

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

**Eighty-First Session
May 25, 2021**

The Committee on Education was called to order by Chair Shannon Bilbray-Axelrod at 2:26 p.m. on Tuesday, May 25, 2021, Online and in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/81st2021.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Shannon Bilbray-Axelrod, Chair
Assemblywoman Brittney Miller, Vice Chair
Assemblywoman Bea Duran
Assemblyman Edgar Flores
Assemblywoman Michelle Gorelow
Assemblywoman Alexis Hansen
Assemblywoman Melissa Hardy
Assemblywoman Lisa Krasner
Assemblywoman Elaine Marzola
Assemblyman Richard McArthur
Assemblywoman Rochelle T. Nguyen
Assemblywoman Jill Tolles
Assemblywoman Selena Torres

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Senator Roberta Lange, Senate District No. 7
Senator Marilyn Dondero Loop, Senate District No. 8

STAFF MEMBERS PRESENT:

Kristi Robusto, Committee Policy Analyst
Amanda Marincic, Committee Counsel
Nick Christie, Committee Manager

Minutes ID: 1305



Sarah Baker, Committee Secretary
Melissa Loomis, Committee Assistant

OTHERS PRESENT:

Jayne Malorni, Education Programs Professional, Department of Education
Maria-Teresa Liebermann-Parraga, Deputy Director, Battle Born Progress
Chris Daly, Deputy Executive Director, Government Relations, Nevada State
Education Association
Leonardo Benavides, representing Clark County School District; and Washoe County
School District
Kerry Durmick, State Director, All Voting Is Local-Nevada
Chris Davin, Executive Director, Henderson Equality Center; and Executive Director,
Equality Nevada
André Wade, State Director, Silver State Equality
Lorenzita Santos, Outreach Coordinator, One APIA Nevada
Alexa Aispuro, Youth Organizer, Chispa Nevada
Emily Persaud-Zamora, Executive Director, Silver State Voices
Doug Goodman, Private Citizen, Sparks, Nevada
Gillian Block, representing Nevada Coalition of Legal Service Providers
Amy Honodel, representing Legal Aid Center of Southern Nevada
Mary Pierczynski, representing Nevada Association of School Superintendents
Brad Keating, Director, Government Relations, Clark County School District
Brigid Duffy, representing Clark County Department of Family Services
Lindsay Anderson, Director, Government Affairs, Washoe County School District

Chair Bilbray-Axelrod:

[Roll was called. Committee rules and protocol were explained.] Welcome, everybody. We are going to hear two bills today. I will now open the hearing on Senate Bill 194 (1st Reprint).

Senate Bill 194 (1st Reprint): Revises provisions relating to education. (BDR 34-676)

Senator Roberta Lange, Senate District No. 7:

I am here to present Senate Bill 194 (1st Reprint). A little bit of background information: the Educational Testing Service (ETS) issued an insightful report in 2012 that detailed fault lines in our democracy, civic knowledge, voting behavior, and civic engagement in the United States. The report warns that many U.S. students lack an acceptable level of knowledge about civics.

In a national assessment survey, only about one quarter of U.S. students showed proficiency in civics; specifically, only 27 percent of fourth graders could identify the purpose of the *United States Constitution*, and only 22 percent of eighth graders could recognize a role performed by the U.S. Supreme Court. In a national survey released by the Woodrow Wilson National Fellowship Foundation in 2018, they found 36 percent of Americans—that

is only one in three—can actually pass a multiple-choice test consisting of questions from the U.S. Citizenship Test, which has a passing score of 60 percent. In 2016, the Pew Research Center reported that U.S. voter participation came in thirty-first among 35 developed countries. These dismal statistics show that not only is there a serious civics education problem in the United States, but the numbers also renew our drive to address this issue now.

Why does it matter that many students lack this knowledge of their country and their government? According to the ETS report, civic knowledge promotes support for democratic values. The more knowledge we have about how our government works, the more likely we are to support core values of democratic self-government. Civic knowledge promotes political participation. The more knowledge people have, the more likely they are to participate in civic and political affairs, and the more knowledge we have of civic affairs, the less likely we are to have a generalized mistrust and fear of public life.

We are still learning about the far-reaching impacts the COVID-19 pandemic has had worldwide, and it appears the pandemic has only amplified the polarization in politics. Just after the 2020 election, the Pew Research Center reported that more than three in four Americans said the country was more divided than before the outbreak. While many can argue the different reasons why politics has become so polarizing, I think everyone can agree that a civically educated populace is critical in addressing some of these issues at their source. People who are more civically educated and engaged have improved critical thinking skills and can better filter through the information that is out there.

