

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

**Eighty-First Session
March 30, 2021**

The Committee on Education was called to order by Chair Shannon Bilbray-Axelrod at 1:08 p.m. on Tuesday, March 30, 2021, Online. 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:

Assemblyman Jason Frierson, Assembly District No. 8
Assemblyman Glen Leavitt, Assembly District No. 23
Assemblywoman Susie Martinez, Assembly District No. 12



STAFF MEMBERS PRESENT:

Kristi Robusto, Committee Policy Analyst
Amanda Marincic, Committee Counsel
Nick Christie, Committee Manager
Sarah Baker, Committee Secretary
Melissa Loomis, Committee Assistant

OTHERS PRESENT:

Sebastian Ross, Private Citizen, Las Vegas, Nevada
Karyna Armstrong, Private Citizen, Las Vegas, Nevada
Sabra Newby, Vice President, Government and Community Affairs, University of Nevada, Las Vegas
Ryan Mitchell, Senior Associate Athletics Director, Intercollegiate Services, University of Nevada, Reno
Brenda Pearson, Director, Strategic Policy Initiatives, Clark County Education Association
Elizabeth MacMenamin, representing Retail Association of Nevada
Hugh Anderson, Managing Director, Hightower Las Vegas; and Chairman, Government Affairs Committee, Vegas Chamber
Kelsey Henderson, Private Citizen, Las Vegas, Nevada
Nicole Rourke, Director, Government and Public Affairs, City of Henderson
Maureen Schafer, Executive Director, Council for a Better Nevada
John Vellardita, representing Clark County Education Association
Michael Naft, Private Citizen, Henderson, Nevada
Kenneth Belknap, Private Citizen, Henderson, Nevada
Marilyn Kirkpatrick, Private Citizen, North Las Vegas, Nevada
Cheri Raymond-Griggs, Private Citizen, Las Vegas, Nevada
Alexander Marks, Communications Specialist, Nevada State Education Association
Sylvia Lazos, Private Citizen, Henderson, Nevada
Chris Daly, Deputy Executive Director, Government Relations, Nevada State Education Association
Bridget Peterson, Private Citizen, Dayton, Nevada
Anna Binder, Private Citizen, Henderson, Nevada
Annalise Castor, Private Citizen, Las Vegas, Nevada
Ed Gonzalez, Private Citizen, Las Vegas, Nevada
Nancy Jones, Member, Nevada Families for Freedom
Sam Castor, Private Citizen, Las Vegas, Nevada
Rebecca Garcia, President, Nevada Parent Teacher Association
Mark Newburn, Private Citizen, Las Vegas, Nevada
Danielle Ford, Private Citizen, Las Vegas, Nevada
Andrew LePeilbet, Chair, United Veterans Legislative Council; and representing Military Order of the Purple Heart; Disabled American Veterans
Noah Sullivan, representing Clark County School District

Erica Valdriz, Government Affairs Fundraising Coordinator, Vegas Chamber; and representing Vegas Chamber Military Affairs Committee
Dan Morgan, President, Nevada Military Support Alliance
Mary Pierczynski, representing Nevada Association of State Superintendents
Kelli May Douglas, Southwest Regional Liaison, Defense-State Liaison Office, Department of Defense
Sarah Nick, Policy Analyst, Department of Education
Katherine Miller, U.S. Army Colonel (Ret.), Director, Department of Veterans Services
Thomas A. Enslow, representing Western States Council of Sheet Metal Workers
Christopher Ruch, Director of Training, National Energy Management Institute
William H. Stanley, representing Southern Nevada Building Trades Union
Rusty McAllister, representing Nevada State AFL-CIO
Alfonso Lopez, representing Smart Local 88
Robert Benner, Secretary-Treasurer, Building and Construction Trades Council of Northern Nevada
Jordan Krahenbuhl, Executive Director, Plumbing, Heating, Cooling Contractors of Nevada
Mandi L. Wilkins, Executive Vice President, Mechanical Contractors Association of Las Vegas; and representing Sheet Metal and Air Conditioning Contractors' National Association of Southern Nevada
Brad Keating, Director, Government Relations Department, Clark County School District
Lindsay Anderson, Director, Government Affairs, Washoe County School District
Jennifer Taylor, Deputy Director, Intergovernmental Relations, Office of Energy, Office of the Governor
Richard Clark, Private Citizen, Reno, Nevada
Shelly Williamson, Private Citizen, Reno, Nevada

Chair Bilbray-Axelrod:

Welcome. We have five bills to hear and a work session this afternoon. We will begin with the work session. I will now open the work session with Assembly Bill 67.

Assembly Bill 67: Revises provisions relating to education. (BDR 34-293)

Kristi Robusto, Committee Policy Analyst:

As nonpartisan staff, I am not here to advocate for issues. I am here to assist members with the policy issues brought forth to this Committee. Assembly Bill 67 is sponsored by the Assembly Committee on Education on behalf of the Department of Education (NDE) and heard by the Committee on March 23, 2021 [[Exhibit C](#)].

This bill revises provisions relating to suspension, expulsion, and permanent expulsion of a pupil from a public school, charter school, or university school for the profoundly gifted by defining "suspend," "expel," and "permanently expel;" revises circumstances in which a pupil may undergo those disciplinary actions; authorizes a pupil with a disability to undergo those

disciplinary actions in certain circumstances; provides that hearings and proceedings related to such actions are not subject to Nevada's Open Meeting Law; and allows the Board of Trustees of the school district to appoint a designee. It also determines when a pupil should be deemed a habitual disciplinary problem.

There is one proposed amendment to this measure submitted by Sarah Nick on behalf of NDE, which provides that hearings and proceedings are not subject to the Open Meeting Law and authorizes a designee of a governing body of a charter school or university school for the profoundly gifted. It amends the definition of "suspend" or "suspension" by removing that it be for at least one day and instead providing that it be for up to one semester, and it provides other clarifying language. The amendment is on page 2 [[Exhibit C](#)] for the Committee's review.

Chair Bilbray-Axelrod:

Before we take a motion, are there questions on the bill? [There were none.] I will take a motion to amend and do pass A.B. 67.

ASSEMBLYWOMAN GORELOW MADE A MOTION TO AMEND AND
DO PASS ASSEMBLY BILL 67.

ASSEMBLYWOMAN TOLLES SECONDED THE MOTION.

Are there any comments on the motion before we vote?

Assemblywoman Tolles:

I want to say thank you to those who worked on this and brought this forward. I know there were important clarifications needed, and I am in enthusiastic support.

THE MOTION PASSED UNANIMOUSLY.

Chair Bilbray-Axelrod:

I will assign the floor statement to Assemblywoman Nguyen. I will now open the work session on Assembly Bill 109.

Assembly Bill 109: Revises provisions relating to charter schools. (BDR 34-529)

Kristi Robusto, Committee Policy Analyst:

Assembly Bill 109 was sponsored by the Assembly Committee on Education on behalf of the Interim Legislative Committee on Education and heard by the Committee on March 11, 2021 [[Exhibit D](#)]. The bill requires that all teachers who provide instruction at a charter school be licensed to teach in Nevada and provides that a teacher employed at a charter school on or before July 1, 2021, who does not have a license to teach, may continue teaching at the charter school without a license until July 1, 2026.

There is an amendment proposed by Assemblywoman Bilbray-Axelrod [page 1, [Exhibit D](#)]. It revives and amends section 1, subsection 1 of the bill, *Nevada Revised Statutes* (NRS) 388A.518. This increases the percentage of teachers who would provide instruction at a charter school who must hold a license or endorsement to teach issued pursuant to NRS Chapter 391 from 70 percent to 80 percent and ensures the business and industry endorsement and allowances are retained.

The amendment also requires persons who are not required to hold the license or endorsement to (a) hold a degree, license, or certificate in the field; and (b) have at least two years of experience in the field. It also requires that a teacher must hold a license to teach issued pursuant to NRS Chapter 391 for any core academic subjects. It requires that a teacher at a charter school teaching English as a second language and special education be licensed pursuant to NRS 388.518. It keeps the removal of "subject matter expertise" as well as the removal of subsections 6 and 7 regarding differentiating nonlicensed teacher qualifications based on the performance of a charter school, and amends section 9 to provide coverage of the grace period and conforming changes to fix the gaps that were in the original legislation.

Chair Bilbray-Axelrod:

Before we take a motion, are there any questions from members?

Assemblywoman Hansen:

I appreciate the amendment you brought forward. To clarify, business and industry is being retained, and the July 1, 2026, date would be for any currently unlicensed teachers to have that time period to catch up.

Chair Bilbray-Axelrod:

Correct. I believe that date did retain—from 70 percent to 80 percent. Is that correct, Ms. Robusto?

Kristi Robusto:

That is correct.

Chair Bilbray-Axelrod:

Are there any other questions? [There were none.] I will take a motion to amend and do pass A.B. 109.

ASSEMBLYWOMAN NGUYEN MADE A MOTION TO AMEND AND
DO PASS ASSEMBLY BILL 109.

ASSEMBLYWOMAN HANSEN SECONDED THE MOTION.

Are there any comments on the motion before we vote?

Assemblywoman Miller:

I still have a lot of discomfort with the amendment. The intention of the bill coming out of the interim committee was to make sure we are providing the most trained, highly qualified teachers we can for our students, so to increase only from 70 percent licensed teachers to 80 percent when we already see an upward trend—when the State Public Charter School Authority said in the interim that there were 36 teachers in the state, and then in the bill hearing, it said there were 39 teachers—already shows an increase.

The gaps and the inconsistency of expectations between our public schools and our charter schools, when we have specialized teachers and teachers teaching electives that are required to have licenses in the public schools teaching the same things, is still an area of discomfort for me. I will vote to pass it out of Committee, but the separate set of rules and inconsistencies continue to hold true. I am not comfortable with the amendment, but I will vote for it to pass out of Committee.

Chair Bilbray-Axelrod:

I think the amendment is good. I totally respect your opinion, but I do think there needs to be some flexibility with charters—that is the idea of them. You know I appreciate you and everyone else on the Committee for talking it over with me to get to a good place for most people.

THE MOTION PASSED UNANIMOUSLY.

I am going to take that floor statement myself. Now we will open the work session for Assembly Bill 194.

Assembly Bill 194: Revises provisions governing the suspension and expulsion of pupils. (BDR 34-176)

Kristi Robusto, Committee Policy Analyst:

Assembly Bill 194 was sponsored by Assemblywoman Torres and heard by the Committee on March 23, 2021 [[Exhibit E](#)]. The bill requires the board of trustees of each school district and the governing body of each charter school or university school for the profoundly gifted to adopt a policy for appealing the suspension or expulsion of a pupil. It specifies certain limitations and other requirements included in the policy and provides that appeal hearings are not subject to Nevada's Open Meeting Law. It requires that policies be up on the website and that the Department of Education (NDE) provide guidance on such appeals processes. The bill also provides that unless their misconduct falls under certain circumstances, a student is entitled to continue attending school under a suspension or expulsion, and it requires the annual report of accountability by each school district and district-sponsored charter school to include specific information as well.

Assemblywoman Torres proposed a conceptual amendment which does the following and was presented during the bill hearing [page 1, [Exhibit E](#)]. It amends provisions relating to the timelines and procedures for suspending or expelling a pupil in section 5. It deletes subsections 1-3 of section 6 and amends section 7 to require NDE to consult with the Office for a Safe and Respectful Learning Environment in providing guidance to school districts.

An additional amendment was proposed by Assemblywoman Torres on behalf of NDE [page 2]. It authorizes a designee of the board of trustees of a school district and the governing body of each charter school to be allowed to take actions required by the board of trustees of a governing body, and it deletes the Office for a Safe and Respectful Learning Environment from sections 7 and 8 and adds the Department to section 7. Finally, it adds an additional section regarding the plan to improve the achievement of pupils, which can be seen on the next page [page 3].

Chair Bilbray-Axelrod:

Before we take a motion, are there any questions? [There were none.] I will take a motion to amend and do pass A.B. 194.

ASSEMBLYMAN FLORES MADE A MOTION TO AMEND AND DO
PASS ASSEMBLY BILL 67.

ASSEMBLYWOMAN MILLER SECONDED THE MOTION.

Are there any comments on the motion before we vote?

Assemblywoman Torres:

I wanted to take a moment to thank our committee analyst and committee counsel for working with me until the last minute on this amendment. I really appreciate your taking the time to make sure we got the amendment right to come up with something that all our stakeholders could be happy with.

I want to clarify—because I noticed in the work session document—in part 3 of the amendment I proposed, we are amending section 7 to require NDE to consult with the Office for a Safe and Respectful Learning Environment. If we look at the amendment that was accepted by NDE, I want to clarify that we will be taking that out to remove the Office for a Safe and Respectful Learning Environment and keeping the Department of Education for that section. I want to make sure that was on the record.

Chair Bilbray-Axelrod:

We do have our legal counsel here. Could you give us an affirmative shake of the head on that? [Committee Counsel Amanda Marincic confirmed this information nonverbally].

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Torres. We will close the work session and move on to our bill hearings. I will now open the hearing on Assembly Bill 254.

Assembly Bill 254: Revises provisions governing collegiate athletics. (BDR 34-879)

Assemblyman Jason Frierson, Assembly District No. 8:

Thank you for your time and consideration of Assembly Bill 254, which addresses a number of policies regarding compensation of student athletes at the postsecondary level. I have Sebastian Ross, a student from the University of Nevada, Las Vegas (UNLV), on the line. I would like to have him assist me with the bill presentation. I endeavor to get through this being mindful of everyone's time.

To give a little bit of background, college athletes earn billions of dollars annually for their schools, television networks, apparel companies, and the National Collegiate Athletic Association (NCAA). According to the NCAA, more than 460,000 college students compete in collegiate sports. College athletes are a major revenue source for many athletic programs in schools, but the question is, how does that actually benefit the athlete himself or herself? Typically, it is very little.

A study released in October 2020 by the National Bureau of Economic Research found that less than 7 percent of the revenue generated by the NCAA actually makes its way, in particular, to football and men's basketball players through scholarships and stipends, those being the two largest sports in college athletics. A direct quote from that study: "While intercollegiate sports are often described as student activities undertaken by amateurs, the economic reality is that athletic departments have developed into complex commercial enterprises that look far more like professional sports organizations."

