

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

**Eighty-First Session
April 6, 2021**

The Committee on Education was called to order by Chair Shannon Bilbray-Axelrod at 1:16 p.m. on Tuesday, April 6, 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:

Assemblywoman Tracy Brown-May, Assembly District No. 42

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:

Melody Rose, Chancellor, Nevada System of Higher Education
Kate Marshall, Lieutenant Governor
Brenda Pearson, representing Clark County Education Association
Lindsay Anderson, Director, Government Affairs, Washoe County School District
Eric Jeng, Director of Outreach, Asian Community Development Council
Tya Mathis-Coleman, Deputy Treasurer, College Savings Division, Office of the
State Treasurer
Noah Sullivan, representing Clark County School District
Shannon Ellis, Vice President, Student Services, University of Nevada, Reno
Rene Cantu, Executive Director, Jobs for Nevada's Graduates
Mariana Kihuen, Director, Government Affairs, College of Southern Nevada
Mary Pierczynski, representing Nevada Association of School Superintendents
Annette Dawson Owens, Policy Director, School Readiness, Children's Advocacy
Alliance
Sabra Smith Newby, Vice President, Government and Community Affairs, University
of Nevada, Las Vegas
Anthony Ruiz, representing Nevada State College
Doralee Uchel Martinez, Private Citizen, Reno, Nevada
Marie Neisess, President, Clark County Education Association
Steve Horner, Private Citizen, Las Vegas, Nevada
Christopher Daly, representing Nevada State Education Association
Vinny Tarquinio, Member, Clark County Education Association
Tom Wellman, President, Nevada State Education Association-Retired
Joanna Miller, Communication Strategist, Clark County Education Association
Phil Kaiser, President, Washoe Education Association
Harry Beall, Private Citizen, Las Vegas, Nevada
Susan Kaiser, President, Washoe Retired Education Association; and Member,
Nevada State Education Association-Retired
Leonardo Benavides, representing Clark County School District
Don McHenry, President, Washoe School Principals Association
Samantha Glover, Co-Founder and Executive Director, Red Equity
Karla Ramirez, Organizer, Planned Parenthood Votes Nevada
Nathan Noble, Member, The Young Democrats, University of Nevada, Reno Chapter
Jeri Burton, President, Nevada Chapter, National Organization for Women
Sophia Burbano, Private Citizen, Reno, Nevada
Robert Barsel, Private Citizen, Las Vegas, Nevada
Akaash Krishnan, Private Citizen, Reno, Nevada
Peyton Barsel, Private Citizen, Las Vegas, Nevada
Jenny Jiang, Private Citizen, Reno, Nevada
Stella Thornton, Private Citizen, Carson City, Nevada
Brittany Walker, Cochair, Community Advisory Board, Women's Research Institute
of Nevada
Max Grinstein, Private Citizen, Reno, Nevada

Brad Keating, representing Clark County School District
Jessica Barr, Data Analyst and School Improvement Consultant, Nevada School Performance Framework
David Dazlich, Director, Government Affairs, Vegas Chamber
Hawah Ahmad, representing Clark County Education Association
Sarah Nick, Management Analyst, Legislative Liaison, Department of Education
Dominique Hall, Private Citizen, Reno, Nevada
Margaret I. Campe, Director, Jean Nidetch CARE Center, University of Nevada, Las Vegas
Tina Russom, Deputy General Counsel, Nevada System of Higher Education
Maria Doucettperry, Director, Equal Opportunity and Title IX, University of Nevada, Reno
Serena Evans, Policy Specialist, Nevada Coalition to END Domestic and Sexual Violence
Liz Ortenburger, CEO, SafeNest
Lisa Levine, Private Citizen, Las Vegas, Nevada
Lily James, Co-Executive Director, The Every Voice Coalition, Boston Massachusetts
Suman Randhawa, Private Citizen, Las Vegas, Nevada
Michael Flores, representing University of Nevada, Reno
Joseph Cohn, Legislative and Policy Director, Foundation for Individual Rights in Education
Sage Carson, Manager, Know Your IX, Washington, D.C.
Elizabeth Tang, Counsel for Education and Workplace Justice, National Women's Law Center, Washington, D.C.
Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's Office; and representing Clark County Public Defender's Office; and Nevada Attorneys for Criminal Justice
Gina C. Session, Director, Civil Rights Compliance; Title IX Coordinator; and Title VI Coordinator, Washoe County School District
Felicia Gonzales, Deputy Superintendent, Division for Educator Effectiveness and Family Engagement, Department of Education
Christina (Christy) McGill, Director, Office for a Safe and Respectful Learning Environment, Department of Education
Elisa Martinez Alvarado, Private Citizen, Las Vegas, Nevada
Alexandria Cannito, representing Washoe County
Janine Hansen, State President, Nevada Families for Freedom
Lynn Chapman, Treasurer, Independent American Party of Nevada
Karen England, Executive Director, Nevada Family Alliance
Joanna Jacob, Manager, Government Affairs, Clark County

Chair Bilbray-Axelrod:

[Roll was called. Committee rules and protocol were explained.] We do have a bill draft request (BDR) introduction. The BDR has come in from the Office of the Governor. I want to let you know that voting in favor of this BDR does not commit you to the bill, it simply

allows this piece of legislation to become a bill and be referred to the Committee for a possible hearing. Bill Draft Request S-1108 from the Office of the Governor, is an act relating to workforce development. It directs Nevada's Governor to appoint a committee to conduct an interim study concerning opportunities to align workforce training and programs offered by community colleges in this state and provides other matters properly relating thereto.

BDR S-1108—An act relating to workforce development. (Later introduced as [Assembly Bill 450](#).)

I will entertain a motion to introduce BDR S-1108.

ASSEMBLYWOMAN MILLER MADE A MOTION TO INTRODUCE
BILL DRAFT REQUEST S-1108.

ASSEMBLYWOMAN NGUYEN SECONDED THE MOTION.

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

THE MOTION PASSED UNANIMOUSLY.

We do have a very robust schedule today. We have seven bills to hear and a work session. We will hear [Assembly Bill 235](#), [Assembly Bill 266](#), [Assembly Bill 224](#), and [Assembly Bill 218](#) this afternoon in that order. We will then recess and come back around 6 p.m. to do the work session and hear the remaining bills, which are [Assembly Bill 415](#), [Assembly Bill 384](#), and [Assembly Bill 353](#), and then public comment. I will encourage members, if you are planning on voting no on any of the work session bills, please let me know. For the hearings today, I have allocated equal time and testimony for support, opposition, and neutral. Each person providing testimony will be allowed a maximum of two minutes, and we will be timing that. Each presenter will be given 15 minutes.

I will open the hearing for [Assembly Bill 235](#). Assemblywoman Miller will be presenting the bill.

[Assembly Bill 235](#): Enacts provisions governing financial education for pupils and their parents and guardians. (BDR 34-42)

Assemblywoman Brittney Miller, Assembly District No. 5:

I am pleased to be joined by Dr. Melody Rose, Chancellor of the Nevada System of Higher Education (NSHE), and Lieutenant Governor Kate Marshall, who will speak after I get through with the bill presentation. We are presenting [Assembly Bill 235](#) for your consideration.

The Free Application for Federal Student Aid (FAFSA) is a form used by students to apply for college and other postsecondary, technical, and vocational training. The FAFSA is free

to submit and is used by the federal government and postsecondary institutions to determine whether a student qualifies for need-based financial assistance. Assembly Bill 235 expands the responsibility of school districts and charter schools in providing information and otherwise assisting students and families in completing the FAFSA.

Before the pandemic hit, I was at a conference for the Education Commission of the States where I heard Governor Tom Wolf of Pennsylvania talk about legislation they were bringing around FAFSA. I quickly learned that a few other states have actually implemented mandatory applications. I do not support mandatory for all students; however, I do believe that with our school districts and NSHE institutions collaborating and combining efforts, we can assist many more Nevada students in its completion. There are currently many activities that are occurring around the state, so I do not want to imply that the work is not being done. There are many activities being done through the Office of the State Treasurer, through NSHE, and of course, at the schools. However, this is just to combine and have the maximum impact possible.