Now that we know what the problem is, I would like to summarize what S.B. 194 (R1) does. Sections 2 and 3 establish the State Seal of Civics Program to be awarded to high school graduates with a high level of proficiency in civics and outlines the requirements needed to earn the State Seal of Civics. I have talked to the national testing organizations, and the civics exam in Nevada is the number one test that kids take as an Advanced Placement (AP) test when they are graduating from high school. It is popular and our kids do well on it. This is an opportunity to strengthen that.

Section 5 requires the Superintendent of Public Instruction to adopt regulations that allow the Superintendent to designate a school as a School of Civic Excellence, designate a pupil as a Student Civic Leader, or designate a school employee as an Educator Civic Leader. Section 6 is deleted. Section 8 requires results from the civics exam currently administered to high school students to be reported to the Department of Education (NDE).

Sections 9 and 10 add civics to the list of subjects included within social studies, one of the core academic subjects outlined in *Nevada Revised Statutes* (NRS), and requires a corresponding establishment of standards, content, and performance. It also speaks about the service learning project students will need to complete by 2027. Finally, section 11 includes additional communities in the list of communities whose culture, history, and contributions must be examined within the standards of content and performance for ethnic and diversity studies.

In conclusion, I would like to read remarks from U.S. Supreme Court Justice Sandra Day O'Connor, who once said that securing our democracy requires teaching the next generation to understand and respect our system of government. This bill is an important step in helping to ensure more civically educated and engaged children can graduate from our schools.

Thank you, Madam Chair, for the opportunity to present this bill. I am happy to answer any questions from you or the members of the Committee.

Chair Bilbray-Axelrod:

Regarding the date that is referred to on page 5, "Commencing with the graduating class of 2027," is it your intent that that would be the first time we see this seal?

Senator Lange:

Yes. In working with the NDE, which has worked with the school districts, that seems to be the best date, so the first date would be 2027.

Chair Bilbray-Axelrod:

This is high school criteria, correct?

Senator Lange:

This is high school criteria, and in the Washoe County School District, they are already doing the projects in their schools, as are certain schools in Clark County. It is not required, but my kids just told me last week that it is their favorite thing when they are in high school. Components of this are already happening; this statute would simply put it into law, so it happens for all children in Nevada.

Chair Bilbray-Axelrod:

I was just curious why it was not incoming freshmen right now who would be graduating in the class of 2025, but you are saying that it has to be implemented by 2027. If people want to implement it sooner, they are able to do it.

Senator Lange:

Yes. That would be awesome.

Chair Bilbray-Axelrod:

Great. How did we come up with the 85 percent? That is kind of a low B, and I am curious where we got that number.

Senator Lange:

That came from the NDE. Originally a 2.5 was recommended, and the NDE raised it to a 3.25.

Chair Bilbray-Axelrod:

But the 85 percent required on the civics exam. Where did that number come from?

Senator Lange:

I am not certain.

Chair Bilbray-Axelrod:

You mentioned in your comments that the AP test is the most popular—I know I took it as well. I am wondering why that was not a requirement. I have all the state seals lined up. We have literacy, STEM [science, technology, engineering, and mathematics], financial literacy, and STEAM [science, technology, engineering, arts, and mathematics], and most of them do have requirements for an AP exam. Did that cross your mind?

Senator Lange:

That did cross my mind. Originally in the bill the AP exam was required. In working with NDE and Sarah Nick, they pared down the bill, and that was one thing that was deleted.

Jayne Malorni, Education Programs Professional, Department of Education:

In response to the question regarding the 85 percent on the civics exam, in current statute, we do not require a passing score for that exam. The U.S. Homeland Security Office requires 60 percent for citizenship, and in the state of Nevada, the school districts themselves determine what that passing score is. Regarding the civics seal, it was determined through discussion with stakeholders that 85 percent was above the 60 percent and that it would show adequate proficiency in civics instruction.

Chair Bilbray-Axelrod:

Could you address the AP issue as well?

Jayne Malorni:

Regarding the testing that is required and can be accepted, multiple different tests can be accepted for proficiency use for this seal. The AP test can be one, but it was not included as the only one in this bill through which a student can earn proficiency. The bill is broadening different avenues for students to achieve proficiency as well as providing choice.

Chair Bilbray-Axelrod:

I have to say, I wish the AP aspect were still in there—even just taking the test—because that really shows proficiency. I just wanted to get that on the record.

