JOINT RESOLUTION 5 OF THE 79TH SESSION: Proposes to amend the Nevada Constitution to remove the constitutional provisions governing the election and duties of the Board of Regents of the State University and to authorize the Legislature to provide by statute for the governance, control and management of the State University and for the reasonable protection of individual academic freedom. (BDR C-60)

SENATOR WASHINGTON:

When this goes into effect, will the Regents' areas become larger, since the number of members will be reduced?

SENATOR WOODHOUSE:

Yes. Should all of the pieces happen as I envision them, the 13 districts would be reduced when we do redistricting in 2021. I have worked day and night on this bill trying to find a way to answer all of the questions that I have had in my head as well as those of former Assemblyman Elliot Anderson. He and I are the authors of A.J.R. 5 of the 79th Session, which is on the ballot in 2020 and

which has an impact on S.B. 354. If you would pass this bill as introduced, over the next ten days I will continue to try to find a solution to some of the questions we have not been able to answer.

CHAIR DENIS:

We will expect an amendment to come to the Floor. I will vote for the bill, but I reserve my right to vote against the bill later, depending on what we end up with.

SENATOR PICKARD:

I agree with Chair Denis. I want to confirm that we are still committed to amending the language of S.B. 354 so it does not conflict with A.J.R. 5 of the 79th Session. I would imagine that is the intent, since Senator Woodhouse is the author of both bills.

SENATOR HANSEN:

I fully support A.J.R. 5 of the 79th Session. I support reducing the number of Regents to nine. I like reducing the terms to four years. However, I am concerned about taking away the right of the people to vote on four seats. I will vote "no" on S.B. 354 on that basis alone. If A.J.R. 5 of the 79th Session passes, which I suspect it will, the Legislature will be able to modify the Board in a way that we should have been able to do for a long time. I support the whole concept, but am concerned about taking away the right of the people to vote. After A.J.R. 5 of the 79th Session passes, we can revisit the issue.

SENATOR HARRIS MOVED TO DO PASS S.B. 354.

SENATOR WASHINGTON SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR HANSEN VOTED NO.)

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CHAIR DENIS:

I will open the work session on S.B. 403.

SENATE BILL 403: Revises provisions relating to data privacy for pupils.
(BDR 34-309)

Ms. STURM:

As introduced, S.B. 403 requires two things before a public school allows a student to use a school service or provides a student with technology. This requirement also applies to charter schools and university schools for the gifted. First, the school must provide information regarding the risks associated with the collection of covered information. Second, the school must request written consent from the parent or guardian of the student.

The bill modifies existing law related to the use of a student's personally identifiable information and allows such information to be used for performing certain research required or authorized by federal or State law. The measure revises an existing prohibition on targeted advertising to prohibit a school service provider from using information gathered from its school service to engage in targeted advertising within its school service or on any other website, online service or mobile application. A school service provider may use aggregated, deidentified information derived from a student's personally identifiable information to develop and improve the products of the school service provider. Similar provisions are established for private schools.

The bill sponsor proposed several amendments, which are included in the work session document ([Exhibit G](#)). The proposed amendments include removing the requirement that a public school provides certain information and requests written consent before allowing a student to use the service or technology.

The proposed amendments also include requiring a public school to post certain information on the website of the school before allowing a student to use a school service or providing the student with technology. The location of this information must be communicated to parents and guardians. The list of information that must be posted is included in the work session document, [Exhibit G](#).

The third aspect of the proposed amendments would require the school service provider to inform a school district, charter school, university school for the gifted or private school if there is a breach of the data security plan. A school that receives such notice must then notify parents and guardians of students who are less than 18 years of age.

CHAIR DENIS:

With this bill, I am trying to protect data. Originally, the bill included a provision wherein if the parent did not want the child to use certain software, the parent could opt the child out. That was a difficult thing to figure out because the use of technology is now as common as the use of a textbook. A parent might say that he or she does not want their child to use a certain textbook but instead wants the child to use another. The teacher would then have to create separate lesson plans for each child. I did not want to prohibit the use of technology.