One of the most disturbing findings in that report states that the NCAA's current economic model effectively transfers resources away from students from poor neighborhoods toward students who are more likely to be from higher-income neighborhoods. The context is that a kid like me from Compton who played football at the University of Nevada, Reno (UNR) is going to be participating in sports, and some of the money generated from that is going to be transferred to sports that are not participated in by folks from lower-income backgrounds, like swimming or water polo. Overall, the lack of fairness for college athletes has been a contentious issue for many years. I believe this is likely to change soon, but currently, NCAA rules are still in place prohibiting these athletes from profiting off the use of their name and likeness. That means they cannot sign endorsement deals or sell autographs and memorabilia, which are various ways athletes are able to earn money based on their likeness.

There are three or four things happening at the national level that have a bearing on this. First, I want to acknowledge that California took the first step with its Fair Pay to Play law enacted in September 2019. The law lets student athletes endorse products and use their names, sport, and school to identify themselves, but prevents them from using school logos

and other trademarked property in their endorsements. This law started a flurry of debate about this issue and about the NCAA rules. Almost immediately, Colorado and Florida followed suit, and by the fall of 2020, 33 other states had introduced related bills.

In response, the NCAA has raised concerns about having to deal with the patchwork of state laws, and they have asked for Congress to adopt federal legislation addressing the matter. Congress has taken up this matter, and there is a College Athletes' Bill of Rights, which the sponsors say will guarantee fair and equitable compensation, enforce health and safety standards, and other various things to help the athletes who are earning revenue for their institutions. I believe this will likely be reintroduced early in the 117th United States Congress and, if it becomes law, it will transform the economics of college sports.

Of course, after that, the NCAA itself took action. In April 2020, the NCAA announced that it supports rule changes in this regard and would prefer that any such deals with these athletes come from a third party, and in that way, colleges and universities would not be allowed to pay those athletes. The NCAA's rules are not expected to take full effect immediately, so we want to act to get ready. There are also a couple of cases before the United States Supreme Court that are going to consider whether these limitations are anticompetitive restraints of trade in violation of antitrust laws. I give all of that as background. Assembly Bill 254 also requires a study to look at these matters.

I will now go through the provisions of the bill. This bill is intended to get out of the way so that when Congress and the NCAA do act, Nevada is ready. That is something we have worked on and discussed with our institutions here in Nevada.

Assembly Bill 254 has three major components. First, section 5 provides that the postsecondary institutions or the NCAA may not prevent an athlete from being compensated for the use of their name—again, so we are ready when Congress and the NCAA act—and that they also may not compensate students directly. This section also prohibits any related impact on student athletes' scholarships and prohibits the NCAA from disallowing students to participate. Again, this is all designed to just get out of the way for what I believe is inevitable.

The second portion, in section 6, authorizes a student athlete to enter into a contract with an organization that provides for compensation, and that organization may not be the institution or the NCAA. The contract itself may not conflict with the contract the student athlete has signed with the institution, and the contract must be disclosed to the institution in a procedure specified when there is a conflict between the two contracts.

Lastly, section 8 of the bill requires the Legislative Committee on Education to appoint a committee to study this issue over the next interim with the hope, again, that we are going to see what Congress and the NCAA do and be ready to make sure our athletes are taken care of. I have discussed this with UNR and UNLV, and I know an amendment has been circulated that I consider to be friendly [[Exhibit F](#)]. This is, again, an effort to make sure we are ready to take care of these athletes now that the NCAA is ready to act.

I will say from personal experience that I am proud to have participated in intercollegiate sports at UNR, but I also had four knee surgeries and one shoulder surgery afterward. I look at that stadium and realize that we helped pay for that; we helped build that stadium, but just like me, there are other athletes who have lingering issues with respect to their participation, and if they are able to have a contract for the use of their likeness, I think that is only fair.

I do not know if Mr. Ross is here, but I certainly welcome any questions.

Sebastian Ross, Private Citizen, Las Vegas, Nevada:

I am going to defer to my colleague, Karyna Armstrong.

Karyna Armstrong, Private Citizen, Las Vegas, Nevada:

I am a former Division I athlete, and I was able to be a collegiate athlete at both a Mountain West and an Atlantic Coast Conference school. This gave me good experience and insight into how much money is generated through college athletics. No one sees the hard work put in behind the scenes; they just see the glory that goes to collegiate athletes. That is why Mr. Ross and I are really passionate about this bill—we feel that athletes definitely deserve to be compensated for their hard work as well as their image and likeness.

I think that when people look at this bill, they think specifically of men's football and basketball—which obviously are the money-generating sports of college athletics—but when I look at this bill, I see opportunities for athletes like me. I was a track and field athlete. I see this as an opportunity for track and field, softball, tennis, gymnastics, and swim and dive athletes for whom those professional opportunities do not necessarily exist as much as they do for men's basketball and football. If men's basketball and football players can earn money at the peak of their sport, so should these other athletes regardless of when this peak takes place—and some of these peaks take place in college.

I think it is really important to note that this bill not only allows compensation for name, image, and likeness, but it also allows athletes to profit off their talent as collegiate athletes. This means they will now be able to be compensated for lessons or camps they host, and I think that is important to consider because on the outside looking in, obviously the perception is that college athletes are getting their schooling paid for and getting a stipend, but a lot of people do not realize there are equivalency sports in college athletics, which is what I participated in. It is not all or nothing; it is not a 100 percent full ride. You can get 30 percent of your tuition covered, for example.

This would allow someone like me in track and field to host a throwing camp or offer throwing lessons, and I could get compensated by parents for those events. Many people see a lot of money going to these athletes, and while that is completely true, I think people also need to realize this is not always the case. I saw a lot of my teammates who came from lower-income areas sending money back home to their families who were in need. This would also allow them to make money in the summer or during their off-season, which

would hopefully help sustain them so they can participate and complete the 40-plus hours their college athletic program entails as well as going to school full-time.

Thank you, Madam Chair and members of the Committee, for allowing me to speak today. I will turn it over to my partner, Sebastian Ross.

Sebastian Ross:

I am a student at UNLV's William S. Boyd School of Law. My colleague, Ms. Armstrong, and I were presented an opportunity during our first year of school to participate in a legislation-based competition. Given the hours she alluded to that were spent focusing on our athletic careers, crafting legislation geared toward student athlete equity made sense to us. Although my Division III athletic experience differs from the Division I experience of my fellow co-presenters, my brief playing stint enlightened me about the business principles surrounding institutional profit at the collegiate level.

Another imperative lesson I learned came from my teammates: Your teammates become your family, and I vividly remember seeing my brothers struggling financially. Not only was ordering off the dollar menu at McDonald's the norm, but it was also a means of survival for some of us. Upgrading from the dollar menu to a Big Mac was indulging in a delicacy. This happened simultaneously as the university where we played expanded athletic facilities, all while collecting consistently inflating tuition from inner-city youth.

In candor, there are very few examples of my brothers having the same linear financial gain that parallels the financial growth of our old institution. Several of them are in the same dire situations upon which they entered school. I am fortunate to have the opportunity to further my education. A number of my brothers do not share this same fortune. However, one thing many, if not all, of us share is waking up with various physical ailments as a result of our physical sacrifice. Again, my brothers and I signed up for the Division III pay-for-play model, and we assumed the risk for our sacrifice but, unfortunately, a number of us question the reward that came with the risk. There is no doubt in my mind that hosting a camp or promoting a local business through social media and receiving pay would have made the notion of financial comfort more plausible, at least back then.

This bill potentially benefits the quality of life for athletes contributing to the economic development of Nevada, and historically, our great state has built a reputation of empowering residents and their success in the economic marketplace based on libertarian values. Adoption of this bill gives athletes the opportunity to enter the marketplace, enabling one to find her or his own value, and for some athletes, this might be the only time in their lives where they have the opportunity to make money from their athletic abilities.

In conclusion, I alluded to Ms. Armstrong's and my work preparing for our school competition. I want to thank Assemblywomen Nguyen and Hardy, who sit on this Committee, for sharing their time as judges and providing feedback. Thank you, Speaker Frierson, for advocating on behalf of the demographic of Nevadans facing inequity.

Thank you to the LCB [Legislative Counsel Bureau] staff and thank you, Chair and members of this Committee, for your time today.

Chair Bilbray-Axelrod:

I know we do have a few questions from the Committee. I want to thank Ms. Armstrong for speaking about giving lessons. That is something I had not really considered; I was thinking more about an athlete's likeness. Thank you for bringing that up.

I did have one quick question for you, Assemblyman Frierson. You mentioned California's Fair Pay to Play law, which prohibits the use of mascots and university logos; that is not included in this bill. Is that correct?

Assemblyman Frierson:

It is not expressly included in this bill, but what is included is directing the institutions to develop policies. That is part of the conversation I had with UNLV, in particular, that would be part of the policies they would develop.

Chair Bilbray-Axelrod:

Thank you for that clarification.

Assemblywoman Nguyen:

It is great to see Mr. Ross and Ms. Armstrong. I had the privilege of being one of the judges on the Policy and Legislation Society competition. I am so glad to see you here today. My question is, Do we have an idea of how the compensation would work? For example, if Assemblyman Frierson had jerseys that were branded with his name, how would that compensation model work? Would the athletes have to negotiate for it?

Assemblyman Frierson:

I believe all of that would be contained within the rules promulgated by Congress, the NCAA, and the institution. Not only would it be specific to a state and an institution, but it would also depend on the sport as well. That is why they would need to have an agent, and I believe UNLV has provided language regarding the requirement that they be a licensed agent and that they have those terms in the contracts.

I think the details of exactly how it is going to work are going to be largely dictated by Congress and by the NCAA. California did a yeoman's job of starting this conversation, and I will admit that when I first set out to do this, I was a bit overwhelmed. Quite frankly, it was because of Mr. Ross and Ms. Armstrong that I decided to move forward, after recognizing they had done a tremendous amount of work in researching this as well. But I do believe it will be largely dictated by Congress and the NCAA and ultimately what comes out of those policies.

Chair Bilbray-Axelrod:

I had an opportunity to judge this year's semifinals this past weekend. What a great opportunity for these young students. The bills were great this year, and obviously, this one is as well.

Assemblywoman Hardy:

I, too, want to take a minute to say how thrilled I am to see Mr. Ross and Ms. Armstrong here and to have Assemblyman Frierson pick up this bill. It was an honor to be a part of the first competition of the Policy and Legislation Society. I was so impressed with both of them. It is so great to see you. When I saw this bill today, I was cheering to be able to have you present this bill.

I have two questions. You mentioned UNR and UNLV; is this legislation limited to that type of institution, or could it be for athletes at community colleges and other institutions?

Assemblyman Frierson:

I mentioned UNR and UNLV as the two example institutions, but this bill does not specify those. This would be a state policy regarding any collegiate athletics in Nevada.

Assemblywoman Hardy:

Is it limited to Division I sports, or can it be any level?

Assemblyman Frierson:

It would not be limited to Division I. As Mr. Ross indicates, he participated in a Division III sport. When I started at UNR, it was a Division I-AA program. At the end of the day, it is like the example Ms. Armstrong gave of being able to give lessons or have events, but the glaring example is when the NCAA has a video game with your number and it looks like you and has your stats and your size, and you are unable to contract to be compensated for that. The bill encompasses all the divisions.

Assemblywoman Hardy:

I think this is a great idea because, as mentioned, not all athletes get full-ride scholarships. This is a way for them to have extra money to support their families and such. I am excited this bill is here today.

Assemblywoman Miller:

I think you can tell the enthusiasm in the room from all of us sports fans and our appreciation of college athletes. I remember when I was younger, there was a player for the Detroit Lions, Mike Utley, who, in the middle of his second or third season, was actually paralyzed on the field in the middle of a game. I remember in the discussions people said not to worry because the NFL [National Football League] has pensions and he will have insurance and long-term disability and all that kind of stuff. You mentioned your own surgeries resulting from college sports. Has there been any discussion or conversation, even on the national or congressional level, about medical insurance, long-term disability, and other types of compensation to take care of our college athletes?

Assemblyman Frierson:

I am aware that those conversations are taking place. Through my personal experience, I became acutely aware that my injuries would plague me long beyond the window of time I was at the university. I think that is all part of this conversation. As I stated at the outset, I think it is going to have a significant impact on college sports. These are conversations that, quite frankly, need to take place.

Chair Bilbray-Axelrod:

We will move on to testimony in support of A.B. 254.

Sabra Newby, Vice President, Government and Community Affairs, University of Nevada, Las Vegas:

We want to ensure that our student athletes are prepared for this changing landscape in collegiate sports. To that end, we have collaborated with UNR on a conceptual amendment for which we also gained approval from Assemblyman Frierson as a friendly amendment [[Exhibit F](#)].

I will briefly go over these amendments. First, an institution may promulgate reasonable policies limiting contracts with businesses or individuals whose goods or services are contrary to the intent of the educational mission of the institution or the NCAA. Second, an institution may require the student athlete to receive education regarding contracts, financial literacy, and other subjects to prepare the student athlete. Third, prospective student athletes must disclose all current and expired name, image, and likeness (NIL) contracts to their respective institutions before signing a letter of intent. Fourth, agents must be certified. And finally, the amendment adjusts the effective date to January 1, 2022 to allow for federal legislation and NCAA processes to transpire. We think this legislation is an important step for our student athletes and protecting their interests.

Ryan Mitchell, Senior Associate Athletics Director, Intercollegiate Services, University of Nevada, Reno:

This is a very important issue. The University of Nevada, Reno supports this bill and the recommended amendment put forth by UNLV. In addition, we support the student athletes' ability to exercise their NIL rights and appreciate the Assembly's efforts to consider those. We would support any other considerations as well.

Chair Bilbray-Axelrod:

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

I will now close the hearing on A.B. 254 and open the hearing on Assembly Bill 255.