Assemblywoman Torres:

On page 3, in section 3, subsection 1(b)(3) where it says, "A satisfactory score in citizenship," what would that score be, and who would determine that? The way we grade citizenship I think is consistent throughout the state and would be O, S, U, N. It is not abundantly clear there, so I am wondering what the definition of a satisfactory score in citizenship would be.

Senator Lange:

I think a satisfactory grade would be a passing grade.

Assemblywoman Torres:

I think we could use a bit more clarification there, because technically there is no passing or failing for citizenship. Is that the citizenship we are talking about, and would it be for all of the classes combined? I do not know if there is an average for it right now. I wonder if it is just for students who are receiving an O or an S.

Jayne Malorni:

As far as developing what a passing score would be for citizenship, it would be something where, at the Department, we can pull together stakeholders and develop a rubric to outline for district schools what that would look like as far as those passing scores for citizenship. Currently, different schools mark that citizenship score in different ways. We can then develop a rubric that can outline what would then be sufficient in that O or S as far as being satisfactory in citizenship.

Citizenship is different than the grade itself, which outlines proficiency and understanding and mastering the standards and those outcomes of what is expected at that grade level, whereas citizenship is that broader aspect of teaching students how to be individuals and grow up and what roles and responsibilities we have as we go through our educational journeys and then into our communities to be productive members within them.

Assemblywoman Torres:

I see in section 3, subsection 2, that it would be a component of the rubric. The next question I have is regarding the service learning project brought up in section 9. I do not see anything saying who is going to be required to create the requirements for the service learning project, and I do have concerns as an educator working in a high school how time-consuming that type of project is. I know, having given service learning projects in my classroom before, it can be a time-consuming part of the curriculum, but it is also time-consuming for the students. Requiring it for graduation provides one more barrier to graduation for some kids who would otherwise graduate. That is my concern.

I do not know that the legislation defines service learning projects or describes what that might look like, or even some of those basic expectations. I understand that Washoe County is already doing this along with other programs throughout the state, but I am hoping to get some more clarity on what the expectations are and how much work that would be for students. When I did a service learning project and when I gave it to my students, it was a very time-consuming project.

Senator Lange:

I can tell you that when I was doing campaign work, we had a lot of students in Clark County come to our campaign. They came with a paper and had to do a certain number of hours, and that was their service project. A service project can be whatever a student wants to propose to the teacher, and it can be completed anytime during their high school years. I do not really see it as a barrier, because they have a lot of time to do it; it is only a barrier for the person who waits until the end.

Jayne Malorni:

Regarding the service learning project itself, at NDE, we would be creating a rubric and an outline of guidelines and a framework that schools could use to help initiate what would be mandatory and high expectations for that service learning project. What we do not want to have happen is where we dictate to schools and students what they must do. We do want to provide as much autonomy and choice to our teachers and students, so they get the best use of action. Understanding how to be civically engaged is really important, so this is providing that practice. This is not supposed to be the "gotcha" moment where we do not want kids to graduate. That is not the purpose behind it. It is about really allowing our students the opportunity for practice and application of the skills they are learning throughout their high school careers.

The service learning component can be done throughout different classes; it is not mandated in a particular class or year. It can be giving some autonomy to students, so if they are doing something that would meet that requirement, we would want that to be something our students can look forward to and understand that when they are doing positive work around their communities, it benefits not only themselves, but their community and how the responses can then exponentially increase around them.

Chair Bilbray-Axelrod:

Are there any other questions from the Committee? [There were none.] We will open testimony in support of S.B. 194 (R1).

Maria-Teresa Liebermann-Parraga, Deputy Director, Battle Born Progress:

We are in strong support for this bill. Studies have shown that adolescent civic engagement leads to a greater socioeconomic status in adulthood, and I am proof of that. Kindergarten through 12 schools are uniquely positioned in a way that they reach all young people with diverse backgrounds. Providing civic education to students better prepares them to participate in our democracy, and that is what we should all want—more participation.

As someone who went through the Clark County School District, I was lucky to have absolutely incredible teachers who really encouraged me and my classmates to be curious about our community, our country, our state, our history, and the civics surrounding all of that. This education was incredibly helpful for a young, English-as-a-second-language, immigrant student like me, and now I do the work that I do. Our goal should always be to empower young people to learn about the political process and get involved because that will build a better future for our students. Please pass this bill.

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

We support S.B. 194 (R1), which seeks to create a State Seal in Civics program and to be more inclusive in the study of the culture, history, and contributions of diverse American communities [[Exhibit C](#)]. A high-quality public education system is foundational to build

and maintain an engaged, democratic society. A renewed focus on student civic engagement is a critical component in this work. The creation of a State Seal in Civics program provides student recognition and promotes the importance of civics.