For me, the bill is more about protecting data. We created a good way to protect student data. The bill allows for the school districts to provide a list of authorized technology, which they are already doing. The districts provide a list to the teachers and principals of all the authorized software and other service providers that the district uses. A parent can look on the list and if a parent sees that an unauthorized software is being used in a classroom, the parent can question the use of the unauthorized technology.

Current statute, with the addition of the provisions in S.B. 403, would place the onus on the service provider to explain to the school district how the data are protected. We are not making the districts do the explanation; we are making the provider do that. Parents have the opportunity to get the list of approved providers. The list must be posted on the district website. If the districts want to send the list or find an additional way to communicate it to the parents, the districts are authorized to do so.

This is a good opportunity for parents to know what is going on. Parents will be informed on how to file a complaint. If they think that data is being breached on an authorized site, parents have to have a way to communicate with the school district. I have worked on this legislation with the school districts. I think they will help parents to know what is going on and to see how the data is being protected.

SENATOR PICKARD:

One of the things I got from the testimony was that the parents who testified were particularly concerned about the use of data. This sentiment was particularly keen in those who did not feel like they had their arms around the systems themselves. By removing the consent requirement and merely posting a list of which service providers are going to be used, I am worried that we will make the problem worse. The parents already do not understand how those

outfits work. I am not talking about problems with the use of the data; I am talking about the problem with the parents' perception. They are already telling us, "we do not really know who these people are or how they are using our data." We are going to eliminate the consent notice and merely list on a website, which the parents may or may not have access to, what the software is without saying what the company does with the data. I wonder if we will create a bigger problem than we have today.

CHAIR DENIS:

One of the problems is that the parents do not always know all of the software that has been approved. This will provide the parents with a list of approved software. If the teacher is using something that is not on the approved list, the parent can question that decision. The teacher needs to go through the district to get it approved. There is a protection in the system.

As far as the notification, while they do not have an opt-out option, the districts are still required to give some sort of notice at the beginning of the year to inform the parents that the list is available.

MS. LANG:

Section 1, subsection 2 of the proposed amendment states that at the beginning of each school year the school needs to communicate with the pupils and their parents and guardians to let them know the availability of the information and the manner in which to locate it.

CHAIR DENIS:

The parents are notified at the beginning of the year. The parents have the list of approved services.

SENATOR PICKARD:

Does the notice indicate how the data is to be used or at least talk about the restrictions on the data set by the district? Part of the testimony from the districts was that they go out of their way to make sure the data are protected and access is restricted. Does information about the protection requirements go out, or is it just a list of approved software? If we are not telling the parents how we are actually protecting that data, we are actually making the problem worse.

CHAIR DENIS:

Statute already mandates that this data cannot be used for certain things. Are we requiring the districts to not just notify parents of the list of approved services but to list the protections for that data as well?

MS. LANG:

Section 1, subsection 1, paragraph (b) of the proposed amendment requires the school service provider to provide the school districts with the security plan that the provider has to protect the data. That protection plan would be included in the information posted on the internet. The districts have to post the safety plan that the vendors are required to create under NRS 388.293.

SENATOR PICKARD:

Would the information posted online include the contract criteria demonstrating how the provider is protecting the data and the limitations that are set? Is the information posted online merely the district's plan to protect the data?

MS. LANG:

They are required to post the plan that the school service provider creates pursuant to NRS 388.293. The plan identifies the manner in which they will protect the data.

SENATOR PICKARD:

If that is going to the parents, I think I am okay with the bill.

CHAIR DENIS:

Each service provider has to provide this plan to the district, then the district will make the plan available on the website along with the list of approved vendors.

SENATOR PICKARD:

If that is what we are talking about, I think I am okay with the bill.

SENATOR HAMMOND:

If a teacher would like to use something that is not on the list, something that does not provide a service agreement nor list how the provider will protect the data, does that teacher need to inform the parent why they are using that particular technology and allow the parent to opt out?