**Assembly Bill 255: Revises provisions governing boards of trustees of school districts.
(BDR 34-920)**

Assemblyman Jason Frierson, Assembly District No. 8:

I am pleased to introduce Assembly Bill 255, which revises how the members of the board of trustees of certain school districts are selected. It would be a hybrid of both elected and appointed members of the board.

A little bit of background: In a 2019 report of key characteristics of effective school boards, the Center for Public Education concluded that, based on the studies, it is clear that school boards in high-achieving school districts hold a high shared vision about the capabilities of both students and staff. They are policy- and accountability-driven, focusing their time and energy on governance and board-level actions related to student achievement and classroom instruction. They engage in goal-setting processes that can drive action in the district to improve. They align resources, including staff and professional development, around those goals. They are data savvy, using data to both diagnose problems and to monitor and drive continuous improvement efforts. They communicate with and engage staff and community and work well together as a team and in collaborative leadership with their superintendents. They also commit to their own learning, building the knowledge and skills it takes to govern during a period of educational reform.

That report and additional research also consistently demonstrate that highly effective school boards ensure commitment to and focus on issues related to improving student achievement. However, through observing school board meetings across the state in 2018 and 2019, the Guinn Center found that on average, Nevada school boards spent little time—less than 20 percent—focusing on student achievements or their outcomes.

There is ongoing debate about how to structure school boards to best support student outcomes. Advocates for elective school boards highlight the benefits of local democratic political participation and agency as well as accountability to voters for school operations. In contrast, critics of elected school boards often highlight low voter turnout rates, the impact of special interest groups, and general politicization of school governance as shortcomings. Research comparing elected school boards versus appointed school boards, however, is limited.

Some states currently allow appointed school boards in specific districts. There are multiple ways a school board can be appointed. Many use a mayoral appointment and require a commission to provide a recommended list to the mayor to choose from. Examples of appointed school boards in large urban districts include Boston, Baltimore City, Baltimore County, Chicago, Cleveland, New York City, and Philadelphia. Of note, Baltimore County's school board is comprised of seven elected members and four appointed members with assistance from a nominating commission.

I know there is concern that this bill limits democracy and takes away citizens' voting rights to elect their school board. I will note that this bill came to fruition and proposes a hybrid

school board model with the majority of the board still being elected and other elected individuals in charge of the outlined appointments. This is for three reasons. Number one, stakeholders want to find the best way to ensure Nevada's larger schools' board of trustees are effective at supporting student achievement and student outcomes. The research shows that highly effective school boards are associated with increased student achievement and Nevada's school boards, as observed from 2018-2019, spend about or less than 20 percent of their time focused on that. I believe we have to figure out a way to do better.

Number two, adding appointed school board members is a way to professionalize the boards and enhance them with a different level of expertise than is currently on the board. That is another key component of highly effective boards.

Number three, I want to ensure that the majority is still elected by the voters so I am not wedded to any particular approach. I know there are some people who have opinions about different ways to modify the makeup of our school boards, and I know there is some opposition with other ideas about accountability and codes of conduct. In a state with one of the largest school districts in the country, we cannot afford to have some of the distractions and dysfunctions that we have had in years past.

Before I go through the sections, I do want to thank the school board members throughout our state for their service, their willingness to serve, and for their interest in helping our kids in our schools. I realize this bill could be received this way, but it is not intended to be an attack on them. We have work to do to improve the quality of our school system in Nevada, and coming up with a way to expand accountability, not take away accountability, is the goal.

As I go through the sections of the bill, allowing county commissions and city councils in the larger cities to make these appointments, in my opinion, increases accountability because those bodies are elected and are expected to make sure their appointments are qualified, have experience that is valuable to the board, and reflect the community. Some of the research and documents we have found on this issue suggest that appointed or hybrid school boards are much more likely to reflect the demographics of the community. Elections are expensive, and school boards across the country are much less likely to reflect that diversity when they are entirely elected.

I will now go through the sections of the bill. Section 1, subsection 1 revises the electoral process for electing members of the board of trustees of a county with over 75,000 pupils—that is Clark County. It requires that the board of trustees be composed of seven members, four of whom would be elected, one appointed by the board of county commissioners, and two appointed by the largest cities. Section 1, subsection 2 of the bill similarly revises the process for elected board members with county school districts with more than 25,000 pupils but less than 75,000 pupils—that is Washoe County—and requires the school board of trustees be composed, again, of seven members with the same division as subsection 1.

Section 1, subsection 3 requires the board of county commissioners to establish election districts that are nearly as equal in population as practicable and composed of contiguous

territory. Section 5, subsection 2 provides that any vacancy on an appointed board of trustees must be filled by the appointing authority. The remaining sections make conforming changes.

Again, the goal of this bill is to diversify and enrich our existing school board members to ensure that the folks making the decisions that impact our children's education have expanded accountability by virtue of the appointing bodies, and that we are able to professionalize and make sure that when we are talking about huge budgets, the development of curriculum, and the system our children are involved in for the majority of their day, that these folks have experiences that would enrich those bodies. The majority would still be elected; this is intended to enhance the effectiveness of those school boards to try to better support our students.

I urge your support for this bill. I am happy to take questions while recognizing there are tons of folks who have proposed amendments that I am certainly open to considering. I am also open to whatever direction the majority of this Committee would like to go.

Assemblywoman Hansen:

I have seven counties in my district, and Washoe would be the one affected by this, if I understand it correctly. It is 25,000 pupils up to 75,000. For school districts under 25,000, this would not apply to them. Is that correct?

Assemblyman Frierson:

That is correct.

Assemblywoman Hansen:

Having been involved in a lot of school district policy as a parent for years—my kids are grown now, but I was highly involved in the late 1980s through the 1990s. I have a couple of things to say and then one more question to clarify. I attended meetings numerous times and was involved, and I found in dealing with the school boards that more times than not—often to the frustration of us parents—the school board would take the recommendation of the administration. I am not connecting the dots about when school boards, in the model that they are in, are maybe not getting to the outcomes we want; they are taking the recommendations a lot of times of the experts, even though a lot of board members are laypeople.

More currently, since you referenced 2018 and such, Washoe County's school board was really distracted having to handle a lot of controversy surrounding two superintendents in a row. Believe me, I have been a critic of the Washoe County school board in the past, but in a way, I am coming to their defense here. They have been, unfortunately and through no fault of their own, dealing with the controversy surrounding the superintendent issues we have had in the past ten years.

I am not comfortable with this bill because I do like the idea that school board members are, like us, representatives of their constituents and the needs of parents and students. They rely

on the administration, much like we here at the Legislature rely on the State Board of Education. I had more comments than questions, but thank you for clarifying that for my districts under 25,000, this bill would not apply to them.

Assemblyman Frierson:

That is correct. I will respond if you would like. Everyone is certainly entitled to their opinion about whether school boards should be elected or appointed, and they are all valid. Nobody is villainizing the school board for their willingness to serve, but I think that the very issues you pointed out speak to the value of having some members be appointed. They may have been distracted by some superintendent issues, but that is their job—to manage those things.

As I stated earlier, in discussing this bill, we all have our opinions about which positions should be elected versus not, but I think school boards are just as important as picking a doctor, and you do not elect your doctor. They have important decisions to make, whether it is human resources, development of curriculum, budgets, or ethics, and I think these are all reasons why we need to find a way to make sure we have a richer experience moving forward. This is one way to attempt to do that. There may be other ways, but I believe by having other elected officials we increase accountability as well.

Assemblywoman Hardy:

I was just reading through the bill and wondering if you could go over—and this might be in section 8—how you see this being rolled out. Before they are going to be elected, how is it going to be decided which districts are elected and which are appointed?

Assemblyman Frierson:

At least in theory, the positions that would be appointed would be filled as the positions open. The timing is interesting, because with the likelihood of redistricting sometime later this year, there will be an ability to draw new boundaries, and I think the timing would coincide perfectly.

I believe section 8 sets out that between October and December 2022, the appointing authorities would appoint members of the board for both size counties as those positions are vacated, and because people would be running for the new positions, the boundaries would be drawn based on the new boundaries once we do redistricting, presumably later this year. That would dictate who would be able and eligible to run for those particular seats versus who would be able to apply for an appointment.

Assemblywoman Hardy:

If a seated member occupies a seat that is elected, would that seat always stay elected?

Assemblyman Frierson:

No. Mathematically, that is not possible. There are currently seven elected seats in seven districts, and this bill proposes to adjust that to four elected, so if you took all of the school board seats currently in a county and they are currently divided by seven, those seats would

now be divided by four, and for every existing seat, I believe the way it would work, based on section 8, is that the first three who would complete their term would then be replaced by the appointing authorities. The remaining four would be able to run based on the new boundaries.

Assemblywoman Hardy:

Thank you for the clarification.

Assemblywoman Torres:

I appreciate the intent of this legislation because I do believe it is important for us to open up the dialogue about what type of reform we could make to school boards in our larger school districts here in Nevada. I in no way think that we have developed the perfect system here, so I am open to continuing this conversation about how we do that.

I want to highlight if whether we thought part of the issue with our school boards now was perhaps their significant part-time nature. I cannot help but think about how the legislative body functions during the interim and how challenging it is for us to make those quick decisions while managing our full-time jobs and families in addition to whatever other commitments we have. I was wondering if that was part of the dialogue, if the significantly part-time nature and the lack of resources was part of the issue with our current system.

Assemblyman Frierson:

It has been a very long time since I have attended a school board meeting, but whether those people are appointed or elected does not change the reality that you just laid out. Even if we are not going to make school board membership a full-time job or if we are not going to make them compensated beyond the limited amount they currently are, we still have a body making decisions that impact our kids. I am setting out to try to make sure that the body making those decisions has membership that reflects the diversity of issues they need to consider.

For the laypeople on the board, I believe they would benefit from having members appointed by the counties and cities that bring expertise that would help them. Earlier there was a comment about how school boards typically just follow the administration—that is not how it should work. We should have members making decisions based on the information being provided to them, communication with their communities, and what they and the experts they engage with think are the best moves forward. A school board should not just defer; I do not know why we would even have a board if all they did was defer.

My goal is to help the board have a composition that helps best serve our kids. A mix of elected and appointed officials is an option, but it is not the only option. I know some people have proposed amendments or alternatives. I am certainly willing to go where the majority of this Committee would like to go, and I think what will come out of this bill will be better either way.

Assemblywoman Torres:

I would love to see that, if we are going to move forward with the dialogue of appointed representation, those members have some type of experience working in education with kids. That is not a requirement of our school boards right now, but as you said, if we are going to choose a surgeon, we want a surgeon who has experience, and having people on our school board who have worked in a classroom with our kids would be a great asset.

Assemblyman Frierson:

I agree. I supported legislation in the past that increased requirements for training for school board members, and there was a great deal of resistance even then. If you are going to be handling huge budgets, then maybe you should get some budget training.

I agree, but I do not think the board should be exclusively folks with that type of experience, because there are also budget, curriculum, administration, social workers, and school police to consider, and tons of different aspects of policy that the school boards have to deal with. Again, the hope is to make sure the board is best equipped to serve the students for whom they make these policies.

Chair Bilbray-Axelrod:

We are going to move onto testimony in support of A.B. 255.

Brenda Pearson, Director, Strategic Policy Initiatives, Clark County Education Association:

I am reading testimony on behalf of a member named Jennifer Sykes.

My name is Jennifer Sykes and I am writing to you to urge your support of A.B. 255. I relocated to Nevada from Ohio in 2004 and have been teaching at the middle school level for 17 years. I have been very fortunate to teach at a highly effective school where I feel supported and appreciated. I am embarrassed to say that this may have been the reason why I never really paid attention to the Clark County School District (CCSD) school board meetings. I have been in a happy place and did not take the time to get involved.

That changed when we had a snow day and the school board was going to vote on what day to reschedule our missing school day. I decided to tune in to see what the plan was because I had travel plans and I wanted to see if their decision would impact me. Wow, that was hard to watch. As an educator, I must prepare and plan for every class every day. I was shocked that our elected officials appeared to have done little to prepare for their decision that evening. They seemed to be winging it, and it was upsetting.

In hindsight, that was only the tip of the iceberg. Since that meeting, I have watched most and tried to stay up to date on current decisions determined by the trustees. The COVID-19 pandemic really highlighted the importance of having competent, qualified trustees. While I support the last group of

trustees maintaining health and safety as their number one priority, I did not have confidence in their understanding of issues at the school building level. This is mainly because I contacted them and had written correspondence with several of them. On more than one occasion, I felt like I was telling them something they had not known. To me, that is scary, that elected officials in those positions would not know things that are common knowledge to every school. The lack of understanding and preparation was maddening.

I have also tried to get more informed about the different trustees and trustee candidates as they move into the elections. This is why I fully support this bill. The majority of the voting public did not seem to know who they were voting for or they did not vote at all. While I fully believe in the election process, the problem is that too many voters pay little attention to down-ballot candidates. That is basically where we are in Nevada—our board of trustees are elected by many uninformed voters who choose by familiar names or guess. That is scary in my opinion.

It is time to try something different. If we continue down the path of the status quo, we will continue to get the same results. I support this bill because it is time for change. We cannot leave such critical decision-making positions fully up to voters that do not have a vested interest. We have plenty of room to grow as a district, but in order to do so, we need to do something different. I urge your support for A.B. 255.

Elizabeth MacMenamin, representing Retail Association of Nevada:

Nevada places a lot of responsibility on our local school boards. They are allocated more tax dollars than many other political subdivisions of the state. The health of our economy, the diversity of our state, and our future opportunities will rely on how well-prepared our students are to enter our communities as fully educated adults who contribute to our society. The larger school boards continually fall short of meeting the education goals set out by this Legislature. Many factors can be identified as to why that may be. Good work is being done and will continue to be done, but the reality is that there are students they are failing to help succeed. Leadership begins at the top. Having qualified trustees with unique skill sets and experience can help bring a fresh look and a new direction to what has become a complex situation. It will also bring professionalism as well as diversity to our local school boards.

In 2013, this Legislature made similar changes to the State Board of Education that this bill makes to local school boards. Those reforms have had enormous, positive impacts on the State Board of Education, including increased collaboration, greater respectability, and more efficient governance, which has resulted in better outcomes for our students. Our economy and, more importantly, our students are depending on your leadership. We strongly support this bill and urge the Committee to do so as well.