We also support updating the list of communities to be included in ethnic and diversity studies who have contributed so much to Nevada and across the country—Pacific Islander Americans, Chicano Americans, Latino Americans, Middle Eastern Americans, women, persons with disabilities, immigrants or refugees, persons who are lesbian, gay, bisexual, transgender, or questioning.

Leonardo Benavides, representing Clark County School District; and Washoe County School District:

We are testifying today in support of this bill because now more than ever, it is important for students to be civically engaged and be an active part of their communities. Providing a state seal will help incentivize students to take the social studies courses they need while also participating in service learning projects, which will help students understand the needs of their communities and give back in some form that will help instill a sense of belonging.

Kerry Durmick, State Director, All Voting Is Local-Nevada:

We are in strong support of S.B. 194 (R1), which would provide Nevada's students with a well-rounded civics education, which would promote greater electoral participation amongst young voters, and would help to garner a more proactive culture of community engagement [[Exhibit D](#)]. Studies have shown that adolescent civic engagement leads to a greater socioeconomic status in adulthood.

Voting, volunteering, and activism at a young age has been linked to more years of schooling, higher personal income, and fewer depressive symptoms in adulthood. Many young voters are uneducated about the voting process, how government works, and the responsibilities of elected officials. It is important that we provide students an opportunity to learn about voting before they are eligible to vote. Thank you for your time, and please pass S.B. 194 (R1).

Chris Davin, Executive Director, Henderson Equality Center; and Executive Director, Equality Nevada:

We are in support of this bill and of making sure that we become the fifth state in the United States that incorporates adding people in history and civics from the LGBTQ+ community. Only 15 percent of students were taught positive representations of LGBTQ+ people in history, and with history evolving, we cannot let our students and those in the LGBTQ+ community suffer any longer by not learning from their ancestors and people who have made history. We cannot be silent; we need to let people know who has impacted our history and made what we have today possible. We are in support of S.B. 194 (R1) and we hope you pass this bill.

André Wade, State Director, Silver State Equality:

We are a statewide LGBTQ+ organization that strives to create a world that is healthy, just, and equitable for all LGBTQ+ folks and a partner of Let Nevadans Vote [[Exhibit E](#)]. Silver State Equality is in full support of S.B. 194 (R1) because we believe that every Nevada student should be provided with a well-rounded education that includes civic engagement and diversity studies. It is important for us to ensure that our next generation has the proper resources to adequately participate in our democracy, as well as to become educated on the many diverse communities we as Nevadans interact with on a daily basis. This would include Black people, members of the LGBTQ+ community, women, persons with disabilities, as well as a wide array of several different cultures and nationalities. This bill would work to make civic and diverse education a staple in Nevada schools. I urge this Committee to pass this great civics education bill.

Lorenzita Santos, Outreach Coordinator, One APIA Nevada:

In 2020, we saw unprecedented voter turnout for the Asian-American and Pacific Islander (AAPI) community in Nevada and nationwide. From 2010 to 2016, the number of eligible AAPI voters in Nevada grew 35 percent compared to the 13 percent statewide. During the 2020 election, we sent in-language mailers to households that spoke a second language with information about how to vote by mail or in person. A well-rounded civics education would promote greater electoral participation and proactive engagement, particularly with young voters. By enacting a State Seal of Civics, we are encouraging high school students to engage with the electoral and legislative process; by encouraging youth civic participation, we can create a generation of lifetime voters. We urge you to support this bill.

Alexa Aispuro, Youth Organizer, Chispa Nevada:

Chispa Nevada is a program of the League of Conservation Voters and a proud partner of Let Nevadans Vote [[Exhibit F](#)]. We work to build the power of Latinx families in Nevada to have a say in the environmental decisions that affect us. I am here in support of S.B. 194 (R1). As we know, this bill would give public high schools and charter schools the option to opt into a program that would require civics education in their institutions.

As someone who works closely with high school students, I have had one-on-one conversations with them where they say they do not believe in voting, they do not know the importance of it, and some believe that the only elections that matter are the presidential ones. During the times that I would register students to vote, there were many students in the classroom who did not fill out the registration form because of the lack of general information they had on the process. Many students did not know the process of voting, how to vote, where to vote, and lastly, why to vote.

There is a huge disconnect with our students in the importance of participating in our democracy, and it is up to us to ensure that we are giving the resources needed to our future generations to have a voice in our democracy and to stand up for what they believe in.