CHAIR DENIS:

Actually, if the teacher wants to use something in the classroom that is not on the list, the teacher must apply to the district to get the software approved. There is a process in place by which that can happen.

SENATOR HAMMOND:

That makes sense. Many teachers are trying to innovate and find the right thing for their students. I do not want to discourage teachers from coming up with new ways of delivering education to children. So, there is a process in place by which the teacher can apply for approval by the district? That way they can find out what the vendor or school service provider will do to protect that data.

CHAIR DENIS:

Correct. That part of it is not in the bill; it is just what the districts do now. They have an authorized list of what software can be used in the classroom, and the teacher just has to apply for new services to be approved. We do not want to discourage teachers from wanting to use new products, but we want to make sure that the data are protected. Teachers do that through the process of applying to the district.

SENATOR HAMMOND:

The bill talks about every service provider needing to go through that process so everything is covered.

CHAIR DENIS:

Yes. The bill lists what has to be in the agreement, and the providers have to have a safety plan on how they are protecting data. If there is a breach, the provider has to notify the district which then has to notify the parents.

SENATOR HAMMOND MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 403.

SENATOR HARRIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR DENIS:

I would like to introduce our new State Superintendent of Public Instruction, Jhone Ebert. Ms. Ebert is a life-long educator with executive level expertise in state and district education administration. She has decades of experience working with diverse students, geographies and educational delivery models. Since 2015, Ms. Ebert has served as the Senior Deputy Commissioner for Education Policy with the New York State Education Department. Previously, Ms. Ebert served in the Clark County School District (CCSD) for 25 years as a math teacher and administrator. I served with Ms. Ebert on the Commission on Educational Technology when I was appointed as a parent representative on the Commission. Ms. Ebert is the recipient of numerous professional honors and awards, including the National School Boards Association Technology Leadership Network 20 to Watch, CCSD Excellence in Education Hall of Fame award, Presidential Award for Excellence in Mathematics Teaching and the Fulbright-Hayes Program scholarship.

JHONE EBERT (Superintendent of Public Instruction, Department of Education):

I am honored to be part of the great State of Nevada and to work with all of you to support the students. I have been gone from the State for 3.5 years, but I spent 25 years in southern Nevada. I have met with several Senators and look forward to meeting with the rest of you, community members, students and teachers. Thank you for the opportunity. I am here to serve.

CHAIR DENIS:

Representatives from NDE will now provide some background on S.B. 89.

SENATE BILL 89: Makes various changes relating to education. (BDR 34-331)

I asked them to provide this overview because this is a large bill. We first heard the bill in a joint hearing with the Assembly. There are a lot of pieces to the bill. We have taken parts of other bills and combined them into S.B. 89, rather than consider them as separate bills.

MS. EBERT:

The Statewide School Safety Task Force did a lot of work in the Interim to inform the provisions of S.B. 89. Governor Steve Sisolak included the Task Force's recommendations in his budget. This represents a historic investment in school safety most importantly in the mental and behavioral health of our students.

Ms. MCGILL:

Before I discuss the Governor's school safety recommendations, I want to pause to talk about the importance of this work. This was not a great week for many of our educators, parents and students. This week we saw a student die by suicide. This week we helped teachers in a district without an employee assistance program deal with their own suicidal thoughts. This week there was racial violence in our schools. This week we looked at the bullying problem and teachers being really overwhelmed. What scares me the most is that I worry that this week is becoming all too familiar.

Senate Bill 89 is really important. We ask all of you to walk by our side as we continue to solve these very important questions. Senator Spearman described it well when she talked about the student suicide crisis going on in CCSD. She said it is "all hands on deck." Passing this bill and its proposed amendment is an amazing first step, but we are still going to need to all show up and figure this out together. I appreciate the ongoing efforts to continue the work of the Task Force.