In 2018, the National Center for Education Statistics published the results of a study undertaken to find out why more students were not completing the FAFSA. The Center found that roughly 65 percent of students completed the form, and 39 percent did not. Of that 39 percent, 33 percent of those students thought they or their family could actually afford training or college without it; 32 percent thought they were ineligible for financial aid; 28 percent did not want to take on debt, which is a real concern but also a misunderstanding because through FAFSA, there is also financial aid available in the form of free grants in which the money does not have to be paid back; 23 percent did not have enough information on how to complete the FAFSA; 15 percent did not even know they could complete a FAFSA, as they were not aware of its existence; and 9 percent thought the FAFSA forms were too complicated, too much work, and too time consuming, which is a frequent complaint or concern we hear.

Again, this process determines and leads to the financial aid that students can receive for postsecondary education, and in today's world, we all know how important a secondary degree or training is. Our entire goal of K-12 is to get kids ready for that next step.

The website NerdWallet found that Nevada's class of 2018 left behind more than \$17 million in unclaimed federal aid. NerdWallet estimated that 33 percent of graduates, or 8,200 students, did not complete a FAFSA that year, and 4,800 of those students would have been eligible for federal aid of around \$3,600 each. Clark County's own Data Insight Partners, LLC maintains a FAFSA tracker that shows the percentage of students who fill out a FAFSA for each high school in the state. According to their research, FAFSA admissions are down 11 percent from the same time last year. In order to get our students back on track for college and career, especially during these unprecedented times, and ensure they are getting all the financial aid for which they qualify, I requested A.B. 235.

I will briefly go over what the bill actually does. First, the bill requires the schools educate twelfth graders, students, and families on the importance of filling out the FAFSA, and most

importantly that the FAFSA is not just for college. It does include vocational and technical training as well. Second, the schools will be required to hold at least two FAFSA assistance events—the first in early October because that is when the window opens for the application and more funding is available, and the second sometime before March. I am amending the bill [[Exhibit C](#)] to state that our rule is smaller districts can do one FAFSA assistance event per year. Third, it is really the coordinated efforts with our higher education institutions, including being present at these high school events, to ensure students and families receive the necessary support. In other words, we are opening the high schools, where students and families are already familiar and comfortable, and providing the opportunity for them to come in, bring their paperwork, use our technology—which we know is often another barrier—and have the higher education experts readily available to assist during this cumbersome process. Additionally, districts will report data to the Office of the State Treasurer that manages scholarship programs.

At this time, I would like to turn the presentation over to Dr. Rose, Chancellor of NSHE, and then to Lieutenant Governor Marshall, and then I will make final remarks when they are finished.

Melody Rose, Chancellor, Nevada System of Higher Education:

I am so pleased to be here today at the request of Assemblywoman Miller to support [A.B. 235](#). As you all may know, I was a low-income, first-generation college student, so it is very heartfelt that I bring these remarks today.

As Assemblywoman Miller just mentioned, there is a very strong connection between applying for financial aid and actually going to college. A recent study found that 92 percent of seniors who completed the FAFSA enrolled by the November following graduation compared to 51 percent who did not complete a FAFSA. However, surveys show the primary reason students fail to complete the FAFSA is that they believe it is too complicated, that they will not be eligible for aid, or they do not even know financial aid exists. [Assembly Bill 235](#) will help give Nevada students the keys they need to access and succeed in higher education.

In 2017, our state students left \$18 million on the table in unclaimed Pell Grants for which they were eligible. As of March 26, 2021, 39 percent of Nevada high school seniors in the class of 2021 had completed a FAFSA compared to the national average of 45 percent. We know that COVID-19 has diminished postsecondary enrollment nationwide, and it has also decreased applications for federal financial aid. Currently, FAFSA submissions are down 11 percent for Nevada's high school seniors compared to this time last year. That is worse than the national average of FAFSA completions, which is down only 9 percent. Moreover, and very importantly, our high schools with large minority populations are down by 13 percent compared to schools with low minority enrollment, which mirrors the national average. [Assembly Bill 235](#) could not have come at a more critical moment.

I would like to close by highlighting an example of a state that has actually gone a step further than what we are discussing today, as Assemblywoman Miller mentioned. Starting

with the high school class of 2017-18, the state of Louisiana began requiring graduates to complete the FAFSA, a state scholarship application, and to declare a hardship or submit a request for a waiver from the local school. Since the implementation of that policy in Louisiana, the state has finished at number one in the nation for FAFSA completions with the exception of 2020, when they were number two due to COVID-19 waivers.

Assembly Bill 235 will help Nevada make strides in increasing our number of students receiving aid, creating a college-going culture, actually getting students into college, and the amount of student federal aid our state receives to bolster our workforce and further develop our economy.

Thank you so much for your time and attention to this bill.

Kate Marshall, Lieutenant Governor:

I really appreciate Assemblywoman Miller for bringing this bill. It is, as Chancellor Rose said, heartfelt to know that this would be something we would do in this state. Perhaps like many of you or people you know, I grew up in a family that did not believe that college was something we did or that we could afford. It was for other people. I went to an inner-city parochial school. The Mother Superior called my parents in to basically read my father the riot act and to tell him he would fill out the FAFSA because I could go to college. His response was to ask her if I would get benefits if I got a job with a college degree, which was my father's way of not being very polite to nuns. I would not recommend that going forward. I will tell you, I got Pell Grants, Cal Grant A and B, and all kinds of aid, and I would never have gone to college without it.

Please know, even this is not a magical solution, but it will bring aid to our kids so they can go to college and get the jobs here, so they can make the future of Nevada better.

Chair Bilbray-Axelrod:

Assemblywoman Miller, do you have anyone else speaking?

Assemblywoman Miller:

No, Chair. We do have Deputy Treasurer Mathis-Coleman, who will be calling in. At this time, I would like to thank the Chair and Committee members for your attention. We know A.B. 235 will go a long way toward ensuring that our Nevada students can access the aid they need and are entitled to for college and career training. I do not think any of us would disagree with the need to bring more money into our state and increase the access and opportunities for our students so they can move onto a life of self-sufficiency. I am available for questions.

Chair Bilbray-Axelrod:

Are there any questions for the presenters?

Assemblywoman Nguyen:

Thank you for bringing this bill, Assemblywoman Miller. As the first generation in my family to go to college, I know going through the FAFSA, even though it was a very long time ago, was not something that is natural, intuitive, or easy.

Assemblywoman Hardy:

It has been a few years since we have filled out a FAFSA application in my home. I agree, it is a tedious process with all the information that needs to be gathered. I was stunned that some of my daughter's friends did not fill it out. They probably would have been awarded a lot of these grants and things.

What is done now in a high school? Back then, we worked with the counselor, and that has been several years ago. Have they improved the process of counselors trying to work with students and families to do this? As far as data, is any of the data collected now? I am curious as to what we already do that is in the bill.

Assemblywoman Miller:

I think most of us remember when we filled out our FAFSA forms, it was a triplicate form at the kitchen table and not on a computer, which makes it even a little more challenging for some. There are a number of things that happen. In fact, on NSHE's website, people can pull up all the things that the different colleges and universities do. Some of that does include workshops, forums, and financial aid nights that occur per request at some of the high schools. Yes, of course, in high school, the counselors still reach out, promote, and assist, but sometimes that is more on an individual basis.

There is data that is collected within NSHE. Chancellor Rose, you can jump in if I am not saying this correctly. There is data collected about the number of FAFSA completions, but it does not go far enough. Again, as Chancellor Rose was saying, Louisiana has had incredible results. Mandatory is not something that fits in our Nevada mold and I do not think that is the right way for us to go. We saw that students did not really know about it or what to do, so having students, especially in the twelfth grade, educated on this availability, the process, and the need, and then having an actual event at the high school where the students are already familiar and where students and parents can get assistance right on site—by having more of a campaign around it and consolidating efforts, we can reach more students. There are a lot of great things going on. In fact, I think this evening there is a FAFSA workshop going on.