By passing this bill, we are ensuring our future generations have access to this information that is vital to keep our democratic process equitable and to ensure Black, Indigenous, and people of color have a seat at the table as well as being represented by people who look like them.

Emily Persaud-Zamora, Executive Director, Silver State Voices:

I am testifying on behalf of the Let Nevadans Vote Coalition. We stand in support of S.B. 194 (R1) because 20 years from now, the legislators sitting in your seats will be the students who would benefit from this program [[Exhibit G](#)]. Part of our work at Silver State Voices is working with our partners to register Nevadans to vote, educating them on our political process, getting out to vote, and protecting the ability of Nevadans to vote through our Election Protection program. Many of our partners work very closely with Nevada immigrant communities and assist many folks with their naturalization process, including the USCIS [United States Citizenship and Immigration Services] assessment required for all new U.S. citizens.

This bill would administer this same assessment to participating high school students. If naturalized citizens are required to pass this test as a threshold for their naturalization, it would seem appropriate for our up-and-coming and youngest electorate to become exposed to the same process before being able to cast their ballots. We and our partners have seen that the average Nevadan is not very well-informed on our political process; this is especially true for first-time voters who are coming out of high school. We often see that young voters are uneducated about the voting process, how government works, and the responsibilities of elected officials, like state senators or county commissioners.

We often hear more experienced and well-informed voters complain that young people do not vote and do not know what they are talking about. I ask this body of legislators, what are your responsibilities to the education of the next generation of Nevadans? This is your opportunity to ensure that our children have the tools to be educated and, in return, become civically engaged. It is important to acknowledge our privilege of experiencing firsthand how democracy works.

Chair Bilbray-Axelrod:

We will close testimony in support and move on to opposition. Are there any callers?

Doug Goodman, Private Citizen, Sparks, Nevada:

Civics education is the cornerstone of our future. It is more critical than STEM, for if one does not know how our government works, how the various levels of government interact, and how their decisions and actions impact every aspect of our daily lives, it does not matter what profession or career path one pursues. Sadly, the importance of civics or social studies has for too long taken a back seat. Any real effort to reverse this trend is more than welcome and should be supported. Senate Bill 194 (1st Reprint), while well intentioned, does not do this.

An academic seal on a diploma is meant to signify performance above and beyond. Currently, all Nevada high school students complete three units of social studies. Senate Bill 194 (R1) does not change this requirement. The GPA [grade point average] requirement of 3.25 appears to reflect the overall required GPA. To enhance civics, perhaps this GPA should be in the civics-related courses. The service requirement will be effective for all students in 2027, not something special. Perhaps encouraging participation in We The People or extended projects to qualify for a seal that designates above and beyond performance should be considered. Also, the civics test currently required in *Nevada Revised Statutes* (NRS) 389.009 can be taken several times. While the requirement for an 85 percent passage rate is admirable, perhaps specify that this needs to be on one attempt of the test. I have also listed some other recommendations in my written testimony [[Exhibit H](#)]. This bill is well-intentioned but needs to be strengthened to really have the value of an academic seal and encourage students to go above and beyond normal graduation requirements.

Chair Bilbray-Axelrod:

Are there any more callers in opposition? [There were none.] We will move on to neutral. Are there any callers? [There were none.] Senator Lange, do you have any closing remarks?

Senator Lange:

I am not going to tell you that this bill is perfect, but I think it goes a long way to saying how important we think civics is for our kids and future generations. We have opportunities in upcoming Legislative sessions to make changes to the bill and to strengthen it. I urge you to support this bill so we can begin teaching our kids civics in school.

[[Exhibit I](#), [Exhibit J](#), and [Exhibit K](#) were submitted but not discussed and are included as exhibits for the meeting.]

Chair Bilbray-Axelrod:

I will close the hearing on S.B. 194 (R1) and open the hearing on Senate Bill 210 (1st Reprint).

[Senate Bill 210 \(1st Reprint\)](#): Revises provisions relating to the education of a child with an emotional disturbance. (BDR 38-561)

Senator Marilyn Dondero Loop, Senate District No. 8:

I am pleased to present Senate Bill 210 (1st Reprint) for your consideration. The bill supports the continued education of children who experience emotional disturbances. Our society still struggles with the stigma of mental illness, even though mental illness is becoming more widely recognized. This stigma can have lasting impacts on a person's life. One key challenge facing our educational system is how best to support the individual learning needs of every student—no matter the circumstance. Every child has a right to an education.