This student generation is fearless about talking about mental health. Our students are much better, more apt and more open about talking about their mental health issues—even the issues around their teachers and parents—than we are. We have a real strength when we include our students. The student voice provides hope and is really important as we move forward.

I praise the adults in the Task Force and the other adults who came, helped and worked by our sides during this process. These adults were not afraid of the complexity of school safety. When you look at the recommendations, you will see not only recommendations around hardening our schools with locks and gates but also recommendations around softening our schools. The adult participants delved into what our students and staff need in order to be supported in mental, behavioral and social health.

The Task Force made six recommendations that span the whole ecosystem of school safety. This Task Force and the people who helped contribute should be proud of the multifaceted recommendations. They should be proud for their work to determine the cost of these recommendations.

CHAIR DENIS:

I will open the work session on S.B. 89.

Ms. STURM:

Senate Bill 89 generally revises provisions relating to school and student safety and well-being. These provisions are detailed at length in the work session document ([Exhibit H](#)). We received several amendments at the joint hearing on the bill. These amendment suggestions have been included in the mock-up attached to the work session document, [Exhibit H](#). References to each section of the proposed amendment are summarized in bold print on pages 2 and 3, [Exhibit H](#). Staff has eliminated duplications of proposed amendments in the draft mock-up.

The Department of Education proposed an amendment, pages 10, 13 and 21, [Exhibit H](#), to capture recommendations from the final report for the Task Force which were not included in the original bill language.

Senator Hammond proposed an amendment, pages 11 and 12, [Exhibit H](#), to add to S.B. 89 the provisions of section 4 of S.B. 318 concerning school safety specialists.

SENATE BILL 318: Revises provisions relating to school safety (BDR 34-281).

Caryne Shea proposed an amendment, page 9, [Exhibit H](#), to add relationships between parents and educational personnel to the definition of "school climate".

Katie Dockweiler proposed an amendment, page 27, [Exhibit H](#), to include achieving appropriate "behavior" in identifying barriers to academic achievement and educational attainment.

Bart Chambers, Chief of the State Fire Marshal Division, proposed several amendments. First, add a representative of the State Fire Marshal Division and the fire code official from the local jurisdiction to be consulted when a development committee develops an emergency response plan. Second, add a representative of the State Fire Marshal Division or the fire code official from the local jurisdiction as a member of the school committee that reviews emergency response plans. Third, consider the specific needs and characteristics of the school when reviewing emergency plans including the length of time for the local fire agency to respond to the school. Fourth, include an incident involving a fire or explosion to model emergency plans. Fifth, add language concerning drills to be in line with fire code and direction from the State Fire Marshal.

Lindsay Anderson of the Washoe County School District (WCSD) proposed an amendment to revise the language concerning the jurisdiction of a school police officer beyond the school property, buildings and facilities of a school district. The summarized details of this amendment are included on page 2, [Exhibit H](#). The amendment is included on page 29, [Exhibit H](#).

Some amendments were proposed to revise the membership of the Governor-appointed committee on Statewide school safety. These revisions are seen on pages 9 and 10, [Exhibit H](#). The original version of the bill requires the committee to be made up of one or more representatives from several organizations.

The first amendment to the committee makeup was submitted by Senator Denis and Senator Woodhouse. They propose to limit the membership of the committee to only one representative for each group. Pupils would have two representatives on the committee.

The second amendment to the committee makeup was proposed by Assemblywoman Michelle Gorelow to include a teacher or administrator representative on the committee and to ensure that the committee includes diverse geographic representation.

The third amendment to the committee makeup was presented by Mary Pierczynski and proposed to add a school site principal, district superintendent, teacher from a school, school site resource officer and a representative from a rural school district.

The fourth proposed amendment to the committee makeup was from Chris Daly to include an education support professional.

The fifth proposed amendment to the committee makeup was from Katie Dockweiler who proposed adding a school psychologist and other school-based mental health providers to that committee.

The sixth amendment to the committee makeup was proposed by Bart Chambers to include a State Fire Marshall Division representative to the committee.