Hugh Anderson, Managing Director, Hightower Las Vegas; and Chairman, Government Affairs Committee, Vegas Chamber:

The Vegas Chamber is in enthusiastic support of A.B. 255. We view this bill as a necessary K-12 reform if we want our community to have trust and credibility in the school board. There are two primary reasons the Vegas Chamber supports this bill: First, by having a mixture of appointed and elected board members, there is the opportunity for board members to be appointed based on their expertise and skill sets. This would be beneficial given the complexities of overseeing one of the largest and most diverse school systems in the United States. Second, reform is necessary if we want our community to have trust and credibility in the school board. This bill is essential to addressing the governance challenges we have seen with our local school boards over the years.

We believe that trust in the school board has eroded significantly over the years. So much is riding on the oversight of and decisions made by school boards in Nevada: the success of students and accountability for them receiving a good education, the trust of parents in knowing their children are adequately prepared for the future, and the bigger picture—economic development and the vitality of our region. Our workforce is one of the number one factors of our economy. This bill not only brings more diverse expertise to school boards, but also will bring more accountability for the results of the decisions they make.

We see success with a similar approach which was taken with the State Board of Education in 2013. That state board is now a mixture of elected and appointed board members. That board has become more effective, earned greater credibility, and worked more openly since those changes were implemented. This type of model works in Nevada, and we should adopt it at the local school district level. At the end of the day, the adoption of A.B. 255 will benefit the most important constituency in education—Nevada's students. We urge your support for this bill.

Kelsey Henderson, Private Citizen, Las Vegas, Nevada:

I am speaking today to urge you to support this bill. As the fifth largest school district in the nation, CCSD's 300,000 students cannot afford to have board members who do not understand their positions, seek to further their own positions, and make a mockery of our school district. Our children cannot afford board members who seek to use their positions on the board as a political stepping-stone while spending only a fraction of their time addressing student needs. Our students deserve knowledgeable experts in the field of education. This is why it is so important that we pass this bill to reform the school board and better serve our students.

Our school board members need to have financial expertise. As the overseers of a \$2.4 billion budget, CCSD board members must have a deep understanding of how to allocate funds appropriately. Allowing some board members to be appointed by educational experts will ensure that our budget will be spent in a way that maximizes student achievement.

School board meetings are inefficiently run, and this ultimately hurts students. While highly effective school districts spend 70 percent of their meetings discussing instructional practices, at CCSD board meetings, this accounts for only 30 percent of discussion. Better instructional practices mean better student outcomes. Some CCSD board members mismanage their time and consistently underserve our students. For these reasons, it is essential that we support this bill.

Nicole Rourke, Director, Government and Public Affairs, City of Henderson:

The City of Henderson supports A.B. 255. Appointing school board members can provide greater accountability to parents and the community. The city council receives numerous constituent concerns regarding our education system with no direct means to address them. By appointing a school board member, municipalities can ensure that leaders of the school districts have the experience necessary to guide such a large organization and be responsive to parents and families.

As Assemblyman Frierson mentioned, there are many school boards across the country that have authorized some or all members to be appointed. According to Education Commission of the States, these states include Massachusetts, Michigan, Minnesota, New Jersey, New York, Pennsylvania, South Carolina, and Virginia. Several large school districts have appointed or mixed boards, including Boston public schools; New York City, whose 13-member board is entirely appointed, with eight members selected by the mayor and the remaining five seats filled by each borough's president; and New Jersey has also long provided for mayoral appointment of school board members. Additionally, five out of ten school districts with the largest per-pupil spending have appointed school board members, according to a 2020 research paper on the topic by University of Nevada, Las Vegas (UNLV) student Yanneli Llamas.

Our schools in our community need strong leadership at the school board level. At no time has this been more evident than now. The last year has presented unprecedented challenges for every organization, and working with our regional partners has been essential to providing the leadership and support needed by our community. We have seen the amazing work that can be accomplished in our community through true collaboration, hard work, and mutual respect. Schools are the cornerstones of our communities, and our kids deserve nothing less than professional leaders prepared to take on our greatest challenges. We look forward to the opportunity to appoint a member to the CCSD School Board of Trustees who will raise the level of accountability, professionalism, and collaboration as well as bring the expertise required to make crucial decisions for an organization with a \$2.4 billion operating budget and a capital program in excess of \$4 billion. Thank you for allowing me to express the City of Henderson's support for this bill.

Maureen Schafer, Executive Director, Council for a Better Nevada:

In the previous two decades, many large urban districts have established an alternative appointment "local" system in an attempt to shift the power, incentive, accountability, and outcome structure to assist individuals serving as school board members in those roles [[Exhibit G](#)].

A 2013 Center for American Progress report by national education researcher Rick Hess developed five key findings from reviewing performance outcomes of 11 local appointed large urban districts over 15 years:

- Local-appointed boards demonstrated higher strategic investment in conditions that support teaching and learning.
- Over ten years, local-led boards improved their district-wide performance compared to statewide improvement.
- Of the 11 districts followed, all made progress; five made substantial progress toward narrowing the student achievement gap within their states—New York, New Haven, Chicago, Philadelphia, and Baltimore. The remaining districts of Hartford, Harrisburg, Boston, and Providence showed some progress on some academic measures.
- Local control in New York had significant impact on fourth- and eighth-grade student achievement. African American and Latino student proficiency grew 1 to 3 percent annually.
- Local control in Boston and Chicago showed strong gains in the initial period of governance and then moved to a tapering period at the point of the study's completion.

In addition to these important points, in testimony before the 2015 Legislative Committee on Education, the Guinn Center presented research suggesting that board members who looked like the students they served better ensured that students' holistic needs were being met. In a majority-minority district such as Clark County, it is critical to pursue all opportunities that will close achievement and other gaps between groups.

Passage of A.B. 255 is an opportunity to reinforce and amplify the intrinsic value of school boards in the success of every child's education. An appointed hybrid local model is an exciting chance for Nevada to continue to empower those on our school boards with more accountability and guidance for success of our kids and greater opportunities for higher academic outcomes leading to a brighter future.

John Vellardita, representing Clark County Education Association:

We represent 18,000 licensed professionals in CCSD. I am here to speak in support of this bill. An education delivery system has two key components—the business side of the enterprise and the instructional side of the system. An effective school board can make a difference in system efforts to improve student performance. Unfortunately, that has not been the case in CCSD. We need a functioning and highly effective governance board overseeing our school district. For the past ten years, we have seen school board after school board engage in dysfunctional behavior at the expense of students and frontline educators.

To be clear, we believe that there have been and currently are many trustees who are well-intentioned and effective, but we have witnessed time and time again a small faction that disrupts the governance process. We need change.

This bill gives the largest local governments appointment powers to school boards because they have a vested interest in making sure our schools are educating our students. The Clark County Commission and the cities of Las Vegas and Henderson have track records of supporting, investing in, and initiating programs to help our public schools and students. I might add North Las Vegas to that list as well. We have confidence that granting them appointment powers will be an extension of that track record.

This bill has mostly elected members as members of the board. This bill also has an appointment process where local governing bodies can be held accountable to their appointments. This bill also has an orderly transition to a hybrid model of governance by allowing current elected trustees to serve out their terms. We need change, and we need it now. The State Board of Education changed its governance structure to a model of elected and appointed board members. It functions and it has served its purpose for our state. It is time for that same approach to take place for CCSD.

Michael Naft, Private Citizen, Henderson, Nevada:

As you all know, Clark County is currently responsible for building and maintaining the majority of our roads in Nevada, governing one of the largest public hospitals in the United States, operating five airports—including our nation's ninth-busiest—along with managing our air quality compliance, social services, and holding the majority of seats on dozens of regional boards—including the Las Vegas Metropolitan Police Department, the Las Vegas Convention and Visitors Authority, the Regional Transportation Commission, and so many others.

Given the wide portfolio of issues that local government is tasked with, my constituents are routinely shocked that Clark County does not have any oversight over CCSD. For years, strong overtures have been made to improve the partnerships between local government and school boards, but silos can be hard to break down. In fact, in hopes of strengthening and building on the collaboration, Commission Chair Marilyn Kirkpatrick went as far as to call to order the first ever CCSD Board of Trustees-Clark County Board of Commissioners joint sessions to work on these important issues in 2019. I believe that this bill will allow for appropriate oversight from local government and accountability of our education while strengthening the voters' choice.

Kenneth Belknap, Private Citizen, Henderson, Nevada:

I am a high school social studies teacher in Las Vegas, and I strongly support A.B. 255. This bill is critically important to improve our school boards of trustees in the state of Nevada. We need our school boards of trustees to be able to effectively monitor and support the work of our school superintendents, and right now the school board of trustees in Clark County falls far short of what their job actually is. Instead of focusing on student outcomes and finding ways to support their learning, they spend their time with petty, internal politics and

bickering amongst themselves. These trustees spend less than 5 percent of their time focusing on kids learning; what exactly are they doing? Why are we fine with this?

We desperately need expertise on these school boards, not just local politicians. These trustees oversee a multibillion-dollar budget annually and we desperately need at least one person with a finance background on that board to help advise the rest on how to manage this money. I know there is always back and forth between CCSD and the Legislature about education funding—the appropriate levels, how much they received, whether they can actually cover the costs—so by implementing this hybrid model, we can begin to eliminate this issue and get back to the important work of finding more funding for education, not bickering about where the current funding levels are going.

I understand that some people might be worried about changing this democratically elected board and making it a hybrid board, but for decades we have proven time and time again that having only elected officials on there is a recipe for disaster. I ask any of you to think of one time when you heard someone mention the CCSD Board of Trustees and people did not roll their eyes. We desperately need change to this board to bring stability for our kids and schools. If you disagree with me that this change is absolutely needed, I encourage you to sit through one school board meeting from start to finish. I guarantee you will immediately come here and vote yes on this bill.

Marilyn Kirkpatrick, Private Citizen, North Las Vegas, Nevada:

Thank you, Assemblyman Frierson, for hearing from so many people around the valley with concerns about the school board trustees and how they handle themselves when it comes to the needs of our students. What I think you heard here today is students, students, students, need voices, voices, voices, and also there is a diversity of issues out there. We need people who can bring a level of professionalism and additional insight to the school boards.

We also need to ensure that more than 20 percent of the school board means are being spent on education; 80 percent of the conversation should be about educational needs. For us here in Clark County—and I am speaking today as a parent, a grandparent, and a product of CCSD—there have been many opportunities missed for students, where we have tried to collaborate, and the school board has not wanted to take the initiative to help bring ideas such as Open Schools Open Doors, preschool, or workforce development so we can have many tools for our students to succeed.

Every time we asked for other things we could work on, we could not seem to get them to engage. For example, last session you passed Assembly Bill 309 of the 80th Session, and when we established a truancy program, we were met with resistance from the school board trustees, and they continue to resist sharing data so we can make sure these kids are going to school and getting an education. I ask that we all consider a new hybrid model where we can regionally work together to ensure that students' needs are met and that we bring the level of expertise to the current board so we can put our children's needs first.

Cheri Raymond-Griggs, Private Citizen, Las Vegas, Nevada;

I am a kindergarten teacher at the James D. McMillan Elementary School and the parent of an eighth grader in CCSD. I write to you today in support of A.B. 255. I have worked for CCSD for seven years and have seen several changes to the makeup of our school board.

Unfortunately, I am challenged to see any real functionality from the board most of the time. The primary focus of the board should be the education and protection of our children first, but they seem to have lost sight of that years ago. While board meetings are typically lengthy affairs, there is very little discussion and decision-making that directly supports and benefits student achievement. This is disturbing, as a parent and an employee of the fifth-largest school district in the country.

Our children are struggling with ineffective curricula and random rules and regulations, and the board spends their meeting time arguing and tweeting. Our children and CCSD employees do not have the time for board members to learn the educational system. Our children and the CCSD employees do not have time for board members to learn federal and state laws regarding our school programs. Our children and the CCSD employees do not have time for board members to take crash courses in finance and budgeting. We need board members who are ready, willing, and able to support the educational success of our children from Day One on the board.

It is beyond comprehension that there are members who have occupied seats on the school board when they are employed by private or charter districts in direct competition with the public school system. How can they be impartial on votes pertaining to student success? It is beyond comprehension that there are members who have occupied seats on the school board when they work for agencies in legal actions against large groups of CCSD employees. How can they be impartial on votes pertaining to those employees?

No one likes to equate a school district to a major corporation, but they are quite similar. There is a reason that school board seats are supposed to be nonpartisan, but recent board members clearly are bringing specific political agendas to the table. This is not fair to the children who must ride the roller coaster of neglect and politics until someone replaces them or they term out.

The proposed hybrid board gives communities a voice while allowing regional governments the opportunity to include educational, governance, and financial experts in order to better address the needs of our children. Our children—our future leaders—are depending on you to support A.B. 255.

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

Chair Bilbray-Axelrod:

I am going to have to close testimony in support. If you are in the queue and would like to submit your comments in writing, I will make sure all Committee members see them and they are posted online as well. We will now move on to testimony in opposition.

Alexander Marks, Communications Specialist, Nevada State Education Association:

We oppose A.B. 255 and its intent to convert three trustees in Nevada's largest school districts from elected to appointed members. Instead, we offer several proposals to improve the professionalism, collaboration, accountability, and responsiveness of members, while preserving school boards as democratically elected bodies. We appreciate our conversation with Assemblyman Frierson about this issue and look forward to working with him to improve Nevada's largest school districts.

Nevada takes pride in promoting the democratic process. Democratic participation is the cornerstone of governance in the United States and in our state, and locally elected school boards represent the American institution that comes closest to the ideal of local self-governance. Local school boards are in place to ensure that the schools in each community reflect the values of the people. School boards provide direction and oversight for the superintendent who manages the day-to-day operations of the schools. They also provide direct accountability to the community.