We know marginalized populations are much less likely than others to experience a successful transition to adulthood. Students experiencing emotional disturbances, for example, have been marginalized because of the unique circumstances they face, which require a differentiated approach to their learning. It is critical that we meet the needs of these groups to not only improve their lives, but also to help support them in becoming fully contributing members of society. As part of our continued efforts in dealing with mental health in our schools, it is important to examine how we address the educational needs of those children with more severe cases, including those who are admitted to specialized facilities.

Existing law provides that children admitted to a psychiatric hospital or other related facility have the right to an education. This measure further supports the rights of those children to an education. Senate Bill 210 (1st Reprint) requires a psychiatric hospital or residential mental health treatment facility to which a child with an emotional disturbance is admitted to develop a plan for continuing the child's education in consultation with the school in which the child was most recently enrolled, the school district, the agency providing child welfare services, and any person responsible for the child's education. The school and school district must also participate in the development of the plan and comply with it, including by providing any existing individualized education programs to the facility. A plan must be considered when determining whether it is in the best interest of the child to remain in his or her school of origin.

Additionally, S.B. 210 (R1) requires the school district in which the child was enrolled to monitor the child's progress in a facility and participate in the discharge planning for transitioning the child into the educational setting. Prior to a child being admitted to certain facilities, a meeting must be convened to consider the appropriateness of a residential placement.

Gillian Block, representing Nevada Coalition of Legal Service Providers:

The goal of S.B. 210 (R1) is to ensure that when children who are in the child welfare system are placed in psychiatric hospitals, they are still receiving the education they are entitled to by law. We have worked with the Department of Education (NDE), the school districts, and the child welfare agencies to get to a good place with what you have before you.

The starting point for this bill was *Nevada Revised Statutes* (NRS) 432B.6082, which says that a child who is in the custody of an agency which provides child welfare services and who is admitted to a facility has a right to receive an education as required by law. Our goal is to strengthen this existing law. We want to clarify what the treatment centers are required to do to provide that education and to ensure there is communication and coordination between the treatment centers and school districts.

I will now quickly walk through the bill. Section 1 distinguishes between an acute psychiatric treatment center and a residential treatment center. Section 1, subsection 1 deals with acute psychiatric treatment centers. Children who are admitted to acute psychiatric treatment centers are typically staying for a short amount of time, so for these children, once

they are admitted to the acute psychiatric treatment center, the facility would be required to develop a plan to educate the child, promote continuity while the child is hospitalized, and make recommendations to the school, if appropriate, upon discharge. This plan must be provided to the school, the school district, and the child's caseworker.

Section 1, subsection 2 lays out what is required to be in the plan the facility will develop, which includes the number of hours for instruction, how instructional materials will be transferred from the facility to the school, how the child's progress will be monitored, and how the child will be transitioned back into school upon discharge, and if the child has an IEP [individual educational plan], there must be some provisions in the plan for the facility to continue to comply with the IEP. Section 1, subsections 1 and 2 apply to any child in the custody of a child welfare agency who is admitted to an acute psychiatric treatment center regardless of whether they have an IEP.

Section 1, subsection 3 deals with longer-term stays at residential treatment centers and, again, applies only to children who are in the custody of a child welfare agency. This section says that for a child with a disability, before that child is admitted to a residential treatment center, the school district would be required to convene an IEP meeting to consider the appropriateness of the residential placement.

For students without an IEP, the school district will convene a meeting of representatives of the school, the child welfare agency, and any persons responsible for the child's education to consider the appropriateness of residential placement. The school district would then collaborate with the residential treatment center to monitor the student's progress and the return to school.

This section provides for two different processes, depending on whether a student is identified as having special education needs. Section 1, subsections 3(a) through (c) lays out the school district's responsibility to convene either the IEP meeting or the general meeting to consider the appropriateness of residential placement, to monitor the child's progress while the child is in the facility, and to participate in discharge planning to ensure a smooth transition back to school. Specifically, with regard to students with an IEP, this part of the bill will codify a United States Court of Appeals for the Ninth Circuit decision, *M.S. v. Los Angeles Unified School District* [No. 16-56472 (9th Cir. 2019)], which says that the school district has an obligation to consider whether a student is entitled to residential placement pursuant to IDEA [the Individuals with Disabilities Education Act].

Section 1, subsection 3(d) allows NDE to develop regulations related to discharge and reentry. Sections 2, 3, and 4 add references to section 1 of this act. Sections 5 and 6 add references to the provisions of this act to NRS Chapters 392 and 394 dealing with public and private schools. Lastly, the bill adds a new section to NRS 433B.300 to reference section 1 of the bill to include a plan for continued education for the child to the requirements for treatment provided. We are happy to take questions.