Assemblywoman Hardy:

I agree. I think it is important to have more access and understanding to fill out these forms. Once the data is collected, what would be the next progression? Would it be determining what schools have better success? How do you see the plan going forward once you have the data?

Assemblywoman Miller:

There are a few things we can do. Chancellor Rose, you can jump in at any time because I do not want to mess up speaking for NSHE. In the data collection they currently take and what they are able to do right now is basically send reminders. If NSHE looks at a school and sees there are 400 seniors, 200 of whom have still not filled out the FAFSA, there is the ability to contact the school to have them remind people. They can also see when an application has been started and just needs to be finished. There is that ability to send out those reminders and ticklers.

What we are really hoping for is that the data that will go to the Office of the State Treasurer is about finding out how many dollars are coming into our state. Again, the State Treasurer is managing all of our scholarship programs, so it will be helpful with that as well.

Chair Bilbray-Axelrod:

Seeing no further questions from members, I will open testimony in support of A.B. 235. For those of you calling in, please remember to state and spell your name, and limit your testimony to two minutes.

Brenda Pearson, representing Clark County Education Association:

The Clark County Education Association (CCEA) is testifying in support of A.B. 235 and thanks Assemblywoman Miller for bringing this bill forward. The CCEA believes that a high-quality K-12 system should include a clear path to postsecondary opportunities and that path includes ensuring that every student receives a grant, scholarship, and low-interest loan opportunities available.

Assembly Bill 235 helps to remove barriers to postsecondary and creates a data collection mechanism to understand how Nevada can improve upon access and equity in higher education through FAFSA completion. Currently, Nevada is forty-ninth in FAFSA completion rates. It is important to understand what that statistic means to Nevadans. Of the anticipated 33,000 high school graduates this year, 16,830 will not complete the FAFSA. A 2020 report explains that 55 percent of students are enrolled in higher education without completing the FAFSA. Additionally, students of color are less likely to complete the FAFSA. Nationally, 34 percent of Hispanic students and 26 percent of African-American students did not complete the FAFSA.

The FAFSA completion is an access and equity issue for students across Nevada. Barriers exist to FAFSA completion whether it is a lack of awareness, the complexity of the form, or parental mistrust. One strategy to increase completion of the FAFSA is to create a system that supports students in navigating its completion, and A.B. 235 does just that.

Additionally, it creates a data collection mechanism to quantify the submission of applications and understand the populations who are accessing this benefit. With this data, Nevada can establish structures to resolve the access and equity issue for Nevada's high school graduates. The CCEA, again, is in support of A.B. 235. Building a more diversified

Nevada economy means that we work to remove barriers and align our K-12 system with postsecondary opportunities. We look forward to working with the Assemblywoman to move this bill to fruition. [Written testimony was also submitted, [Exhibit D](#)].

Chair Bilbray-Axelrod:

I know we have several callers in the queue. I just want to remind folks you can say "ditto" and please be brief. We do have a ton of bills to listen to.

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

I heard your warning about being short, so I will just say thank you to the bill's sponsor for reaching out to us very early, even before the legislative session. Our counselors are excited to implement this work with our partners at the Nevada System of Higher Education and their institutions. We are committed to continuing to work at the federal level to make the FAFSA easier. We want to provide that technical support, but there are things we can do to make the FAFSA easier to complete for our families at the federal level, and we are committed to that work also.

Eric Jeng, Director of Outreach, Asian Community Development Council:

Nevada is home to over 300,000 Asian Pacific Islander Americans. We, as a community group, have been hosting free FAFSA workshops as part of our College Readiness Bootcamp for the last six years. Our seventh year is coming up in May. We know that the financial aid to FAFSA breakout is always the one with the most students who attend.

According to a study, we know that Asian-American students have the highest unmet financial need. Along with Nevada being one of the states with the highest student loan default rate, this bill is perfect timing and cannot come soon enough. We really want to thank Assemblywoman Miller. A majority of Asian-American students do not have a parent who has navigated the financial aid process and student loan process. We are here to break down that model minority myth. This is a very necessary step to ensure our high school students and parents have access to a good education. We thank you and we urge your support for [A.B. 235](#).

Tya Mathis-Coleman, Deputy Treasurer, College Savings Division, Office of the State Treasurer:

The College Savings Division within the Office of the State Treasurer is committed to helping Nevadans plan, save, and pay for postsecondary education. This past year, our team, like many others, had to reimagine how to provide outreach to our communities. Our teams host webinars, presentations, and virtual events to help students and their families as they navigate their postsecondary journey and beyond. This includes information on student loans, scholarships, the FAFSA, et cetera. We often partner with other organizations to ensure the information and tools we are providing are up to date and inclusive. We are committed to assessing the needs of our families and meeting them wherever they are.

In April 2020, we had about 1,600 engagements compared to June 2020, when we were at 23,000 engagements via our social media platform. As a division, we are not only building relationships virtually, but we are elevating our overall brand visibility as we continue to increase our brand awareness and gain the respect of our families as a trusted resource.

Assembly Bill 235 is an excellent opportunity for our office to expand our reach and complement the work our team is doing statewide. We believe by helping families complete their FAFSA, we will ensure the federal dollars are helping Nevadans. We would like to publicly thank Assemblywoman Miller for her tireless commitment to supporting our families by providing additional opportunities and access to postsecondary education. Thank you for letting me share with you why we support A.B. 235.

Noah Sullivan, representing Clark County School District:

The Clark County School District (CCSD) is in full support of A.B. 235. I would like to reiterate some of the things our friends at Washoe County School District said already. I will not repeat things that have already been said. We here at CCSD already carry out a number of programs targeting the FAFSA. We have a CCSD FAFSA tracker that encourages healthy competition amongst our schools to see who can fill out the most applications. We know A.B. 235, by developing biannual programs to make sure pupils are applying for the FAFSA, will ensure more students are getting into postsecondary education. The CCSD would like to publicly thank Assemblywoman Miller for bringing forward A.B. 235. It creates a strong foundation for the district and educating students about the FAFSA. We look forward to carrying out the legislation.

Shannon Ellis, Vice President, Student Services, University of Nevada, Reno:

In addition to everything that has been put forth in support of this bill, we want to add that we appreciated the author including a mention of students who are not eligible to fill out a federal financial aid form. These are important students to our educational system—not just K-12, but also in higher education in this state. This is also a chance to educate those individuals and their families so they can learn about alternate forms of non-federal aid.

Each year, our University provides over 100 financial aid and planning workshops to students and families. These include completing the FAFSA and other institutional aid forms. We would welcome the opportunity to expand all of that outreach into the schools and communities for our families to fill out these forms in a comfortable and supportive environment.

In addition to helping the schools meet the needs of this bill, we can also assist with the data that is requested on student aid offers and acceptance rates.

Rene Cantu, Executive Director, Jobs for Nevada's Graduates:

Jobs for Nevada's Graduates (J4NG) is a statewide, nonprofit organization created by the state to help students who are most historically underserved to graduate and find a career pathway. I am here today to testify in support of A.B. 235, sponsored by Assemblywoman

Miller, to make sure Nevada students have the resources and support they need to complete the FAFSA and, therefore, access higher education and higher opportunity.

Our own data demonstrates that completing the FAFSA increases college-going rates. Our curriculum currently requires almost all students to complete the FAFSA in their senior year. Not all students are bound for college or university, but may be excellent candidates for trade or technical schools. These students also benefit from completing the FAFSA, as financial aid plays a significant role in the affordability of these training opportunities. At J4NG, we support A.B. 235 because we have found that FAFSA completion is highly correlated with positive outcomes. The rate at which Jobs for America's Graduates (JAG) alumni entered some form of postsecondary education after graduation increased when the FAFSA was made a requirement for the students in the program.

In 2017, the follow-up class, our students had a 30.2 percent further education rate for going into college. When we made the FAFSA a requirement, that rate increased to 37.82 percent for the follow-up class of 2020. This increase in postsecondary enrollment rates, we believe, was strongly correlated to FAFSA completion when J4NG made its completion a requirement.