Like any other institution, there are times when school districts and school boards do not live up to this ideal. This is true of school districts with elected school boards and those without. The difference is elected school boards provide the public with a direct line of accountability. Appointed school boards are shielded by an appointing authority who typically has other significant responsibilities in addition to appointment of school board members. It is extremely rare to see an elected official voted out of office over the actions or conduct of another official they have appointed. This is truer still when the appointment is made by another deliberative body.

Democracy can be messy. Money can have a substantial influence on elections, and sometimes campaigns are negative and turn off voters. Oftentimes, our preferred candidates do not win. While these challenges are real, they are certainly not enough to abandon our system of democratic governance. Instead, we have implemented reforms over the years to make elections more democratic. This work continues here at this legislative session. [Written testimony was also submitted, [Exhibit L](#).]

Sylvia Lazos, Private Citizen, Henderson, Nevada:

I am a law professor and someone who has studied this issue of elected versus appointed officials, especially in the judicial context. I was initially a researcher who really believed in appointments, but over the course of years studying this subject matter, I have switched to the position that elected representatives are usually a better way for people to make their voices heard.

Number one, Nevada is a populist state. If you look at our state constitution, we have ballot initiatives, recalls, referendums, and we also elect judges. Unlike the examples that one of the callers in support talked about, which are all back East, we are part of a western culture that gives a lot of power to our voters. It is opposite to our culture to be taking away power from our voters.

To the issue of diversity, Assemblyman Frierson, I appreciate your statements, but I frankly have not found any research that says appointed boards are more diverse. When I first started studying this subject, Nevada Supreme Court Justice Miriam Shearing said to me, "Sylvia, if I had been part of an appointed system, I would have never been a part of the Nevada Supreme Court." It is the opportunity to be elected that allowed women to become part of the Supreme Court. The research I have read about judges states that it is true, with respect to that first Black or Latino official, governors and appointees are better at it; but when you look at the long run, usually elected boards are much better.

I am also very concerned about collapsing seven districts into four and the resulting dilution of minority votes. Any time you increase the size of a district, you are diluting minority communities. I think it is very important to have African-American and Latinx voices in a district that is made up of 68 percent minority children.

I totally agree with Assemblyman Frierson that we need more professionalism in the school board. It has been unfortunate that during the last year, there have been such tensions over such difficult issues as school reopenings, and most school boards have frankly not done a good job with school reopenings. We can improve professionalism by looking at compensation and by giving them good staff support; the kind that the Legislature itself enjoys, like independent and competent attorneys, financial advisors, and attaches for each trustee. I urge you to rethink the approach. Instead of taking power from we the people, think more about the professionalism and supports that our trustees need.

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

I would like to expand on the comments from my colleague, Alexander Marks. While democratically elected school boards bring the greatest levels of accountability and responsiveness to the communities they serve, we agree more should be done to increase the level of professionalism and collaboration of school boards while also bringing greater accountability and responsiveness to our communities. We have developed a list of possible school board reforms that we ask this Committee to consider as an alternative to the appointment of school board members [page 2, [Exhibit L](#)]:

- The addition of advisory seats on local school boards could bring more breadth and diversity of perspective. In addition to representatives of local governments, we would ask for consideration of important education stakeholders like educators, students, and representatives of the Parent Teacher Association (PTA).

- A statewide code of conduct for school board trustees, including a process for possible removal from office for transgressions, would set clear expectations along with new lines of accountability. Instituting a regular rotation of school board president would lead to more collaboration between school board trustees and decrease factionalism on boards.
- Limiting superintendent contracts to two years would make superintendents more accountable to the seated boards and lead to better working relationships.
- Compensation of trustees that better reflects responsibility would lead to more qualified and professional school board candidates.
- Elevating ballot placement of school board races would lead to greater participation.
- Electing school board candidates through ranked choice voting would reward candidates who are more collaborative.
- Public financing of school board elections would help level the playing field, while increasing communications between candidate campaigns and the voting public.

These are some of several other ideas we have generated to improve the workings of school boards, and the Nevada State Education Association stands ready to work with the bill sponsor or Committee members on any of these important school board reforms.

Bridget Peterson, Private Citizen, Dayton, Nevada:

I am the immediate past president of the Nevada Association of School Boards (NASB). I wanted to begin by letting you know that throughout my seven years of service as a school board trustee, I had the privilege of meeting and interacting with trustees throughout the state. Generally, school board trustees are the salt of the earth. They truly want to be involved in improving their communities, honestly care about children and education, and take their jobs seriously.

During the past year, we at NASB have targeted our training to be more specific and focused around improving board governance and accountability. As an organization, we have worked with the Department of Education, University of Nevada, Reno Extended Studies, and the National School Boards Association to improve the training. We now have a specific set of governance programs for trustees to take over the course of two years that not only fulfills all lawful requirements of training but goes above and beyond [\[Exhibit M\]](#). Our goal is to help trustees understand their role and how to serve in an appropriate and positive way.

In addition to improved training for school board trustees, NASB has developed a proposal for increased accountability measures in lieu of appointments [\[Exhibit N\]](#). It is our belief that by allowing individual districts to better self-govern and increase individual member

accountability, board governance will improve. We propose that restorative practices—three strikes rule—for noncompletion of training, governance, and boardsmanship violations such as Open Meeting Law violation and breach of contract, with enforcement from NASB, be enacted through legislative means.

Options for these three strikes could be as follows: strike 1 would be a written warning in the form of names listed on district websites for violation of board governance policy and an email to trustees from NASB outlining such violations. With continued inappropriate behavior, strike 2 would entail a review by the Nevada Commission on Ethics, and strike three would allow the board of trustees to publicly sanction board members in an open meeting. These are updates on training and ideas we wanted to share with you today.

Anna Binder, Private Citizen, Henderson, Nevada:

I submitted written comment on this [[Exhibit Q](#)], and after hearing the pros and cons today, I want to point out that I started my venture quite a bit ago, and the only resolution we ever get from our elected board is when parents show up and speak out. A perfect example of this is getting our graduations back on and resuming contact sports; a lot of the efforts toward reopening and getting things done have been literally from the blood, sweat, and tears of parents reaching out to our elected officials. We have many elected officials respond by saying that it is not their job, but this is all your jobs. You guys are elected to represent us.

The hesitation in putting any appointed official into our board of trustees, or any other elected governing board, comes from not seeing where the accountability would come from. We have been through so much finger-pointing, and the only thing currently holding us up in CCSD is the superintendent. For anyone who has been attending the meetings, watching the work sessions, going through the Bond Oversight Committee, these are all meetings that rotate in circles, and when we cannot get action from our board right now, it is because of our superintendent.

I do concur with other people who have spoken in opposition to this that there are other ways to increase professionalism. A huge problem I have with this bill is that it leaves out our outlying areas that do not get an appointed trustee that are currently represented. I get that we will have to look at rezoning and all these things, but I really want to point out that this past year, anything we have been able to get for our children has been from the community reaching out and demanding those things from the board, from our elected officials, and from the Governor. If you start putting appointed people in these positions, we are just going to have more finger-pointing, and we cannot deal with that.

Annalise Castor, Private Citizen, Las Vegas, Nevada:

As the mother of five school-aged children and a fourth-generation Nevadan, I am overjoyed that we are talking about this important issue. I am opposed to this bill because while I appreciate the wonderful points of having appointed school board members and its increase in professionalism—which I do support—I believe the solution is not just requalifying the school boards but adding more of them.

A 2015 study from UNLV's Lincy Institute estimates that our state has a population of 2 to 3 million, the most underrepresented state regarding school boards. Arkansas has 310 boards while Kansas has 302, and the closest to us numerically is Utah, which has 40 school boards. We have 17, less than half of the lowest amount for our population, and the ratio gets even worse. The New York Department of Education has 32 community education councils with 11 members each, and a lot of those are appointed, which results in the ratio that one trustee represents 3,125 students. Chicago public schools have 550 seats on local school councils, which works out to one representative for every 72 children. In contrast, the CCSD school board has seven trustees, and each one represents 45,513 students.

I place no blame on the trustees being inadequate to do their jobs when their task in who they must represent is so overwhelming. This has not been reexamined since the 1950s. I invite you to think of your area. Your seat, if we go back to the 1950s, might not even have existed. While adding more community seats to the board of trustees tends to be ineffective in most large school districts, adding school boards is a wonderful opportunity for communities to come together and have a voice to represent their distinct communities. We already have something set up that is doing just this—community education advisory boards are present in Mesquite, Moapa Valley, and Henderson. Because of those councils, those communities are represented in a wonderful way. In fact, Moapa has been open while all the rest of Clark County has not, and that is largely as a result of their advisory board.

Ed Gonzalez, Private Citizen, Las Vegas, Nevada:

A few years back, I was supportive of this concept, but I think this bill misses the mark somewhat. I am a critic of the school district and I understand the dysfunction we have seen at the school board, though it has improved in recent years, but I think there are other things with the bureaucracy and the superintendency that have been problems as well.

As a [unintelligible] community member on the east side, we have been trying to get a health clinic up there for the last three years. The reason we have not succeeded is not because of the school board, but because of the bureaucracy within CCSD. It has not been a funding issue. We want to make sure that students there have mental and behavioral support services, especially for our special education needs.

A few years back, with the previous superintendent, the district spent some of the reserves against state law without a board vote. A board trustee asked for information from someone below the superintendent level, one of the senior administrators, and the superintendent refused to bring him up to answer the question. We had never seen stuff like that before, and to me, there is some important information about the bureaucracy and how things are governed at that level that may need to be added to this bill.

I am in opposition to this bill because I think there could be changes, and I am more than happy to send suggested amendments that may be included, if necessary. I think the most important thing is that municipalities and counties want to have more of a say. There can be a process—if we decide to go that route—to allow them to form their own school districts, make them smaller, keep elected positions, and have those communities have a stronger say in it.

Nancy Jones, Member, Nevada Families for Freedom:

I am a product of CCSD. We are concerned that professionalizing the school boards by adding these appointed members will increase the number of "professionals" who are being paid by the public but who are not accountable to the public. Currently, parents in school districts have little say in what is taught, who is teaching, and how the needs of their children are met. Democratically elected school boards are one of the only ways that parents and community members can be involved in the governance of local schools and school boards.

We agree that we need to improve funding allocation and support student achievement and student outcomes, which we would assert extends beyond test scores and arbitrary grading structures to the ultimate goal of providing Nevada's children with the ability to live lives of maximum joy.

We also assert that it would be best to limit the size of school districts so no school board has such incredible responsibility over expansive budgets and radically diverse neighborhood schools. By having smaller school districts, we can increase the direct communication between parents and administrators and provide local solutions for local problems.

We oppose this bill and would encourage more accountability through local self-governance with direct accountability to the taxpayers and the parents and to find more creative solutions rather than increasing bureaucracy.

[[Exhibit P](#), [Exhibit Q](#), [Exhibit R](#), [Exhibit S](#), [Exhibit T](#), and [Exhibit U](#) were submitted but not discussed and are included as exhibits for this hearing.]

Chair Bilbray-Axelrod:

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

Sam Castor, Private Citizen, Las Vegas, Nevada:

I am a beneficiary of public schools. I grew up with nothing—I had Christmas delivered to my doorstep by kind neighbors—but I was able to work under U.S. President Barack Obama in the Office of Science and Technology Policy after attending law school, and I currently work as in-house counsel and am an executive at Switch.

I am a fan of Assemblyman Frierson and I appreciate his vision of a hybrid approach on this. I like the appointed concept and I like that it increases accountability. As someone with kids at CCSD, I hope you will see that we also need more representation. You pointed out that Baltimore County was a positive example of how to allow elections to benefit the community. They have 63,786 students with seven elected board members, but Clark County has over five times that with 330,000 students, but still only seven board members. I agree choosing the right school board member is just as important as choosing the right doctor, but even an amazing doctor can only do so much, and each board member at CCSD is currently responsible for 45,513 students, and they cannot possibly represent all of them.

Las Vegas is extremely diverse, and I know Assemblyman Frierson is striving to enhance representation of this diversity. I strongly recommend we have more board members, perhaps even seven more appointed positions to complement the elected positions. Alternatively, you could break up school districts into equal portions that reinforce approximate representation.

As presented, this bill will sideline the cities and communities except for the largest two. That takes this law further away from effective representation, not toward it. No one needs to be reminded of the nearly 20 students who have committed suicide here in Clark County. The youngest one was nine. If we had more board members, greater representation, we would be more responsive to the needs of students and have a greater ability to deal with the budgets, pandemics, innovations, and countless other pressures the school boards face. Thank you for your attention to this and your service to Nevada.

Chair Bilbray-Axelrod:

Thank you for the testimony. I do not believe that was neutral testimony. I am going to put that into the opposition category for the sake of public record. We will move on to the next caller in neutral.

Rebecca Garcia, President, Nevada Parent Teacher Association:

The mission of the Nevada Parent Teacher Association (PTA) is to make every child's potential a reality by engaging and empowering families and communities to advocate for all children. Elected representation serves an important role in providing a voice for the community at the local, state, and national levels. School board trustees are entrusted with critical decisions that directly impact the quality of education children receive.

The Nevada PTA is neutral regarding this bill as currently written. The current system has challenges that must be addressed. Trustees in Nevada's largest school districts have oversight responsibility for substantial budgets, workforces, and diverse student populations. School boards are to provide direction and oversight for the superintendent, who is responsible for daily operations in the district. Trustees, as elected representatives, provide both a voice and accountability to the community, yet often it is clear that not all trustees have the relevant experience and training to perform the duties to which they are entrusted. Lack of understanding regarding fiduciary responsibilities, governance, and policy often lead to protracted meetings and ineffective decision-making not centered on student achievement.

Too often, limited time is wasted and important decisions delayed due to process concerns and personality conflicts. Members of the community often feel unheard and express a lack of trust in decision-making. The ability of a school board to function effectively within policies and procedures is essential to ensuring that student outcomes are always the highest priority.

The Nevada PTA has long supported the democratic process, including voter engagement in school board races, which often receive limited care and attention. We also recognize the Legislature's desire to address these challenges, which have existed for many years and directly impact the district's ability to ensure student success.