SENATOR WASHINGTON:

Is there any way a student could be added to this committee? They have a lot of insight.

CHAIR DENIS:

Student representation was not in the original bill, but it is in the proposed amendment. We had a discussion and felt that we needed to have a student on the committee because its decisions affect them. We are actually calling for at least two student representatives, but the committee could have more if they wanted.

SENATOR PICKARD:

On page 10, [Exhibit H](#), the Division of Emergency Management of the Department of Public Safety (DPS) must prepare a report on whether a school "has complied with the provisions of NRS 388.243 and NRS 388.245". The amendment adds "private school" to the list of schools on which a report must be prepared. I looked at those sections of NRS, and it did not appear that those sections apply to private schools. So, are we asking the DPS to prepare a report regarding the extent to which a private school complied with a law that does not apply to them? I had a conversation with Ms. Lang in which she suggested that she could correct the language so it made sense. With that correction, I am prepared to vote in support of this bill.

MS. LANG:

We can look at the language. If those sections are not applicable, we would instead indicate that DPS would just be reporting as to whether or not the private schools have a plan.

CHAIR DENIS:

I would like someone from NDE to come up to confirm this.

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

Section 36 of the proposed amendment, pages 34 and 35, [Exhibit H](#), revises NRS 394.1688. The amended NRS language requires charter and private schools to file crisis, emergency and suicide response plans by July 1 of each year. This annual filing date is already in place for public schools.

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CHAIR DENIS:

So, the private schools are already creating and submitting these plans?

MS. REID:

Yes. *Nevada Revised Statutes* 394 requires private schools to submit their crisis, emergency and suicide response plans. Section 36 of the proposed amendment brings the annual reporting and the review requirements in line with the requirements for public and charter schools.

CHAIR DENIS:

We are not asking them to do something new. We are asking them to do something that they were already doing.

MS. REID:

That is correct.

SENATOR PICKARD:

It sounds like we just need to refer to that section of NRS instead. It sounds like it will be easy to resolve the language issues.

SENATOR HANSEN:

I just want to confirm that there is nothing new in this bill that private schools are not already doing.

MS. REID:

The only new piece is the annual due date, July 1, for the reports to be submitted to the Division of Emergency Management and the requirement for the Division to annually report to the Legislature the school's compliance in meeting those requirements.

SENATOR HANSEN:

Thank you. That answered my concerns.

SENATOR WOODHOUSE MOVED TO AMEND AND DO PASS AS
AMENDED S.B. 89.

SENATOR HAMMOND SECONDED THE MOTION.

CHAIR DENIS:

I appreciate all the work that has gone into this. I think this is going to make a difference in the lives of our kids, teachers and administrators. It is important to have a safe place.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

CHAIR DENIS:

I will open the meeting to public comment.

RAYMOND MEDEIROS:

I am the Director of Innovation and Technology in the Carson City School District. I am here today as the parent of two students in the Nevada school system. I express concerns as both a parent and a district technology administrator. No education leader in the State would be opposed to improving data security and student information privacy. However, we need to be very careful in how we proceed, to avoid unintended consequences. Senate Bill 403, as originally written, will have unintended consequences for all students. Some of the issues I will discuss were addressed during the work session and in the amendment.

Ten years ago, would you have allowed your students to opt out of using math, science and reading textbooks? That is what we would essentially be allowing parents to do if they were allowed to opt out of technology resources provided by contracted school service providers, providers who have current data privacy agreements in place with the districts. Senate Bill 403, as introduced, requires districts to provide a similar learning opportunity to students who have opted out of using technology. In most cases, that is not possible. In some cases, that would be a substantial expense for districts. If a teacher were asked to deliver curriculum in analog format as well as in digital or "technology-enhanced" format, I fear the teacher would opt to deliver the analog instructions, because it would be the lowest common denominator within which all students could work. Teachers would choose this option in order to minimize their already excessive workload. This practice would negatively impact learning opportunities for every student in the classroom.