Today, a high school diploma is just not enough for students to successfully enter the workforce with some degree of upward mobility. Postsecondary education in its many forms is a must. Even as our students have achieved an almost 98 percent graduation rate at JAG, it is essential that they continue their education beyond high school to find upward economic mobility through education. That is why A.B. 235 is so important. It ensures that all students have a better chance to enter and succeed in postsecondary education.

Thank you for the opportunity to tell you the perspective of J4NG and urge you to pass A.B. 235. Thanks also to the whole Committee and Assemblywoman Miller. [Written testimony was also submitted, [Exhibit E](#).]

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

I am here on behalf of our President, Dr. Frederico Zaragoza. The College of Southern Nevada (CSN) thanks Assemblywoman Miller for introducing this bill. Specifically, we appreciate her leadership and her foresight in bringing our NSHE sister institutions together and her intent to listen to our input about the bill.

At CSN, our primary agenda puts students first, and we believe A.B. 235 puts students first. This bill is about access for our students. We thank Assemblywoman Miller for creating yet another pathway to higher education for our students, particularly those from underserved communities. Thank you for your time and attention.

Mary Pierczynski, representing Nevada Association of School Superintendents:

You have already heard many reasons why this is an important bill, and we want to thank Assemblywoman Miller for bringing it forward. We are in full support.

Annette Dawson Owens, Policy Director, School Readiness, Children's Advocacy Alliance:

We fully support A.B. 235 and say "ditto," as we know these efforts will increase equity and access for all of our Nevada students. Thank you, Committee, Chair Bilbray-Axelrod, and Assemblywoman Miller, for all your work on this important effort.

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

I want to thank Assemblywoman Miller for bringing this legislation forward to help improve the FAFSA completion rates and, thereby, decrease barriers to higher education. The University of Nevada, Las Vegas is in enthusiastic support.

Anthony Ruiz, representing Nevada State College:

Thank you to Assemblywoman Miller, and ditto to everything that the previous callers have said.

Doralee Uchel Martinez, Private Citizen, Reno, Nevada:

I am representing the Nevada Disability Peer Action Coalition. We want to ditto the prior callers and thank Assemblywoman Miller. This is a sound bill for anyone who is anyone, whether disabled or not.

[Additional testimony in support was also submitted, [Exhibit F](#) and [Exhibit G](#).]

Chair Bilbray-Axelrod:

Are there any other callers in support? [There were none.] Are there any callers who would like to testify in opposition to A.B. 235? [There were none.] Are there any callers who would like to testify as neutral? [There were none.] Are there any closing remarks?

Assemblywoman Miller:

No, Chair. I would just like to thank everyone for their consideration.

Chair Bilbray-Axelrod:

I will close the hearing on Assembly Bill 235. I will open the hearing for Assembly Bill 266. Assemblywoman Miller will be presenting the bill.

Assembly Bill 266: Revises provisions governing class size. (BDR 34-704)

Assemblywoman Brittney Miller, Assembly District No. 5:

The measure before you, Assembly Bill 266, increases transparency surrounding class sizes and class size ratios. For the last three sessions, I have sponsored legislation to shine a light on the large class sizes in our state, including both sessions documenting that Nevada has the largest class sizes in the country. One thing I have never done—and I say this because it is often misrepresented—is request any type of study on class size. We know the problems and we need to move toward the solutions. We know the impact class size has on the social and academic development of students. We know how this impacts the emotional and physical

safety for students. We also know the additional strain it adds to working conditions for teachers. Coming back for this third session, I am no longer trying to convince you of this idea.

To backtrack a little bit, in 2017, I sponsored Assembly Bill 312 of the 79th Session, which required the State Board of Education to develop recommendations for pupil-teacher ratios in kindergarten through Grade 12 for each classroom and course of instruction. The only exceptions were given to the performing classes of band, orchestra, and choir. The recommendations were based on evidence-based national standards and best practices and took into consideration the unique needs of certain students, including English language learners and students with special needs.

In July 2018, the State Board of Education recommended a student/teacher ratio for K-3 of 1 to 15, and a ratio of 1 to 25 for Grades 4-12. For this bill, I have also accepted a friendly amendment [[Exhibit H](#)] to request the same recommendations be made for counselors, nurses, and other support services.

We know we are extremely far from this prescription in many of our schools and districts. We also know that a major part of the solution is funding and staffing. However, we do need accurate data on what staffing would look like. To gain a better understanding of the number of positions it would actually take in each district to fill classrooms with the ratio of students to teachers recommended by the State Board, A.B. 266 requires that the district board of trustees base the number of job vacancies in the school district on the number of teachers that would be required to achieve the recommended ratios, to the extent that funding is available. This is a requirement in section 3 of the bill.

We often, especially in our state's largest districts, have vacancy numbers that do not compute. In fact, just yesterday, there was a report on 8 News Now that reported the Clark County School District (CCSD) reported having only 479 vacancies. We also know this is based on a practice of extremely large class sizes. What would the numbers be if we actually staffed per the recommended ratios?

In 2019, I sponsored Assembly Bill 304 of the 80th Session. One requirement was for the board of trustees in each district to maintain the actual number of pupils per licensed teacher on the school's website—not just averages that are in the district. During the interim, we found that this had not occurred.

Overall, there is a question about how the data is actually calculated and reported, because the only explanation is that school personnel who are licensed but are not actually teaching their own classes are also included in the calculations. In other words, you could access reports online for the districts and individual schools and grades and there is often a huge gap between what is published as an average and what is actually being experienced by teachers, students, and parents. How exactly does a school calculate the ratio? I see data that says the ratio is 1 to 24, but I know there are at least 40 students in each of those classes.

Sections 1 and 2 of the bill aim to correct this by ensuring a more accurate licensed teacher-to-student ratio count by excluding administrators and other licensed personnel who are not actively conducting a class. In other words, only active teachers can be in the calculation. This would remove licensed personnel, such as counselors, coaches, strategists, special education teachers, those on special assignment, facilitators, and those on prep.

To further enhance transparency regarding staffing in our schools, A.B. 266 also contains a provision to require each district's board of trustees to post on its website the number of positions that are covered by full-time substitutes and those employed through and working for an alternate route to licensure. This is in section 3 of the bill.

Finally, in 2019, I also worked to ensure that teachers in oversized classes were not harmed by the working conditions during their performance evaluations. In both past sessions I reported data of increased stress, work, and frustration based on large class sizes and the impact it has on teacher retention. The burnout is real. In fact, 8 News Now also reported that 400 teachers had turned in their resignation at one school district just last month.

Last session we passed Senate Bill 475 of the 80th Session, which required an administrator to conduct an evaluation to consider the student/teacher ratios in classrooms where the class size was larger than the recommendation from the State Board. The Department of Education had articulated the recommendation by stating that a conversation should take place between the administrator and the teacher around how the teacher feels their evaluation has been impacted. During the interim, we also discovered this was not occurring.

Right now, we are in desperate times and we need to acknowledge the work and efforts of teachers. Respect and acknowledgement go a long way when it comes to retention. Section 4 of A.B. 266 provides some acknowledgement of the impact of excessive classes on performance and evaluation.

I have also accepted two friendly amendments in regard to the evaluation. The first one from the Clark County Education Association [[Exhibit H](#)] is to assign an additional weight applied to only 3 of the 19 instructional indicators on the evaluation. The additional weight would be equivalent to the percentage that the class size exceeds recommendations. For instance, if the class size is 20 percent over, then a 20 percent bonus would be applied to that particular indicator. This would be 3 of the 19 indicators. The rationale is that if the teachers are already performing at a specific level with an increased class size, imagine what their score would be if they actually had recommended class sizes.

The second friendly amendment pertains to the professional standards [[Exhibit I](#)]. Professional standards involve 15 indicators and evaluates such things as physical space, environment, and parental outreach. Again, this is impacted by increased class sizes. Imagine the teachers that report having rosters of over 230 or 240 students. This amendment would add a point in two of those standards.