In 2013, the Legislature made changes to the composition of the State Board of Education which have produced positive impacts. We would recommend adopting similar changes that appointed positions include experience and representation requirements such as business experience, educator experience, and parent representation. Additionally, there is an opportunity to provide clear expectations and accountability related to the conduct, rules, and responsibilities of school board members. We stand ready to work with the Committee on board reforms that will benefit our students.

Mark Newburn, Private Citizen, Las Vegas, Nevada:

I am the current vice president of the State Board of Education, speaking only for myself today in the neutral position. The hybrid model has worked very well for the State Board of Education over the past eight years and has consistently produced a high-functioning board, governance with broad representation, and deep educational expertise. I am speaking in neutral today because this bill needs to make better use of the lessons learned from the State Board. Adding key features like a two-step appointment process, the use of appointed nonvoting members, and the selection of appointed voting members from stakeholders groups with a vested interest in improving student outcomes would go a long way to reduce concerns and increase the chance of producing a high-functioning board governance team.

Danielle Ford, Private Citizen, Las Vegas, Nevada:

I am a CCSD trustee, but I am calling in as an individual citizen, voter, and parent. There was a tech issue when calling in, and my comments are in opposition of this bill. Let me start by saying that I completely understand where this bill is coming from and why the idea of switching to an appointed board could be very appealing. If I were in the Legislature's position, I might even support it, but my perspective as a trustee is why I completely oppose it. I have seen a lot of things that [The Chair stopped testimony.]

Chair Bilbray-Axelrod:

We have already closed testimony in opposition. If you would like to submit your remarks in writing, we will put them in opposition for the record. I am sorry you were having issues.

Danielle Ford:

I will do that. I am in opposition. I will just say that I do agree with Assemblyman Frierson and the Committee, and pretty much everything that has been said. Quite frankly, I agree with most of it, but I think there are a lot of questions to ask that are not being asked. For instance, I agree that the school board members need better training. We actually already do receive mandatory training and continued education [The Chair stopped testimony. Written testimony was not received.]

Chair Bilbray-Axelrod:

If you could put your comments in writing, I will make sure to put it in opposition for the record. I apologize, but we do have to move on. Do we have any more callers in neutral? [There were none.] We will now close the hearing on A.B. 255 and open the hearing on Assembly Bill 206.

Assembly Bill 206: Revises provisions governing education. (BDR 34-746)

Assemblyman Glen Leavitt, Assembly District No. 23:

Because of the pandemic, children of military parents have had a difficult time enrolling in distance education programs in Nevada. My goal with Assembly Bill 206 is to ensure that this does not happen in the future and to try to ensure that as a state, we support our military families by minimizing challenges to accessing educational programs here.

Military children often face multiple educational challenges relating to relocation, such as lack of standardization between schools, missed deadlines, and lack of course registration or completion, to name a few. According to the Department of Defense's best practices for virtual school enrollment, states can minimize disruptions in education for military children by allowing them to participate in technology-based educational opportunities while transitioning between duty stations.

Last year, Alabama passed a similar bill, Senate Bill 143, which allows dependents of members of the U.S. Armed Forces to be considered residents upon receiving orders to relocate to Alabama for the purpose of enrolling in and attending virtual school. Additionally, the Texas Education Code allows for a student who is a dependent of a U.S. military member who has been deployed or transferred to Texas to enroll full-time in Texas virtual school networks if a student was enrolled in a publicly funded school outside the state during the preceding year. These states are considered examples of best practices highlighted by the Department of Defense's best practices for virtual school enrollment. With A.B. 206, Nevada could join that list.

The bill is pretty simple. First, section 1 requires pupils who do not reside in the county and are enrolled full-time in distance education programs to be included in the count of pupils for apportionment purposes. Section 2 provides that the pupil may enroll in a full-time distance education program if their parent or guardian is a member of the U.S. Armed Forces

and who has received orders to relocate to Nevada but has not yet relocated. Finally, section 3 authorizes a pupil to enroll in a full-time distance education program at a charter school if their parent or guardian receives orders to relocate to Nevada. I am here to answer questions.

Chair Bilbray-Axelrod:

Do we have any questions from the Committee? [There were none.] We will open testimony in support.

Andrew LePeilbet, Chair, United Veterans Legislative Council; and representing Military Order of the Purple Heart; Disabled American Veterans:

This bill is an essential element we have needed for some time. A lot of our service members get orders of a permanent change of station—called PCS in military jargon—and when they receive that change, their families sometimes move before them, because they are sent on training for their new military assignment.

We fully support this bill. It is the right thing to do for our active military, our National Guard members, and our families. In the case of our Guard, sometimes we have members who are transferred from northern Nevada to southern Nevada, and it is just like going to another state. They need to get their kids enrolled as soon as possible and by any means possible. Again, we endorse the approval of this bill.

Noah Sullivan, representing Clark County School District:

I am here to testify in support of this bill, which streamlines the process of distance education for children of military families. Allowing students to start their education as soon as their parents receive an order to relocate to Nevada ensures that they do not fall behind their classmates. After this past year, distance education has become a part of the conversation for how we can reach students in an innovative way, and this bill accomplishes this exact goal. Education should not be put on pause simply because a student would not have physical access to a Nevada school before their family relocates. This bill offers a simple solution targeted to a very specific group of students who often struggle when they transition to new schools because of their parents' relocation. Students would be able to get their education started ahead of time and be prepared for the school year ahead.

Erica Valdriz, Government Affairs Fundraising Coordinator, Vegas Chamber; and representing Vegas Chamber Military Affairs Committee:

The Chamber is in support of this bill and supports the count of students who are enrolled in distance learning because our Nevada students deserve the support and benefits from our school system. This bill will provide students whose parents or guardians are service members more ease and accessibility to seamlessly continue their education through the K-12 education experience. This bill is highly beneficial for our students and their route to graduation. We urge your support of this bill.

Dan Morgan, President, Nevada Military Support Alliance:

I am the honorary joint task force commander to the adjutant general of the Nevada National Guard. The mission of our organization is to organize and promote the recognition, support, and appreciation of Nevada's men and women of our Armed Forces, veterans, and their families, and we have been successfully doing that since 2010. We are a statewide 501(c)(3) organization and believe that this bill and its sponsor are doing a great benefit to our military families throughout the state by providing educational opportunities for their children upon relocation and assignment. We wholeheartedly support this bill and urge its passage.

Mary Pierczynski, representing Nevada Association of State Superintendents:

We appreciate Assemblyman Leavitt for bringing this bill forward, and we are in full support.

Kelli May Douglas, Southwest Regional Liaison, Defense-State Liaison Office, Department of Defense:

On behalf of the Department of Defense and military families with school-aged children, I am writing to express our support of the policy change addressed within A.B. 206, which would enable military parents during reassignments to enroll their children in a Nevada distance learning program ahead of their arrival to Nevada on military orders [[Exhibit V](#)].

Military service members are typically reassigned to new duty stations every two to four years, usually during the summer, receiving their orders within one to four months prior to moving. However, when they receive orders to move mid-term, a family could anticipate this potential out-of-cycle relocation and register for virtual or distance learning courses in the receiving state during the transition semester. This option would help military children avoid receiving course incompletions that could prevent them from graduating with their peers.

If the Chair and Committee members would also consider expanding this pre-registration opportunity to incoming military students who have yet to arrive to Nevada for in-person as well as distance learning, military families would benefit from knowing where their children will be attending school and being assured that they will have full access to schools, programs, and courses at the same time that their peers register for school. There are nearly 5,000 school-aged children of active duty service members in Nevada; approximately one-third of those are transferring in and out of the state each year, so this change would have a great impact on the military community.

Chair Bilbray-Axelrod:

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

Sarah Nick, Policy Analyst, Department of Education:

I would like to thank Assemblyman Leavitt for honoring the Department's request to connect after today's hearing to review what implementation of this bill would look like, specifically as it relates to funding for students. The Department's submitted and posted fiscal note reflects this in detail.

Katherine Miller, U.S. Army Colonel (Ret.), Director, Department of Veterans Services:

I want to share one bit of information with the Committee, and that is the inability to engage in advanced enrollment for both distance and in-person learning is a concern that has been frequently raised to our department by transitioning service members.

Chair Bilbray-Axelrod:

Are there any other callers in neutral? [There were none.] Assemblyman Leavitt, do you have any brief, closing remarks?

Assemblyman Leavitt:

Thank you, Madam Chair, and thank you, Committee.

Chair Bilbray-Axelrod:

I will close the hearing on A.B. 206 and open the hearing on Assembly Bill 257.

Assembly Bill 257: Establishes provisions governing indoor air quality in public schools. (BDR 34-212)

Assemblywoman Susie Martinez, Assembly District No. 12:

I am pleased to present Assembly Bill 257 for your consideration. This bill seeks to address the dangers of poor ventilation and poor indoor air quality in schools. Even before the pandemic, numerous studies have shown that poor indoor air quality in our schools does not just put the health and safety of our students and teachers at risk, but it also impacts students' attendance and performance. Studies show that student performance metrics can increase by as much as 15 percent simply by ensuring that classrooms are adequately ventilated. COVID-19 has heightened these concerns, since studies show that it can be transmitted throughout the air. The Centers for Disease Control and Prevention (CDC) expressly recommends that schools assess and improve their ventilation systems in order to reduce the risk of COVID-19 spread [[Exhibit W](#)], yet Nevada has no requirements or standards for ensuring this is done or done correctly.

This legislation will do three things: It sets forth the steps and standards for schools to assess and improve their ventilation systems; it requires schools to take these steps where state or federal funds are available to fund this work; and it requires schools to include a plan to ensure adequate ventilation in schools as part of the plans for the safe return to in-person instruction required pursuant to the American Rescue Plan Act of 2021.

The amendment you see before you is the result of the desire to ensure that this legislation is consistent with the most recent national guidance on school ventilation and filtration assessment programs [\[Exhibit X\]](#). It is also the result of shifting the funding mechanism. Our original bill envisioned a new state-funded grant program. However, there was no funding available for this. At this time, the federal government has passed two recent stimulus acts that include funds for schools, stating that these funds can be used to improve school ventilation and air quality, and requires schools to adopt a formal plan for the safe return to in-person instruction. This new amendment ensures that schools that use these funds and make these plans follow the appropriate steps and guidance to ensure proper ventilation and safe air quality in schools.

When I ran for my district, I made a promise to put education first and to be an advocate for the needs of our teachers and children. This legislation does that. The standards set forth in this bill are essential to protecting the health and safety of Nevada's children and teachers, both during and after the COVID-19 pandemic. Throughout this entire process, I have had conversations with our stakeholders—the Office of Energy, Office of the Governor; the Department of Education (NDE); the Nevada Education Association; constituents; and persons and organizations interested in this piece of legislation. Their input and feedback have been critical toward improving this bill.

With me today is Christopher Ruch, Director of Training with the National Energy Management Institute, and Tom Enslow, who represents the Western States Council of Sheet Metal Workers. They are both part of a broad stakeholder team that developed some of the national guideline documents on which this legislation is based. Mr. Enslow will provide a brief overview of the specific requirements of the bill, and Mr. Ruch will be available to answer any technical questions the Committee may have.

Thomas A. Enslow, representing Western States Council of Sheet Metal Workers:

My clients have been working with national and regional research groups for several years to help identify measures to address the pervasive problem of poor ventilation in schools, even before COVID-19 raised the importance of this issue in the public's eyes. For the past decade, study after study has found that poor ventilation in schools is pervasive and regularly results in carbon dioxide levels that are more than double the acceptable standards. This affects not only student and teacher health and attendance, but also students' ability to concentrate and think. High carbon dioxide levels have been found to reduce the brain's cognitive abilities, meaning it is harder for students to learn and harder for them to perform well on tests. With COVID-19, we also have the added concern of increasing the risk of spread.

This is a real issue. Studies have estimated that over 50 percent of new heating, ventilation, and air-conditioning (HVAC) systems and 85 percent of replacement HVAC systems have performance issues due to poor quality installation. This has been directly tied to the use of installers who do not have adequate training. As a result, schools often assume that they have properly functioning systems, but when tested with carbon dioxide monitors during occupancy, we found that the classrooms are regularly failing to provide adequate

ventilation. Poor ventilation is particularly problematic in schools because there is high occupancies in small rooms. This is not an indictment of the Nevada school district; this is a problem across the nation. A 2020 report by the United States Government Accountability Office estimated that 40 percent of school districts across the nation have systems that need repair, updating, or replacement. This legislation gives the school districts the tools and guidance needed to address this issue.

I would like to briefly run through what this bill does. This legislation creates a school ventilation and verification-to-repair program, ensuring schools have functional ventilation systems that provide ventilation rates set forth in the building codes—the Uniform Mechanical Code in Nevada—and that these systems are tested, adjusted, and repaired if necessary by qualified personnel to provide the recommended filtration levels and ventilation rates and also to ensure they are running as efficiently as possible so we save schools money.

It also requires installation of carbon dioxide monitors in classrooms to make sure we have an ongoing measure that the ventilation is continuing to be provided correctly. What often happens is that the systems are adjusted once, but over the years and depending on class size and other adjustments, the systems can be thrown out of whack. The carbon dioxide monitors are important devices for teachers and students to know they are in a healthy indoor air quality environment.

The original version of this legislation proposed creating a state agency grant program run by the Department of Energy, but there was not available state funding to provide this grant. We do know there is federal funding now available through the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA) and the recent American Rescue Plan Act; they have what are called Elementary & Secondary School Emergency Relief Fund (ESSER) for schools, and among the uses expressly included for this funding is to improve air quality and ventilation, because the federal government recognizes the importance of this. These acts also require schools to adopt a formal plan for the safe return to in-person instruction. However, these acts funnel this money directly as subgrants to the schools and school districts, so it did not make sense to have a state grant program. That is one of the main reasons we have added these amendments [[Exhibit X](#)], to recognize where this money is coming from and provide guidance to schools on how to use it.

The proposed amendments require schools to include a plan to ensure adequate ventilation and air quality in the plan for the safe return to in-person instruction that is required to be prepared under the American Rescue Plan. The proposed amendments also require schools to follow specified steps and standards to assess and improve their ventilation systems where state or federal funding is expressly available for this work, and add additional detail and clarification to the substantive amendments we had in the original bill to make sure it is consistent with the most recent guidance, including some definitions for clarity.