The students sitting in our classrooms today are the leaders of the future. These are the people who will be our doctors, scientists and engineers. A recent article from the *Reno Gazette Journal* was titled "Tesla Arrival Magnifies Skilled Labor Shortage in Nevada." We all know that Nevada has a skilled-labor shortage. How do we fix this problem? The NDE recently rolled out new computer science standards that would help build the foundational skills necessary to close the skilled-labor gap. However, the school districts are caught in a tug of war between NDE Computer Science standards and conflicting S.B. 403 restrictions.

If we are trying to prepare students for low-skill jobs that stifle innovation in Nevada and prevent districts from providing equitable educational opportunities for all students, S.B. 403 is exactly what we need. If we are trying to prepare students for careers, college and high-skill job opportunities and ensure that all students have access to equitable learning opportunities, S.B. 403 will need to be changed.

Senate Bill 403 will need to be changed to allow school districts to consent on behalf of parents only for core curriculum resources, which we provide and which have attached data privacy agreements (DPA) to protect student data. This is currently allowed under the Children's Online Privacy and Protections Act of 1998. Any digital resource vendor who signs a DPA should be considered a school service provider, no matter if the resource is free or paid.

The language in section 1, subsection 2, paragraph (c), "Districts shall provide an alternative method for the pupil to receive the same educational benefit" is not always feasible. This needs to be softened to state, "Shall provide an alternative method for the pupil to receive the same educational benefit within reason." For example, the purchase of a \$10,000 science machine to reproduce what is currently done in a virtual lab environment, at a much lower cost per pupil, would not be a reasonable expense. Districts should not only be required to share the risks of using technology, as defined in S.B. 403, but they should also be required to share the benefits of using technology so parents can truly make an informed decision.

I appreciate Senator Woodhouse's comment about piecemeal policy creation. I would like to request that the State take a more holistic approach and maintain a Statewide central repository of vetted educational resources that meet S.B. 403 data privacy requirements. This is done in many other states. A combined Statewide approach carries much more power than individual districts

going out and trying to create their own DPAs. I have not had much luck getting school service providers to sign off on DPAs with our small district of Carson City. Many of the providers opt not to sign a DPA. It would carry much more weight and be more successful if all the districts were combined under the State. It would be more powerful if these school service providers needed to sign a DPA in order to be eligible for any of the districts to engage with them and use them as a provider.

I had the opportunity to go to a conference to meet with many chief information officers from across the Country. The topic of the day was privacy. In talking to other leaders, many of their districts have implemented a State-level vetting process which is much more successful than individual districts doing this alone.

CHAIR DENIS:

I would encourage you to look at the changes we made to S.B. 403 today. The amendments take care of all of the things you just talked about, other than the Statewide database. The requirements currently in statute as well as what we just added require vendors to provide the safety plan to you. The vendors no longer have the option to not provide the safety plan.

MS. LANG:

That is correct. This statute currently requires them to have a data safety plan. This bill would make that data safety plan available for parents and others to review.

CHAIR DENIS:

The NDE could choose to create a Statewide database, but the protections are in place for the individual districts to be able to get the safety plan.

MR. MEDEIROS:

I totally support the data privacy aspect. Something needs to be done; it is long overdue. However, we need to be careful on how the language is written to make sure we do not have unintended consequences in the classroom.

CHAIR DENIS:

I think we took care of those unintended consequences when we removed the opt-out option from the bill.

MR. MEDEIROS:

Can the districts consent on behalf of parents for school resource providers?

CHAIR DENIS:

Correct. The districts create the agreements with the service providers, then the districts have to provide the list of providers which have signed such agreements. When the district posts the list of providers, the district will also post the list of data safety plans. If you see other things that I missed, please contact my office. We still have an opportunity to amend the bill if we need to.