In closing, it is no secret that I personally live and experience firsthand the same challenges that other educators in our state experience. Not only do I feel the additional stress of increased class sizes, but the demoralizing disappointment knowing that as one person, I cannot always give each one of my students the actual time and attention they need and deserve at all times. On average, my classes are at about 42 students. I do not have the money, the staff, or the buildings to magically change our class size ratios overnight. However, I am committed to addressing the issue as we strive to move forward each session.

Thank you, Madam Chair and Committee members, for your thoughtful consideration of A.B. 266. I would be happy to answer any questions.

Assemblywoman Hardy:

Could you go over section 3, subsection 2, where it talks about posting on the Internet positions held by full-time substitutes, teachers employed through Teach for America, et cetera? Could you go over your rationale as to why you would want that?

Assemblywoman Miller:

There is an amendment I submitted to change the language a little in section 3, subsection 2 [[Exhibit J](#)]. The rationale is that for us to really understand how many vacancies, we have to understand the need, work, and funding we actually need. There are always hundreds and hundreds of positions that are filled by full-time substitute teachers. They are not fully licensed teachers and they are hired to cover vacancy positions—sometimes long term—but vacancy meaning it is a completely empty position. We are not always expressing the exact need of how many positions we need to fill if we are not accurately describing how many positions are being covered by full-time substitutes.

Additionally, we also have a number of people through the Alternative Route to Licensure (ARL) programs. There are over a dozen ARL programs in the state. Some are through the Nevada System of Higher Education and some are not. Traditionally, those are still people who are working toward their license and we need to look at the retention of people who go through these programs. Some of the programs have a different process in preparation. Some people come through the program and do not feel at all prepared. We are looking at the retention of those people so we can examine any trends with this subset of teachers. The amendment has been posted to the Nevada Electronic Legislative Information System (NELIS) so you can see the conceptual new language.

Assemblywoman Tolles:

Thank you, Assemblywoman Miller, for always bringing these discussions forward. You and I both share concerns about class sizes. When you talk about having 40-plus students, I know that is a challenge. We have had this conversation before as you have looked at this proposal in the past. We know now, when teacher evaluations come back, a vast majority of our teachers are highly effective. I am wondering if we have any data or evidence that shows across the state that teachers with higher class sizes are automatically falling into lower categories outside of the highly effective category. Do we have any data to look at?

Assemblywoman Miller:

Thank you for that question and the opportunity to clarify. The data actually shows the majority of teachers fall into the "effective" category, not "highly effective," between that 3 to 3.6 range, I think. I am not trying to say the teachers are falling or slipping into not effective or unsatisfactory categories because of high class size. What we know is that great teachers make it work regardless of the stress of what needs to be done. At the end of the day, there would be other factors involved if teachers were slipping that low. I would not say it is just due to having a large class size. These teachers show up every day, regardless of all the challenges placed before them, they give their all, sacrifice, work extreme hours, pull money out of their pockets, and do whatever it takes with increasing expectations and demands; what I am saying is they are not being acknowledged and rewarded for their hard work.

Often in education, those great teachers get more students and they get more students with more difficult needs. Their reward for great work is more work. It is just about making sure they know we see what is happening, we are acknowledging it, and we want to make sure there is some acknowledgement for the work they are doing. Again, we all agree smaller class sizes are more beneficial for students, obviously, but also when it comes to the actual working conditions and culture for educators, it is just that acknowledgement. Again, if a teacher has a 3.2 and is in that category with 45 or 50 students in the classroom, what would that teacher actually earn if there were only 25 students? That is what it is really about.

Assemblywoman Tolles:

I definitely think it would be very telling to have that survey of teacher work satisfaction with the amount of work they have to do. If I have not said clearly on the record before, thank you to you and all the teachers who are managing these class sizes of 40 to 50 students.

Chair Bilbray-Axelrod:

I believe you had said something about an amendment that included counselors and another group with the same numbers.

Assemblywoman Miller:

Last year I included social workers in the same process that the Department of Education and the School Board went through in 2017, which was to make the recommendations. What is the ideal ratio for our students here in Nevada? In this bill, the amendment is to include counselors, nurses, and all of those other support staff in order to get recommendations. At least we would see what those ideal ratios are and what we should work toward. The truth is, in our schools and most of our districts, it is not just teachers who have excessive numbers. It is everyone in our schools.

Chair Bilbray-Axelrod:

I misunderstood what you said earlier. Thank you for the clarification. Are there any other questions from the Committee? [There were none.] I will open the hearing for testimony in support of A.B. 266.

Brenda Pearson, representing Clark County Education Association:

We need accurate reporting in class size ratios that show us precise pupil to educator in the classroom ratios to understand and approach our 15-year strategic plans with agility. We need to be realistic and acknowledge that class sizes above the recommended ratios impact student learning and that, realistically, the professional standard indicators and instructional standard indicators are inherently negatively impacted by those ratios. As such, we are in full support of the three amendments posted as exhibits [[Exhibit H](#), [Exhibit I](#), and [Exhibit J](#)].

Of the proposed Clark County Education Association (CCEA) amendments [[Exhibit H](#)], the first creates a recommended ratio for school nurses because, as you will hear and read in testimony from our members, available in the exhibits portion of NELIS, our nurses' job duties and responsibilities extend far beyond what we think they do, and as we give them new issues to deal with from the pandemic, we must acknowledge that, if we can get the recommended ratios, our students' well-being will be enhanced.

As for our other amendment, we do not believe the administrative oversight will do anything to remedy the situation that our excessive class size ratios have created. Class size ratios are important to CCEA, and we feel the current evaluation system does not fairly measure the impact of class size ratios on teacher performance. As such, we are asking for a value-added approach that provides for the actual class ratios above the recommended ratios to be converted into percentages. We are further asking that the percentages above the recommended class size ratio be assigned weights to indicators under instructional standards of practice.

The CCEA believes this bill, with all the proposed amendments, will provide accuracy, transparency, and accountability on actual class size ratios and how these ratios impact student learning, teacher retention, and the overall efficiency of the evaluation system. We cannot go back to normal when normal was not cutting it. Instead, we must look beyond the future and how we can make our education system better. We thank Assemblywoman Miller and Assemblywoman Anderson for bringing this bill forward. [Written testimony was also submitted, [Exhibit K](#)].

Marie Neisess, President, Clark County Education Association:

The CCEA is in support of [A.B. 266](#), and would like to thank Assemblywoman Miller and Assemblywoman Anderson for bringing this bill forward. Accurate reporting on class size ratios is essential to ensure we have a precise ratio of students to classroom teachers. Sections 1 and 2 of this bill exclude peripheral educators who should not be a part of the count that determines actual class size ratios. Past practices of counting the other licensed professionals and other educators inaccurately skews the ratios to give a false impression of our classroom environment.

For years, Clark County teachers have had to deal with having the largest class sizes in the nation. While class sizes vary in the Clark County School District, depending on the school location or grade level, historically underrepresented students have large class sizes and are

often taught by unlicensed educators. According to Data Insights, 87 percent of all Nevada students have a larger class size than recommended. All students deserve the best education possible. Larger class sizes limit the amount of time a classroom teacher can spend with small groups and individual students.

As a former first- and third-grade teacher, my class sizes were consistently larger than the recommended ratios, and many of my third-grade students were two to three grade levels behind. The size of a classroom is challenging because it limits the ability to move around. Larger class sizes impacted how often I could meet with my students for small group instruction or individual instruction. Ensuring all students' cognitive abilities and skills are met is often challenging. We must take steps to ensure we provide the best education possible for all students.

In addition to the friendly amendment [[Exhibit H](#)], CCEA believes this bill will provide much needed transparency and accountability on actual class size ratios and the number of classroom teaching positions filled by fully licensed educators to give every stakeholder and legislator a better picture on how to approach increasing the quality of education in Nevada.

Assembly Bill 266 is a proactive step in reducing class sizes to the recommended ratios. I urge you to vote yes on A.B. 266. [Written testimony was also submitted, [Exhibit L](#).]