Current federal guidance in the CRRSA and the American Rescue Plan Act ESSER funds suggests that states cannot directly limit or restrict how this funding is used. We recognize this uncertainty, and it is being addressed at the federal level, but in the meantime, we

address this in our bill by stating that if the federal funds prohibit the state from prescribing how the funds are used, these requirements are directional rather than mandatory. We are still telling the schools they should be doing this, but it is to their discretion whether they are using ESSER funds or want to find some other way to address this issue.

We also know there is additional funding coming down since a school infrastructure bill is now moving through the U.S. Congress, and we expect that that legislation will have some more explicit requirements to address ventilation and filtration if it has not already been done with the prior funds. This bill will ensure that Nevada already has requirements in place if that happens.

Finally, in the event the requirements are mandatory, the proposed amendments also create cost certainty by capping expenditures at \$200,000, which is estimated to equal, at most, 5 to 10 percent of the average ESSER fund grant amounts, but schools would have the discretion to exceed that cap if they need to, if they have a system that needs replacement. Also, keep in mind that cap is only for schools that have systems that require repair. Schools with functioning systems would just need to adjust their systems, update their filters, and add carbon dioxide monitors to ensure continued proper ventilation. Most schools would not be anywhere near that cap. If anyone has questions, I would be happy to answer them.

Christopher Ruch, Director of Training, National Energy Management Institute:

I come to you with a unique perspective because I was a schoolteacher teaching first grade, and then I spent most of my career on the roofs of schools making sure their systems worked right. I am here purely as a resource to you. I am a member of the ASHRAE [American Society of Heating, Refrigerating and Air-Conditioning Engineers] Epidemic Task Force among many other groups and certifications, so I am here to answer any technical questions if you have them.

Chair Bilbray-Axelrod:

Are there any questions from the Committee?

Assemblywoman Torres:

Having worked in many schools that do not have the quality ventilation systems we need, especially during a time like this, I think this legislation is very timely. I was wondering if we know when the plan for the safe return to in-person instruction is due?

Tom Enslow:

It is required to be prepared prior to the receipt of any of the American Rescue Plan money. The act was just passed a few weeks ago, so it will probably be a few months before that money flows, but before the schools can get that money, they have to have that plan completed.

Assemblywoman Torres:

I am a little confused by that specific portion of the legislation. I definitely support the intent of it, but I am wondering if that is the appropriate place to put that in, or if maybe we should add an additional requirement that it perhaps be due by July of this year. I do not know if that is enough time for the schools to consider that plan. I am wondering if that timeline makes sense.

Tom Enslow:

I think what you said is a possibility. The intent here is that we have set forth the program in this legislation to make it easy and provide uniform standards for the schools, so really all they would have to do is reference this legislation in their plan. What we really want to do is make sure that when they are doing these reopening plans, they are considering ventilation, filtration, and air quality issues as well as everything else.

Assemblywoman Hardy:

Regarding the \$200,000 expenditure cap, do we have any idea how many schools would get close to that amount or require those extensive repairs? Do we have any idea what we are talking about here, or do we not know that yet?

Tom Enslow:

The short answer is no; that is why there is an assessment in the requirements. Right now, we do not really know what shape these schools are in. The report put out by the federal government in 2020 estimated that in 40 percent of the school districts, about half their schools had serious problems. If that applied here, we would probably be talking about 20 to 25 percent of the schools that might need more extensive repairs.

Assemblywoman Hardy:

Like you said, when the reports are due, we would have more detailed information as to what we are talking about.

Christopher Ruch:

Yes. It is much like bringing your car in for a 120-point inspection. Until they actually do the inspection, it is hard to determine what exactly is going to be wrong. That is one of the benefits of doing an assessment—you are really focusing in on what exactly you need to repair and taking advantage of the existing infrastructure that is there.

Assemblywoman Duran:

I believe we do need to update our ventilation systems, especially in some of our older schools. My question is related to Assemblywoman Hardy's. With these funds, are the inspections and assessments taken out of the \$200,000? Is it per school that this is going to come out of a budget?

Tom Enslow:

The assessment and the basic maintenance are the work that is going to have to be done in each school. How much that costs is going to depend on how many units and how big the schools are, but I have heard estimates between \$5,000 and \$30,000, depending on the size of the school, to do the basic work, and if there are repairs or upgrades that need to be done, that is where we then start going up to that cap, but we imagine that it is not going to be all schools that need that.

Assemblywoman Duran:

I know you are changing "International Mechanical Code" to "Uniform Mechanical Code" and you are changing "mechanical engineer" to "licensed professional engineer." Is this going to be a specific company, or are there going to be several companies bidding on these jobs to make the assessments and do the repairs?

Tom Enslow:

It does not require a specific company, so it will be a competitive bidding if the schools wish. It requires that the companies that do the work use a trained workforce. A lot of contractors might have a contractor's license, but that does not mean that they have fully trained their workers, so if there is going to be actual work done, we require a certain percentage of the workforce to have graduated through a five-year apprentice school. That could be union or nonunion. That adjustment work is done by what is called "testing, adjusting, and balancing" contractors, which are used regularly in the industry because they are the specialists who know how these systems work and how to test them and adjust them to ensure proper air flow.

There are essentially three companies that do that work in the U.S.—the Testing, Adjusting, and Balancing Bureau (TABB), the National Environmental Balancing Bureau (NEBB), and the Associated Air Balance Council (AABC). The Testing, Adjusting, and Balancing Bureau is associated with the sheet metal workers, while NEBB and AABC do work for both nonunion and union. Most contractors will subcontract out the actual TABB work. They do not have to have a TABB person on staff in order to do this work because they would subcontract out any specific adjusting and balancing work to a TABB contractor. That is done now in any big building when they do extensive HVAC work.

Chair Bilbray-Axelrod:

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

William H. Stanley, representing Southern Nevada Building Trades Union:

We are in support of this bill and the apprenticeship opportunities it develops as well as its support of the qualified workforce it develops in providing a clean environment for our children to attend school. During this pandemic, we are more acutely aware of what is going on inside of our classrooms, and we believe this is the time to fix this problem.

Rusty McAllister, representing Nevada State AFL-CIO:

On behalf of our 150,000 members, we are also in support of this legislation. We believe this is a good policy that puts long-overdue maintenance issues to the forefront and takes care of our children. I agree with the comments made by the previous speakers.

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

In our history, there have been few more challenging times than the one we find ourselves in right now with the global COVID-19 pandemic. The Nevada State Education Association (NSEA) supports [A.B. 257](#), which addresses one of the most pressing school safety issues of this crisis—indoor air quality [[Exhibit Y](#)].

After the closure of all school buildings a year ago, NSEA engaged at the state and local levels so students and educators could continue teaching and learning in the safest and most responsible way. This past year, our members responded in a variety of ways depending on their district and the status of the COVID-19 crisis in their communities. Some educators have been back at their school building offering in-person instruction since the fall. Others have been in hybrid models, juggling in-person learning with distance learning opportunities. Many others, including in Clark County, have only recently returned to school buildings, spending the bulk of the year working to create meaningful education experiences through full distance learning.

However, educators know distance or hybrid learning models are not ideal for most students and educators. At the same time, educators have also been very concerned about their health and the health and well-being of students. We know prior to the COVID-19 pandemic, Nevada's neighborhood public schools were already chronically under-funded with the most crowded classrooms in the country. Meanwhile, many of our school facilities are decades old, with failing windows and HVAC systems. That is why it is so important to have strong protocols on social distancing while also doing everything we can to improve the air quality inside our schools.

With advocacy and funding from the National Education Association and support from our federal delegation, significant funds have been made available to more safely operate school buildings. This includes funds for facilities, including HVAC systems. Educators understand that for these systems to be working at their best, they need to be maintained by technicians who are trained and certified. Effectively addressing the issue of indoor air quality needs to be a component of a safe return to full, in-person learning in every district across the state.

Alfonso Lopez, representing Smart Local 88:

I am speaking in support of this bill. Indoor air quality will be a key potential aspect of creating jobs for Nevada residents. Job creation and opportunity will be critical to getting us back on track from what this historic pandemic did, not only to our state, but to our nation.

More importantly, this bill is needed since our schools were shut down just over a year ago. Having to adapt to this hybrid, online way of learning has proven to be a step back for thousands of Nevada's students. Nevada's children want and need to return to some semblance of normalcy as soon as it is safe and responsible to do so. Indoor air quality will give our teachers, faculty, and students the peace of mind needed to safely return to the classroom. Indoor air quality is becoming a nationwide, federally funded effort to give teachers and students the assurance that every option on the table is being considered and implemented for the safety of everyone involved.

Robert Benner, Secretary-Treasurer, Building and Construction Trades Council of Northern Nevada:

Carbon dioxide levels in the classroom have direct effects on health, attendance rates, and the learning ability of students. Along with the risk of COVID-19, the need for better air quality standards is critical. We strongly support this bill. Its passage would dramatically improve the health and success of Nevada's teachers and students while providing high-quality, well-paid jobs for Nevada's workforce.

Jordan Krahenbuhl, Executive Director, Plumbing, Heating, Cooling Contractors of Nevada:

I am speaking in favor of A.B. 257 as amended. The Uniform Mechanical Code is currently and has been adopted throughout the state of Nevada for many years. This code is used by government and industry for HVAC installations and indoor air quality throughout the state, including schools. We are in support of the Uniform Mechanical code and the language included in the amendment.

Mandi L. Wilkins, Executive Vice President, Mechanical Contractors Association of Las Vegas; and representing Sheet Metal and Air Conditioning Contractors' National Association of Southern Nevada:

I will be brief. We strongly support this bill as amended and echo the comments of previous speakers. We definitely urge your support on this important piece of legislation.

Chair Bilbray-Axelrod:

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

Brenda Pearson, Director, Strategic Policy Initiatives, Clark County Education Association:

We appreciate the intent of this bill. However, we are incredibly concerned that the cost of the functional ventilation systems will take money away from our students and the resources they need. In the original bill form, the Office of Energy was charged with awarding a grant to a school for the purposes of air quality. Under the amendment, each public school will be required to ensure installation and maintenance of adequate ventilation systems to the extent that money is available. The issue is that we do not have excess funds for infrastructure in schools in CCSD. Even with the pandemic, some of our classes are 60 percent over the

recommended class size ratios, with children being left without the classroom resources needed to address the learning gaps created over the last year by COVID-19 closures. We cannot support a diversion of funds from our students.

Additionally, the new section requiring each local education agency to include a plan for the safe return to in-person instruction is redundant to our current practices, our collective bargaining agreement which includes this information, and Senate Bill 173 of the 81st session. We urge this Committee to find a source of funding for this bill separate from our currently designated school funds. Even though the implementation date is July 1, 2023, it is contingent upon money being available. As we still fight to fund S.B. 543 of the 80th Session, optimally, it is very difficult for us to support an additional cost that will not directly benefit our students. That is not to say that ventilation systems and air quality are not important, but we are in the position that we must put our students and educators first until there is money available for infrastructure costs.

Chair Bilbray-Axelrod:

I am going to ask that we put your comments in opposition for the record. I think that would be a more appropriate place for your comments.

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

As we told the bill sponsors this afternoon, all the school district's ESSER funds that have been discussed during today's presentation have already been accounted for since this federal bill was passed in December 2020. We wanted to bring that to the Committee's attention.

We certainly appreciate this bill being discussed today so we can continue to shine light on the capital improvement needs. Our school district currently has \$10.8 billion in identified capital needs to build and modernize our schools across the valley. Since there are several conceptual amendments being provided to the Committee today, CCSD is testifying in neutral until a mock-up of the new version is prepared. We will continue working with the bill's sponsors and stakeholders to move this forward.

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

I would like to adopt the comments made by Brad Keating from CCSD. If, ultimately, the bill requires the air ventilation project to jump the line in our prioritization system that is based on student safety, we will request that the language be adjusted. We are committed to indoor air quality and have made major adjustments to prepare to open schools in August that are in compliance with CDC guidelines, especially related to COVID-19. As you may recall, we even had to cancel school days because of the wildfire smoke that filled our valley when school opened in the fall of 2020. Certainly, indoor air quality is an important component of student and staff health, and it is currently factored into our prioritization system funded by our capital project funds. We are looking forward to seeing a clean mock-up of the amendment to understand what is being mandated of districts.

Jennifer Taylor, Deputy Director, Intergovernmental Relations, Office of Energy, Office of the Governor:

We would like to offer the following neutral testimony regarding [A.B. 257](#) as introduced [[Exhibit Z](#)]. Providing opportunities for Nevada's schools to assess and upgrade their HVAC systems to improve air quality and energy efficiency is commendable. While we applaud this effort to address this important issue, as introduced, [A.B. 257](#) creates a significant fiscal impact to the agency and raises questions as to how such a program should be responsibly managed. The referenced impact is detailed in the significant fiscal note we have submitted.

We understand that a conceptual amendment dated today has been proposed [[Exhibit X](#)], and we have just learned of this language. On first read, we will have questions regarding the practicality of this amendment, including, given the funding source, whether we could be involved in the implementation of this program as proposed. We look forward to fully evaluating the conceptual amendment and the opportunity to speak with the bill's sponsors regarding its intent and the expectations for implementation.

Chair Bilbray-Axelrod:

Are there any more callers in neutral? [There were none.] Assemblywoman Martinez, do you have any closing comments?

Assemblywoman Martinez:

Yes. Mr. Enslow, did you have anything else you wanted to bring to the table?

Tom Enslow:

I think we are good for now. We are happy to talk with any of the commenters who were neutral to try to address their issues as we move forward.

Assemblywoman Martinez:

As I mentioned earlier, when I first ran, one of my top priorities was always taking care of our students and our teachers. They are the most important priorities on my list, so when this bill came to me, I was very excited because I felt like this was my opportunity to finally assist our students and the amazing teachers who take care of them. I urge you to support this bill.

[[Exhibit AA](#), [Exhibit BB](#), and [Exhibit CC](#) were submitted but not discussed and are included as exhibits for this meeting.]