JOHN EPPOLITO (President, Protect Nevada Children):

I see the positive and negative sides of S.B. 403. We are worried about how the profiles these third party vendors create on our children may affect their futures. This worry may be a little bit abstract and it is maybe ten years down the road, but it is coming. In practice, S.B. 403, could make things worse for parents like me who will not allow their children to use any free educational technology vendor products. Many "dot com" executives in the Silicon Valley are the same way, they do not allow their children to use any free educational technology vendor products. The WCSD has been accommodating me to prevent my kids from using technology. If this bill becomes law, the District could force my children to use these products. I have submitted further written testimony ([Exhibit I](#)).

MENDEL LEVINE (Executive Director, Yeshiva Day School of Las Vegas):

I am a third-generation educator. What I share comes from what I know from children and their parents. When people hear "private school," they think about a school with a fancy pool and a cheerleading squad. The Nevada Educational Choice Scholarship Program, commonly known as the Opportunity Scholarship, assists students who attend another type of private school. The families at most of the schools that are part of the Opportunity Scholarship program are economically modest. The parents send the kids to those schools because they want a safe environment that is helpful, nurturing and sensitive to the culture of their families.

Transportation is a very big issue for the low-income families which are a part of the Opportunity Scholarship program. Many of the children of these families qualify for free and reduced lunch. Our school became the first private school in Nevada to purchase yellow school buses that are not district owned. We transport students across the Las Vegas valley. Forty percent of our students

travel more than 30 miles each way to school because parents choose our school. There is a large Israeli immigrant population in Nevada. About 60,000 Israelis live in southern Nevada. There are no English as a Second Language options for these families in CCSD. We service these families. These are the families who are affected by S.B. 351.

Our school has 90 children on the Opportunity Scholarship. Each child gets approximately \$4,500. Where is the rest of the money coming from for the education of these students? As a school, we are raising money dollar for dollar, sharing the burden with the State. We do not consider it a burden to take care of these kids. However, we are sharing a financial burden to help these kids get an Opportunity Scholarship. The parents give an average of \$1,200. This year we will raise \$500,000 from private money for the educational future of the State—our children.

VALERIA GURR (State Director, American Federation for Children):

Thank you for referring S.B. 351 to the Finance Committee. I want to echo what the Rabbi said. There are hundreds of families waiting to know if funding will be allocated to keep their Opportunity Scholarship. If new funding is not allocated, about 1,000 kids would lose their scholarships.

MARY ALBER, PH.D. (Director, Education Innovation Collaborative):

During the discussion of S.B. 89, Christy McGill shared the urgency of the social-emotional well-being of our children. As the founder of Education Innovation Collaborative, part of my personal mission is to help schools develop the culture of safe and respectful schools but moreover to develop the student voice aspect of the school culture. We should be looking much more deeply into the pedagogy that involves the student in their own learning and their growth and development pathway. I believe we can do that through S.B. 91. I have submitted written comments on S.B. 91 ([Exhibit J](#)).

I want to encourage consideration of competency-based personalized learning that approaches every child as a unique individual with special needs. We want everyone to have their own learning plan. We want to have the resources, counselors and community support necessary to enable each student and teacher to never get to a place where they are thinking about suicide. This is a crisis; we have ways through which we can solve the crisis. I look forward to working with the Committee and NDE to find ways to make this possible for Nevada.

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CHAIR DENIS:
The meeting is adjourned at 2:08 p.m.

RESPECTFULLY SUBMITTED:

Steven Jamieson,
Committee Secretary

APPROVED BY:

Senator Moises Denis, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	2		Agenda
	B	5		Attendance Roster
S.B. 319	C	4	Christy McGill / Department of Education	Proposed Amendment
S.B. 321	D	1	Jen Sturm	Work Session Document
S.B. 91	E	2	Jen Sturm	Work Session Document
S.B. 354	F	1	Jen Sturm	Work Session Document
S.B. 403	G	11	Jen Sturm	Work Session Document
S.B. 89	H	41	Jen Sturm	Work Session Document
S.B. 403	I	1	John Eppolito / Protect Nevada Children	Written Testimony
S.B. 91	J	1	Mary Alber / Education Innovation Collaborative	Written Testimony