Steve Horner, Private Citizen, Las Vegas, Nevada:

I am a grandparent of students in the public education system in Nevada and vice president of the Nevada State Education Association-Retired. As a former teacher, and having raised my children and grandchildren in the Clark County School District, I have witnessed students who have been unintentionally missed because they are tasking and not causing problems, but are desperate for help. Teachers try so very hard to meet the needs of all the students. However, those who are struggling or causing trouble in the classroom because they need attention get the needed help.

With smaller class sizes, all the students who need help will receive that needed help. What is even more important is the learning gaps that now exist will narrow, and students can achieve at levels never seen before. Our students are treading water and they should be excelling. Our teachers are maintaining, but they should be facilitating higher learning. Assembly Bill 304 of the 80th Session began the process of addressing the overcrowding in Nevada classrooms. Assembly Bill 266 will help achieve that process. I would like to thank Assemblywoman Miller for this important legislation. I urge the Committee to support A.B. 266.

Christopher Daly, representing Nevada State Education Association:

The Nevada State Education Association (NSEA) has been the voice of Nevada educators for over 120 years. The NSEA supports A.B. 266, advancing work on one of Nevada's most intractable public education issues: large class sizes.

Common sense tells us—and research confirms it—the number of students in a class makes a real difference to students and teachers alike. The issue of large class size remains one of the most frustrating issues for Nevada educators, students, parents, and school communities. Nevada continues to have the largest student-to-teacher ratio in the country. While rapid growth fueled the problem in previous decades, a lack of sufficient funding for school districts is the main reason Nevada still ranks dead last in the country.

Meanwhile, we know smaller class size has real benefits. For students, small class size can help close the racial achievement gap, lead to earlier identification of learning disabilities, improve high school graduation rates, improve student behavior, and allow for more engagement in lessons. For educators, small class sizes improve educator morale, as it allows for more individual and differentiated instruction, less time on paperwork, and stronger classroom management as teachers become more aware of individual students' strengths and weaknesses.

The NSEA supported A.B. 304 of the 80th Session requiring recommendations for teacher-to-pupil ratios. Assembly Bill 266 will ensure a count that more accurately reflects the realities of Nevada's classrooms and moves Nevada toward actively addressing overcrowded classrooms by requiring the School Board to determine the number of job vacancies based on how many teachers are needed in order to achieve the recommended ratio of pupils per licensed teacher.

Finally, NSEA has also been long engaged in ensuring teacher evaluations are fair measures of a teacher's performance. Teachers in overcrowded classrooms have a disadvantage in their evaluations through no fault of their own. The double whammy of overcrowded class sizes combined with punitive evaluation measures is too much for many educators who, instead, opt to leave the profession. Providing a legislative fix for this issue is not just a matter of fairness, but it will also help address the issue of teacher retention. [Written testimony was also provided, [Exhibit M](#)].

Vinny Tarquinio, Member, Clark County Education Association:

I am reading testimony on behalf of a school nurse [\[Exhibit N\]](#).

Dear Chairwoman Bilbray-Axelrod and Committee members:

My name is Tamara Duff, and I have been a licensed school nurse in the Clark County School District (CCSD) since 1996. I currently serve four schools: Arbor View HS, Spring Mountain Youth Camp, O'Roarke ES and Lundy ES. I am providing testimony in strong support of AB 266.

The current enrollment for Arbor View HS is 3,220 students, Spring Mountain Youth Camp is 58 students, O'Roarke ES is 754 students and Lundy ES is 11 students. Obviously, I cannot be at each school daily so I must train unlicensed personnel to perform duties that may be delegated per Nevada law.

If my caseload for these students were such that I was able to manage all of the nursing services needed on a school campus, I would not need additional assistance for each campus. In 2011, the National Association of School Nurses recommended 1 school nurse to 750 healthy students. Their recommendation is currently 1 school nurse per school.

I still love my career as a school nurse. Every day is a new challenge. I get to work with students of all ages, their parents, and several staff members. I find it rewarding to assist families to obtain needed services such as vision correction or help a student move towards independence with their diabetes care. I would like to provide more instruction but time constraints are severe with my current caseload.

Healthy students learn better. Students are presenting to schools with more and more complex conditions as our technology saves more and more lives. Every child deserves an education regardless of medical difficulties. Every child deserves a full-time school nurse.

Please help Nevada students [by] supporting AB266. Thank you for reading this message.

Respectfully,

Tamara Duff, RN, NCSN

Tom Wellman, President, Nevada State Education Association-Retired:

I successfully retired from the Clark County School District in 2011 after 32 years of service as a classroom teacher and a school counselor. One of the issues that I consistently battled every year as a school counselor was class size. Many of the teachers that I worked with in the regular comprehensive high school would frequently end up with classes that were 40 or 45-plus students. How do you teach that many students in a classroom on a daily basis? How do you teach algebra, biology, or writing to 40 restless teenagers in a high school? Middle and junior high school classes are just as overcrowded, and teachers are confronted with the problems of a group of students dealing with the issues of puberty.

If you, as elected leaders, are truly interested in addressing and improving the quality of education in the state of Nevada, this is where you begin. Reduce class sizes and allow teachers to do their jobs and teach the subject matter that they were hired to teach. Think about it.

I admire Assemblywoman Miller's tenacity in wanting to address this critical issue. Please do the right thing and pass and support A.B. 266. Do not water this bill down and prevent it from giving classroom teachers the help and support they truly need in order to educate our students. [Written testimony was also submitted [\[Exhibit O\]](#)].

Joanna Miller, Communication Strategist, Clark County Education Association:
I will be reading testimony on behalf of an educator [[Exhibit P](#)].

Hello and thank you, Chairwoman Shannon Bilbray-Axelrod, and committee members. For the record, my name is Kenny Belknap, I am a proud product of Southern Nevada and a high school social studies teacher.

Today I am sharing my voice with several other educators in strong support of AB 266. This bill will take the first step toward finally tackling the overcrowded classroom issue Nevada's schools have been facing for years now. This has been a pervasive issue for Nevada's schools for decades now and only is getting worse. When I was in high school over a decade ago, I was in classrooms of 30-plus students and now I teach classrooms of over forty students. We as a state can no longer allow these class sizes to balloon like this.

This bill would make important changes in how we report class size ratios to ensure that we get an accurate view of how many kids are in each classroom. Currently the class size ratio is built off of the number of students in a building compared to the entire licensed staff of that sight. This gives us a rosier picture than what is actually occurring. By only counting educators who are actually teaching in a classroom you get the real, more grim, teacher to student ratio.

The next important step that this bill includes that must be implemented into law is the accountability addressed through a biannual report submitted to the legislature committee on education. We can't keep addressing education issues in large ambiguous windows of ten to fifteen years. We have to start addressing them in short windows so we can make real change for the students in our school buildings. By requiring school boards in the state to report to the legislature every two years, we get more critically needed oversight from the state. . . .This will allow all of us to work together to make these necessary changes to improve education for kids who are still in the school system, rather than waiting fifteen years where all those kids will be done with school.

It's for all these reasons and countless more we need to start taking class size reduction seriously. We must start down this path because the class size issue is only ballooning and educators are being stretched thinner and thinner. While this bill will help us get a clear picture of the state of our schools and create some action plans to address this issue, it must be paired with significant funding increases to make those changes. I thank you all for

hearing this bill but beg you all to commit yourselves to funding education, commit yourselves to it while you're in office as much as you commit yourself to the issue while you're on the campaign trail.

Thank you for your time.

Phil Kaiser, President, Washoe Education Association:

I am speaking in support of A.B. 266, Assemblywoman Miller's bill on class size and caseloads. We are all aware the state of Nevada ranks at the top of the nation's class size, but the current structure for determining class size may significantly underrepresent the actual workload of educators. Undoubtedly, this results in some students not getting what they need, educators and schools not receiving the evaluations that are appropriate, and likely results in more educators leaving education.