Chair Bilbray-Axelrod:

Are there any questions from members?

Assemblywoman Krasner:

What are we doing now for children who are in acute psychiatric centers or in longer-term residential treatment centers for mental illness?

Gillian Block:

My understanding is that this framework is in place, but the goal of this bill is to put some meat on the bones so that this process is more clear.

Assemblywoman Gorelow:

I also wanted to know that. I work for a facility that is going to be opening a long-term care pediatric facility, and this is part of our plan moving forward as we get ready to open. I also had a quick question on how this would work with children who are being sent out of state. I have been told that many children, especially in the behavioral and mental health arena, are being sent to different states for treatment. How would this work for those children?

Amy Honodel, representing Legal Aid Center of Southern Nevada:

I represent foster youth who will be helped by the bill before you this afternoon. Currently—and I am only speaking for Clark County, because that is where I practice—there is a structure, but it is not always followed. A lot of this is left up to the staff attorneys representing the youths as well as the caseworkers.

I will start with the acute placement first; there, we are talking about a youth who is admitted to a facility on an emergency basis. Sometimes caseworkers are able to get the school to communicate with the hospital or they actually act as the conduit, but a lot of times they do not, either because the caseworker is too busy or the child is discharged before the information trickles back to the caseworker or the staff attorney. I can think of one client who entered right before finals, and as a result, came out with a bunch of failing grades. The caseworker in that case was able to reach out to the school and have the school reinstate her grades prior to the time of the final exams, but other times, students are not as lucky. The structure is there, but this bill seeks to ensure there is a warm handoff vis-à-vis the caseworker.

Now, pursuant to a law that was changed during the 80th Session, every youth is required to have a court-assigned education decision maker, and that is referenced in the bill. The education decision maker and the caseworker would be helping to coordinate the hospital and the school communicating.

With residential treatment, a lot of our foster youth are sent out of state, and this is, in part, because we do not have that many facilities, so it is also based upon bed availability. What is currently happening—at least it happened to one of my clients who recently returned from out of state—is he was unenrolled from his school and then went to Texas. In that case, we

had an education decision maker and an advocacy team that helped form the conduit, but now what will happen is that the school will continue to communicate with the hospital and help with the transition back so these students are not losing any time in the classroom.

I believe, now that COVID-19 has taught us that we do not need to do everything in person, we will be able to facilitate communications between schools that are in different states. I think most, if not all, of our schools here in Clark County have someone who is designated in the school as a foster youth liaison, and those people are working with the counselors to make sure that these credits—at least for the older students—will transfer back and forth.

Chair Bilbray-Axelrod:

Are there any other questions from members? [There were none.] We will move on to testimony in support.

Mary Pierczynski, representing Nevada Association of School Superintendents:

We are in strong support of Senate Bill 210 (1st Reprint). It will make sure that our children who are most vulnerable are treated properly and their education plan continues even after a hospitalization.

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

This bill ensures that all students will have a smooth transition into and out of a hospital setting and will receive a seamless educational experience, something that is incredibly important to the Clark County School District (CCSD). There have been discrepancies in past situations with how next steps should be interpreted, and this bill helps clarify that so all parties are following the right protocols as we move forward. It also ensures that the facility maintains compliance with our students' IEPs, which is of the utmost importance to us. We urge your support.

Brigid Duffy, representing Clark County Department of Family Services:

We are in support of this bill. I echo the statements of Mr. Keating and CCSD. I would like to make sure for the record that the intent on section 1 puts the burden on the psychiatric hospitals. We worked very closely with the Legal Aid Center of Southern Nevada to get into support and make sure that the statutory sections were added to NRS Chapter 392, which is the school districts' responsibility, and NRS Chapter 433B, which is our psychiatric mental health hospitals' responsibility so that they do have an ultimate legal responsibility to work together. Section 1 maintains the psychiatric hospitals' responsibility in NRS Chapter 432B, but we do not have jurisdiction over psychiatric hospitals under NRS Chapter 432B, so we want to make sure it is clear that the jurisdiction over the hospitals in order to have them create this plan that they are now legally responsible for would lie in NRS Chapter 433B and the child welfare agency is just responsible to be there in consultation for those plans to be created.

Chair Bilbray-Axelrod:

We will move on to opposition. Are there any callers in opposition? [There were none.] We will move on to neutral.

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

I am hoping to log my support for this bill. I appreciate the bill's sponsor for working with us to get to a place where we are going to get a warm handoff from these facilities for our students. We are in full support of this legislation.