Chair Bilbray-Axelrod:

With that, I will close the hearing on [A.B. 257](#) and open the hearing on [Assembly Bill 367](#).

Assembly Bill 367: Revises provisions governing education. (BDR 34-87)

Assemblywoman Jill Tolles, Assembly District No. 25:

I am bringing before this Committee Assembly Bill 367. Part of the purpose of education is to prepare our students to enter the world as well-informed citizens and contributors to the community and economy. This bill seeks to accomplish two goals. First, it strengthens the commitment to teach critical disciplinary skills in social studies by enshrining them in *Nevada Revised Statutes* (NRS). Second, it provides flexibility for teachers and students to have the option to teach American government and economics as a combined course if the district approves on a case-by-case basis.

I had three guiding principles as I approached this legislation—one, no heavy lifts, understanding that we are coming out of a year of a global pandemic; two, no fiscal note; and three, honor the work that has been done before, particularly by all the supporters of teaching financial literacy through the addition of economics in the social studies subjects as brought forward by Senate Bill 249 of the 79th Session.

I would like to walk through the bill section by section. I would also like to point out that there is a conceptual amendment for this bill [[Exhibit DD](#)]. The first portion I want to talk about is disciplinary skills and adding those to section 1, subsection 1(e). You will notice on the conceptual amendment that I have deleted paragraph (e) of subsection 1 of NRS 389.018 and instead added "disciplinary skills" to subsection 1 of NRS 389.054. That is because I was not intending to add an entirely new subject to our core content; instead, I wanted to add that disciplinary skills would be included in the instruction in American government.

The disciplinary skills provide the manner in which to study the content themes throughout inquiry and disciplinary literacy. They currently reside in our existing content standards, and specifically, the content standards pertaining to civics education can be found on page 43 for American government and economics [page 43, [Exhibit EE](#)]. You can see that they include critical skills like gathering relevant information from multiple sources representing a wide range of views; evaluating the credibility of a source by examining how experts value the source; seeking multiple media sources when investigating current issues, evaluating the credibility and reliability of each; and detecting inconsistencies in evidence. These disciplinary skills are in themselves valuable for training up a well-educated citizenry. This simply takes those disciplinary skills and elevates them by codifying them in statute. In short, these skills are critical in an age of rapidly disseminated information, misinformation, and disinformation channeled through a variety of media and other informational sources for our students to be prepared to enter the world as critically thinking citizens and consumers.

The second section of this bill addresses the combined course of American government and economics. This section provides flexibility for teachers and students by removing the limitation that only an AP [Advanced Placement] course can have the option to teach one half-unit of American government and one half-unit of economics and instead allows them, upon approval of the district, to be able to offer that class as a combined course.

As a teacher myself, I believe offering this flexibility where it is needed and desired is beneficial not only to teachers and the students who may learn better through that varied format, but also to the volunteers and the organizations, persons, entities, and businesses who are part of the program to help teach financial literacy, particularly as it is part of this transition to economics.

It also gives flexibility to incorporate these concepts throughout the year. For example, an American government teacher might teach a segment on the formation of the U.S. Treasury and then follow it up with several weeks talking about investments and interest. An American government teacher might prefer to then teach about state and local governments and then follow that by teaching an economics segment on budgeting and debt.

A few questions frequently arise regarding this proposed change. The first is, Will this impact the financial literacy or economics requirements set to be implemented in July 2022? The answer is no. It is important to note that this would not reduce any of those requirements pertaining to teaching financial literacy, and all other existing requirements will remain in statute and are set for implementation by July 1, 2022. Another question I received was, Will this impact Infinite Campus or graduation requirements? Again, the answer is no. The same method a district would use to apply the full credit of a combined course offered to an AP class for the purpose of graduation requirements would also work for a non-AP course that utilizes this option.

The third and final question I have been asked frequently is, Will this mandate that teachers move to a combined class? The answer is again no. I anticipate that, with all the work over the past years toward implementing this transition to one half-unit of American government and one half-unit of economics beginning in July 2022, many if not most teachers will remain on that track. This merely allows school districts to provide this option if it is desired and appropriate. It is merely permissive language. It may seem like a small change, but to the teachers and students who want the flexibility to weave American government and economics curriculum throughout the whole year, and to the business entities and volunteers who help with that financial literacy program, it makes a big difference. I would like to turn it over to Mr. Richard Clark to provide his testimony.

Richard Clark, Private Citizen, Reno, Nevada:

I am the social studies department leader at Reno High School and the We the People teacher. It is my great honor and pleasure to endorse Assembly Bill 367. I thank Assemblywoman Jill Tolles for her guidance and help in this process.

In Thomas Jefferson's 1818 report to the Virginia legislature on the reasons for the University of Virginia, he wrote that the objects of this primary education would be to understand our duties to neighbors and country and to discharge with competence the principles and structures of government, the laws which regulate the intercourse of nations and the spirit of legislation. In a small part, this bill will continue Jefferson's philosophy of a well-rounded citizenry. This bill will allow teachers and school districts the ability to professionally determine how to best provide twelfth grade civics and economics standards.

Over the last 50 years, we have boxed in curriculum. Students often ask, Why do we do math and science? Why are we working on writing and history? Why are we talking about policy in environmental science? We are teaching the whole student to understand their duties to their neighbors, to their country, and to discharge with competence the principles of our government.

I am a public radio enthusiast to say the least, and there is nothing better than to hear the sweet voice of Kai Ryssdal on American Public Media's (APM) Marketplace in the afternoon. I listen to Marketplace to catch up on market news. I listen to APM to catch up on policy news. What Marketplace does so well is what this bill would do—allow teachers the ability to wed our financial, economic, and civics standards seamlessly in order for students to see and understand that the subjects are not separate issues; they are binary stars that orbit each other.

I open my school year each year with a unit on what it means to be a citizen. By allowing us to integrate the economic and financial literacy standards with civics, I can open up that unit to not just civics standards, but what it means to be a citizen when it comes to our own personal financial responsibilities. This bill will allow teachers the freedom to best implement the standards while allowing us the flexibility to teach current events as they happen and explore their impact on both policy and the economy.

Chair Bilbray-Axelrod:

I, too, am a big Kai Ryssdal fan, so I appreciate that reference. Do we have any questions from the Committee? [There were none.] We will move on to testimony in support.

Brenda Pearson, Director, Strategic Policy Initiatives, Clark County Education Association:

We are in support of this bill. We must ensure that we are engaging all students in high-quality discourse. One component that has not been discussed enough in academics is disciplinary skills. The ability for students to use disciplinary skills to make claims according to evidence and to communicate and critique conclusions is imperative to their future. Creating academic opportunities where disciplinary skills are experienced through content allows students to grapple with real life experiences. It is the intent that these skills will then transfer to how students approach and interact with the world around them. We must ensure that every student has every possible tool in their toolbelt to approach their education with an open mind to become the innovators of tomorrow.

Shelly Williamson, Private Citizen, Reno, Nevada:

I teach at Reed High School in Washoe County, and I have been teaching government and AP government for 20 years. At the beginning of my career, I was part of a pilot program to increase economics education in this district, and I am currently serving on the district committee responsible for designing the economics curriculum for Washoe County high schools. I fully support incorporating both social studies disciplines into the twelfth-grade curriculum, and I am speaking quite specifically to the second part of this bill.

I am in favor of this bipartisan bill and the flexibility it provides for educators to combine these two strands as they deem most effective. Many of the economic standards can be taught through a government lens and vice versa. Teachers should have the discretion to separate these or present them in a more interdisciplinary manner.

You may find it interesting to note that Washoe County School District teachers were surveyed regarding which of the economics standards they considered to be the most essential or critical, and two of the top three were standards that directly related to the teaching of government. For example, the standard rated as most essential is to evaluate the effectiveness of government policy on the U.S. economy. Many educators might find their instruction to be most effective when they are able to teach the relationship between government and the economy throughout their study of government rather than referring to it in a separate semester. If we separate these into two separate semesters, teachers will not have the choice to use their professional judgement to determine how best to help those students master these standards. A teacher who wishes to provide instruction on global economics during their international relations unit should have that option. Given how the bill is currently written, teachers would have the opportunity to present these concurrently. It is important to note that this bill does not take away the opportunity for teachers who do not want to separate the subjects.

Chair Bilbray-Axelrod:

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

Assemblywoman Tolles, do you have any closing remarks?

Assemblywoman Tolles:

I want to end with this final quote from Thomas Jefferson: "An educated citizenry is a vital requisite for our survival as a free people." Thank you for hearing this bill, and I respectfully ask for your support of this bill.

[[Exhibit FF](#) was submitted but not discussed and is included as an exhibit for this hearing.]

Chair Bilbray-Axelrod:

With that, I will close the hearing on A.B. 367 and move on to public comment. Are there any callers who wish to give public comment? [There were none.]

This meeting is adjourned [at 4:40 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 the Work Session Document for [Assembly Bill 67](#), presented by Kristi Robusto, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit D](#) is the Work Session Document for [Assembly Bill 109](#), presented by Kristi Robusto, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit E](#) is the Work Session Document for [Assembly Bill 194](#), presented by Kristi Robusto, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit F](#) is a proposed conceptual amendment for [Assembly Bill 254](#) from the University of Nevada, Reno and the University of Nevada, Las Vegas, submitted and presented by Assemblyman Jason Frierson, Assembly District No. 8.

[Exhibit G](#) is written testimony dated March 30, 2021, submitted by Maureen Schafer, Executive Director, Council for a Better Nevada, in support of [Assembly Bill 255](#).

[Exhibit H](#) is a letter dated March 30, 2021, submitted by Arielle Edwards, Government Affairs Specialist, City of North Las Vegas, in support of [Assembly Bill 255](#).

[Exhibit I](#) is a letter submitted by Kelly L. Crompton, Government Affairs Manager, Office of Government and Community Affairs, City of Las Vegas, in support of [Assembly Bill 255](#).

[Exhibit J](#) is a collection of letters dated March 30, 2021, submitted by various individuals representing the Clark County Education Association, in support of [Assembly Bill 255](#).

[Exhibit K](#) is a collection of letters submitted by various individuals, in support of [Assembly Bill 255](#).

[Exhibit L](#) is a letter dated March 29, 2021, submitted by Alexander Marks, Communications Specialist, Nevada State Education Association, in opposition to [Assembly Bill 255](#).

[Exhibit M](#) is a document titled "Plan for Effective Board Member Training and Ongoing Education," presented and submitted by Bridget Peterson, Private Citizen, Dayton, Nevada, for the Nevada Association of School Boards, regarding [Assembly Bill 255](#).

[Exhibit N](#) is a document titled "Recommended Trustee Enhancements," presented and submitted by Bridget Peterson, Private Citizen, Dayton, Nevada, for the Nevada Association of School Boards, regarding [Assembly Bill 255](#).

[Exhibit O](#) is a letter dated March 13, 2021, submitted by Anna Marie Binder, Private Citizen, Henderson, Nevada, in opposition to [Assembly Bill 255](#).

[Exhibit P](#) is a collection of letters and emails submitted by various individuals, in opposition to [Assembly Bill 255](#).

[Exhibit Q](#) is a document titled "Resolution 2021-001: Opposition to Legislative Changes - Appointed School Board Trustees," submitted by Linda P. Cavazos, President, and Evelyn Morales, Clerk, Clark County School District Board of Trustees, regarding [Assembly Bill 255](#).

[Exhibit R](#) is a letter submitted by Irene Cepeda, Private Citizen, Las Vegas, Nevada, in opposition to [Assembly Bill 255](#).

[Exhibit S](#) is written testimony submitted by Janine Hansen, State President, Nevada Families for Freedom, in opposition to [Assembly Bill 255](#).

[Exhibit T](#) is a letter dated March 30, 2021, submitted by Andrew Caudill, Vice President, Washoe County School District Board of Trustees, in opposition to [Assembly Bill 255](#).

[Exhibit U](#) is written testimony submitted by Lynn Chapman, State Treasurer, Independent American Party of Nevada, in opposition to [Assembly Bill 255](#).

[Exhibit V](#) is a letter dated March 30, 2021, submitted by Kelli May Douglas, Southwest Regional Liaison, Defense-State Liaison Office, Department of Defense, in support of [Assembly Bill 206](#).

[Exhibit W](#) is a document titled "CDC Updates to the Operational Strategy for K-12 Schools through Phased Prevention," presented and submitted by Assemblywoman Susie Martinez, Assembly District No. 12.

[Exhibit X](#) is a proposed conceptual amendment for [Assembly Bill 257](#), submitted by Assemblywoman Susie Martinez, Assembly District No. 12.

[Exhibit Y](#) is a letter dated March 30, 2021, submitted by Chris Daly, Deputy Executive Director, Government Relations, Nevada State Education Association, in support of [Assembly Bill 257](#).

[Exhibit Z](#) is a letter presented by Jennifer Taylor, Deputy Director, Intergovernmental Relations, Office of Energy, Office of the Governor, and submitted by David Bobzien, Director, Office of Energy, Office of the Governor, in neutral for [Assembly Bill 257](#).

[Exhibit AA](#) is a document titled "Protocols for Building Reopening: Ventilation Verification - Classrooms" submitted by Christopher Ruch, Director of Training, National Energy Management Institute.

[Exhibit BB](#) is a copy of an email dated March 30, 2021, submitted by Charlie Melvin, Public Relations Director, Power2Parent, in support of [Assembly Bill 257](#).

[Exhibit CC](#) is a letter dated March 30, 2021, submitted by Fran Almaraz, representing Teamsters Local 631, in support of [Assembly Bill 257](#).

[Exhibit DD](#) is a proposed conceptual amendment to [Assembly Bill 367](#), dated March 29, 2021 submitted by Assemblywoman Jill Tolles, Assembly District No. 25.

[Exhibit EE](#) is a document titled "Nevada Academic Content Standards for Social Studies", dated September 2018, submitted by Assemblywoman Jill Tolles, Assembly District No. 25.

[Exhibit FF](#) is a letter dated March 30, 2021, submitted by Len Stevens, President, Junior Achievement of Northern Nevada, in support of [Assembly Bill 367](#).