We have sought to limit class sizes in Nevada for decades to lay the foundation for success, but those recommendations are not binding, the funding to achieve them has not been adequate, and the reality is, in a nutshell, we have never implemented the guidelines on class size reduction as intended. Furthermore, it is not just the number of students, but the needs of the students.

I recently spoke to a second-grade teacher who is close to the limit on class size, but included in the number are ten students on Individualized Educational Plans and seven English language learner students. Think about the conferences to consider the appropriate accommodations. Think about the planning and preparation to make sure the students get what they need. The workload on a teacher is much greater than the numbers by themselves indicate.

One weakness of the data on class size is it underrepresents the actual workload. If a teacher is responsible for a class exceeding the recommended ratio, that teacher should get additional credit on the evaluation. The state needs to more accurately report not just class size or pupil/teacher ratios, but more accurately assess the workloads that educators face and then adequately fund according to the needs. Let us post the number of full-time substitutes and include that in the number of vacant positions. Let us publish the number of educators that would be needed if the actual class size recommendations were being met. That would give us a more accurate measure of the situation and provide policy makers the information needed to solve this problem.

I urge you to support A.B. 266 to put Nevada on a path to more accurately determine the workload of educators, reflect that in evaluations, and help us better address the needs of our students.

Harry Beall, Private Citizen, Las Vegas, Nevada:

I reside in Nevada State Assembly District 3 and in Nevada State Senate District 3. I am a retired Clark County School District English, journalism, and broadcasting instructor speaking in strong support of A.B. 266.

I know firsthand the symptoms of job burnout and job frustration because of the ridiculously high class size ratio at the Clark County School District. Everyone knows we have had the largest class sizes in the nation in recent years. New teachers who want to help their students are frustrated by the hours and hours of grading they have to do after teaching and the fact that large class sizes are more difficult for the all-important one-on-one teaching.

I often saw more experienced teachers cutting educational corners, shortening or eliminating some of their assignments and tests, effectively short-changing their students in the process. The teachers have not become lazy; they just needed to cut back to survive. Believe me, teacher burnout is very real. As an English teacher, I worked at least a 12-hour day every day, Monday through Friday, grading tests and essays. During the weekends, I devoted eight to ten hours to teaching, either in grading or in lesson plans. I sleep only four to five hours each night, otherwise I probably would have left teaching myself.

I hate to use the word "cheat," but that is what schools do when they average the class size ratios with the low number of students in special education or other class sizes. Assembly Bill 266 would stop that policy and present transparency in real class size numbers and in the legitimate qualifications of the teachers instructing classes in those schools.

This bill was drafted by educators. Listen to them when they tell you why it is important to pass it. Listen to me and the other educators you have heard today about why class size reduction is so vitally important. This bill needs to become law.

Susan Kaiser, President, Washoe Retired Education Association; and Member, Nevada State Education Association-Retired:

I am a national board-certified science teacher, now retired after 25 years of service to Nevada students in public schools. Today, I am speaking in favor of A.B. 266 for all the reasons already stated.

Most adult Americans have attended a public school during their lifetime and therefore believe they have a good understanding of the work of an educator. In truth, the school memories of a student are just a glimpse into our important work. The job of teaching is massive—like an iceberg. The students see only the part above the waterline. There is much more going on than students are aware of: for example, the impact of class size.

Secondary educators commonly have a student load of 150 to 180 students. Teachers try to know each of their students as individuals while monitoring their learning and watching for any sign of change due to outside factors. You can get a sense of this demand yourself right now by trying this task. Ask yourself, can you name all 63 members of this legislative session? You have been meeting for three months. Can you identify something unique about each one of those 63 members without assistance? It is one-third of the student load of a secondary education teacher.

Common sense tells us—and research confirms it—that the number of students in a class makes a real difference for teachers and students alike. The issue of large class sizes remains one of the most frustrating issues for Nevada educators and contributes to their early exit from the profession. I am strongly urging you to pass A.B. 266. I would like to thank Assemblywomen Miller and Anderson for shining a light on this very important issue. [Written testimony was also submitted, [Exhibit Q](#).]

Annette Dawson Owens, Policy Director, School Readiness, Children's Advocacy Alliance:

We are in support of A.B. 266. We support our educators, and we know great teachers often end up teaching more students due to refining and perfection of their craft. We, therefore, support transparency and more accurate accountability and reporting regarding actual student-to-teacher ratios. We believe in equity and access for all of our students to high-quality educators and, thus, we also support the transparency surrounding the manner of reporting, as well as the number of full-time substitutes in each of our particular school buildings.

Thank you for continuing to bring light to the fact that Nevada has some of the highest student ratios and for all of your efforts.

[Additional written testimony in support of A.B. 266 was also submitted, [Exhibit R](#) and [Exhibit S](#).]

Chair Bilbray-Axelrod:

Are there any other callers waiting to testify in support? [There were none.] Are there any callers waiting to testify in opposition to A.B. 266?

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

I appear in the unenviable position of being opposed to this bill. We share the commitment to reducing class sizes and all the benefits of smaller class sizes. We agree this continues to be an extremely frustrating issue for districts as well. We need increased funding to allow us to hire the desperately needed teachers to meet these recommended ratios for teachers, nurses, counselors, and other critical staff members, not currently possible with our state's budget.

We are certainly willing to report the data the best we can from our student information system. There is no systematic effort to misrepresent the actual class size from district staff, and we will work to comply while not limiting the impact our other licensed teachers have on education for our students.

We continue to remain opposed to any automatic increase in teacher evaluations. We believe our current evaluation system is based on the primary ability of our administrators and teachers to give each other real-time feedback that reflects what is happening in the classroom. While perhaps it is not happening everywhere, we do feel like our administrators are taking the class size of our teachers into consideration to the extent they can based on our

system. We will review the proposed amendments [[Exhibit H](#), [Exhibit I](#), and [Exhibit J](#)] and continue to work with the sponsor. The system in Washoe County does not easily allow for changes in scoring rubrics, as it is a custom software program and not an Excel spreadsheet where it can be easily changed.

We certainly appreciate Assemblywoman Miller for her tireless efforts to address large class sizes in Nevada. We will continue to work toward solutions that allow us to hire the additional teachers to lower class sizes.

Leonardo Benavides, representing Clark County School District:

The Clark County School District (CCSD) is testifying in opposition to A.B. 266 as written. Student achievement and reducing class sizes is a priority for CCSD. While we appreciate that class size is certainly a factor in the ability to teach all students, our school administration is cognizant of this and takes it into consideration when evaluating our hardworking educators.

We look forward to seeing the mock-up version of the bill, as a number of amendments have been proposed today. The CCSD is committed to working with the sponsor on this bill.

Don McHenry, President, Washoe School Principals Association:

I would like to first say I do not oppose the overall proposal of this bill. We do need to accurately report class sizes and be transparent about who is teaching in our classrooms. The portion I would like to state opposition to is the adjusting of evaluation scores in response to this real problem.

At its best, the evaluation process should be a conversation between a teacher and the instructional leader of a school. It should represent an accurate assessment of the teacher's current level of skill in meeting the needs of the students, and no matter that starting place, it should represent a focus on growth for that teacher and for that teacher's students.

This proposal further erodes that process and places the focus on the evaluation score rather than the growth and service to students. I urge you to find solutions that would result in appropriately funding class sizes that would allow teachers to provide the high-quality education our students deserve.

Chair Bilbray-Axelrod:

Are there any other callers waiting to testify in opposition? [There were none.] Are there any callers waiting to testify as neutral to A.B. 266? [There were none.] Are there any closing remarks from the sponsor?

Assemblywoman Miller:

I will just say thank you, Chair and Committee members. I know there has been opposition about the perceived way of how this impacts teachers. I think it needs to be said that there has already been an original plan with Senate Bill 475 of the 80th Session to have those conversations. Those conversations were not happening. I am willing to work with those in

opposition to do what we need to do to make this work for everyone. Again, please give consideration to the full bill and the amendments. Thank you to everyone for your time and everyone who called in support.

Chair Bilbray-Axelrod:

I will close the hearing for Assembly Bill 266 and open the hearing for Assembly Bill 224, which will be presented by Assemblywoman Duran.