Chair Bilbray-Axelrod:

We will mark you down as in support. Are there any callers in neutral? [There were none.] With that, we will close the hearing on S.B. 210 (R1). I think we are going to go ahead and work session this bill.

I will now open the work session on S.B. 210 (R1). I do not think we need to hear remarks because we just heard the bill, so we will jump right in. Before I take a motion, are there any questions on the bill we just heard? [There were none.]

I will take a motion to do pass S.B. 210 (R1).

ASSEMBLYWOMAN HANSEN MADE A MOTION TO DO PASS
ASSEMBLY BILL 210 (1ST REPRINT).

ASSEMBLYWOMAN KRASNER SECONDED THE MOTION.

Are there any comments or questions on the motion? [There were none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign that floor statement to Assemblywoman Krasner. I will close the work session, and we will move to our last agenda item, public comment.

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

It may be my last opportunity to give you a good news minute, so I will not let the opportunity pass me by. Obviously, we are getting ready to start graduations in the Clark County School District and all across the state, and we are extremely excited about that. I wanted to mention one student, Trelas Dyson IV—he is known all across the Las Vegas Valley now as the high school student with a 5.037 GPA who got accepted into 59 colleges and earned over \$2.5 million in scholarship offers. Dyson, who is 17 years old from Shadow Ridge High School, will attend the University of Southern California in the fall. We are so incredibly proud of him and all the students graduating in the coming weeks, and we want to thank each of you for supporting our students to get through the finish line.

Chair Bilbray-Axelrod:

I saw that article in the paper last week, and he is going to be studying film, so I cannot wait to see what he produces. Is there anyone else who wishes to give public comment? [There was no one.]

I would like to make one little comment. Tonight is the drive-through eighth grade promotion for my daughter, Molly Ann Bilbray-Axelrod, and I am so sad that I will not be there, but I am so proud of you, and congratulations to all those folks who are graduating right now and getting promoted.

Assemblywoman Miller:

I would like to direct this comment toward Dr. Keating. Even though we have not had a lot of good news minutes this session, I appreciate it because often, especially in this Committee, we hear so many complaints or problems, and it is all about everything we think is wrong with our education system here in Nevada, whether that is perception or reality. I think people do not recognize just how hard our students and educators are working and the absolutely amazing things happening here in Nevada—the number of students who get full rides to Ivy League colleges, teachers being nationally recognized, and all the hard work and heart that is put into education despite all of the things we hear in these hearings. I thank you, because I appreciate it, and we need to remind people that sometimes narrative is louder than reality. I know if we ask the average parent about how hard their students and teachers are working, they would have a vastly different perception. Thank you for reminding us of all the great things and all the hard work and the amazing kids we have here in Nevada who are succeeding.

Chair Bilbray-Axelrod:

This meeting is adjourned [at 3:31 p.m.].

RESPECTFULLY SUBMITTED:

Sarah Baker
Committee Secretary

APPROVED BY:

Assemblywoman Shannon Bilbray-Axelrod, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a letter dated May 24, 2021, presented and submitted by Chris Daly, Deputy Executive Director, Government Relations, Nevada State Education Association, in support of Senate Bill 194 (1st Reprint).

[Exhibit D](#) is a letter presented and submitted by Kerry Durmick, State Director, All Voting Is Local Nevada, in support of Senate Bill 194 (1st Reprint).

[Exhibit E](#) is a letter presented and submitted by André Wade, State Director, Silver State Equality, in support of Senate Bill 194 (1st Reprint).

[Exhibit F](#) is a letter presented and submitted by Alexa Aispuro, Youth Organizer, Chispa Nevada, in support of Senate Bill 194 (1st Reprint).

[Exhibit G](#) is a letter dated May 25, 2021, presented and submitted by Emily Persaud-Zamora, Executive Director, Silver State Voices, in support of Senate Bill 194 (1st Reprint).

[Exhibit H](#) is written testimony presented and submitted by Doug Goodman, Private Citizen, Sparks, Nevada, in opposition to Senate Bill 194 (1st Reprint).

[Exhibit I](#) is a letter submitted by Tammi Tiger, representing Las Vegas Indian Center, in support of Senate Bill 194 (1st Reprint).

[Exhibit J](#) is a letter submitted by Annette Magnus, Executive Director, Battle Born Progress, in support of Senate Bill 194 (1st Reprint).

[Exhibit K](#) is a letter dated May 25, 2021, submitted by the Professional Leadership Alliance of Nevada, in support of Senate Bill 194 (1st Reprint).