Assembly Bill 224: Provides for access to feminine hygiene products in certain public schools. (BDR 34-767)

Assemblywoman Bea Duran, Assembly District No. 11:

Thank you for your time and consideration of Assembly Bill 224. This bill provides for access to period products in middle schools, junior high schools, high schools, and some charter schools as well. With me to copresent this afternoon is Samantha Glover, a Nevada high school student who established Red Equity, a Colorado/Nevada-based nonprofit promoting menstrual equity and decreasing stigma around period poverty. In November 2020, Ms. Glover worked to determine how to get the issue of period poverty and period equity in front of the Nevada Legislature. I am honored to have the opportunity to support and present this bill with her today.

Four other states, California, New York, New Hampshire, and Virginia have passed similar legislation since 2017. New Hampshire's legislation came about because a student learned some of her peers were staying home from school because they could not afford menstrual products. Similarly, a pilot project in New York City showed that attendance increased by 2.4 percent in schools that provided access to free period products. Additionally, at least seven other states have tried or are currently trying to also pass similar legislation.

Assembly Bill 224 is a girls' and young women's health and success bill. Period equity is a serious public health issue and vital to a student's opportunity to succeed. Ms. Glover will go over many of the statistics of why this is so important. However, I would like to highlight a few. Access to period products is a health issue. Without access or with only limited access, these girls and young women are at high risk of infections from trying to use products for too long or trying to use substitutes for a product. Access to period products is an education issue. Without access, girls and young women miss more school, hindering their education and future opportunities. Those students should not have to miss a class or days or weeks of school by staying home or going to a nurse's office because they do not have easy access and freely accessible period products. Access to period products would support reducing the shame and stigma associated with menstruation. It would reduce the fear and embarrassment of having to ask for a basic necessity. It would reduce the shame and stigma of not being able to afford these necessary products.

At this time, I would like to turn the presentation over to Ms. Glover, and then I will go over the sections of the bill and conclude the presentation.

Samantha Glover, Co-Founder and Executive Director, Red Equity:

I am a 16-year-old high school student at the Davidson Academy in Reno, Nevada. I initially became empowered to start speaking about period poverty after an assignment from my English class, where we were required to construct an argumentative essay on a topic of our choice. Doing research for that assignment, I found out about the extent of period poverty in Nevada. I will cover these statistics later in my presentation, but period poverty permeates every level of education for students in Nevada and directly inhibits our ability to pursue an equitable education. Additionally, I started a nonprofit in December 2020 in an effort to combat period poverty and promote menstrual equity in Nevada.

In essence, "period poverty," according to the American Medical Women's Association [page 2, [Exhibit T](#)], means inadequate access to menstrual hygiene facilities and education, which includes but is not limited to sanitary products, washing facilities, and waste management, which are all essential to taking care of a hygienic menstrual cycle.

Additionally, "menstrual equity" means equity in terms of the menstrual cycle. That means access to affordable and equitable menstrual health products, facilities, and education, according to the American Civil Liberties Union.

When we dive into what period poverty is and take a look at what dignity and equity mean in the area and realm of menstrual hygiene, we can really see how systemic this issue is and how it impacts Nevada students [page 3]. According to Thinx, Inc. where a study of high school students were surveyed all across the United States, four in five, which is 84 percent of students in the United States, have either missed class time or know someone who has missed class time because they did not have access to menstrual products.

Menstrual products, like tampons and pads, are essential to hygiene and well-being for menstruators. Lack of access should not be causing inequitable access to education. According to that same study, one in five girls have missed school due to the lack of menstrual products. Additionally, one in three parents across the United States, according to a study done by Always, [Procter and Gamble], are concerned about their ongoing ability to afford menstrual products for themselves and for their children. From ages 18 to 70, a study done by BMC Women's Health of America found that 14.2 percent of women have struggled to access and afford menstrual products.

The solution to period poverty and providing education is clear. That is providing free menstrual products inside school bathrooms to make easy access available for all students. Menstrual products are as equally crucial, if not more crucial, than toilet paper, and should be treated in places of education in the same way and provided in the same way toilet paper and hand soap is provided in school bathrooms.

As Assemblywoman Duran mentioned, there is a significant precedent for this legislation and this policy, and it has quantifiable positive impacts. When you look at what happened in New York City after its pilot program of just three months, there was an increase in attendance by 2.5 percent. That is supported by other statistics I mentioned. Period poverty

directly inhibits people's access to education because many menstruating students, peers, and classmates I have talked to would rather miss school and stay home if they did not have access to menstrual products than reach out to a teacher or a nurse. It is simply easier for them to miss class rather than seek out menstrual products that are inaccessible to them.

Assembly Bill 224 would require all school boards in Nevada or the leadership of charter schools to provide feminine hygiene products at no cost to students inside school bathrooms [page 4]. That would include Grades 6 through 12 in middle and high school bathrooms. Additionally, the school boards and the directors of charter schools would be required to develop a plan to address the lack of access to menstrual products and to provide equal access to their students.

That plan has multiple parts. The first would be to evaluate the access to and quality of feminine hygiene products available in their schools once they implement this plan. The second would be to include a method to evaluate the effectiveness of this plan, to be able to have a quantifiable impact that can be presented to legislators on how effective and successful the program is, whether that is gauging attendance records or things of that nature that would be the best fit for that school district. Of course, the plan must be evidence-based and solution-oriented and outline how the school district will ensure access to feminine hygiene products regardless of affordability, while destigmatizing menstruation and the need for feminine hygiene products. Finally, it must outline any curriculum that the district may provide regarding access to feminine hygiene products. This plan must be developed before February 1 of each odd-numbered year. Feminine products include, without limitation, sanitary napkins, tampons, or similar products used in connection with the menstrual cycle.

There is significant legislative precedent for this bill, as Assemblywoman Duran explained earlier [page 5]. There have been similar bills passed in Virginia, California, New Hampshire, New York, and Illinois that all require schools to provide free menstrual products inside school bathrooms. The bill in California was passed in 2017, and was effective in 2018. The bill in Virginia, Senate Bill 232, which is the bill that Nevada's language is modeled off of, was passed in January 2020. The New Hampshire bill was passed in 2019, New York's in 2018, and Illinois' in 2018. Nevada is almost behind the curve in adopting these policies to ensure equitable education for menstruaters.

The bill in Virginia passed unanimously in the state Senate with complete bipartisan support. There is a bill that is very similar in wording to A.B. 224 that is in the legislative process in Washington and will likely be passed in this session of its legislature. In Nevada's Legislature, A.B. 224 has overwhelming bipartisan support from legislators, with a long list of sponsors and cosponsors [page 6, [Exhibit T](#)].

Not only do we have overwhelming support from legislators, but also from students across the state. More than 600 high school and middle school students have actually signed a petition urging legislators to pass this legislation. That is more than 600 high school and middle school students from across the state, along with 17 organizations and nonprofits,

including Nevada NOW, Planned Parenthood Federation of America, Inc., National Abortion and Reproductive Rights Action League, and others that really value the equitable access to education.

I will answer any questions from legislators about the bill or any of its impacts.

Chair Bilbray-Axelrod:

Thank you so much, Ms. Glover. I cannot tell you how much it warms my heart to see a 16-year-old come and have such poise and testify in front of the Legislature. I know my colleagues are very impressed as well. We thank you so much for doing this. I know we have some questions.

Assemblywoman Hansen:

I would like to ask Ms. Glover if she would copresent any remaining bills I have. It was amazing and you did great. Do we have many schools that already do this on their own? I am curious whether some schools, public or charter, opt to do it already. As I recall, and it was a long time ago, my middle school did. I am trying to remember if my high school did.

Samantha Glover:

To my knowledge, no schools in Nevada provide menstrual products inside school bathrooms at no cost. The majority of schools that do provide products are available inside a nurse's office. Oftentimes, it is really inaccessible because it requires asking an educator—maybe a non-menstruating educator—and going to the nurse's office. That means leaving class and, oftentimes, going all the way across the school building to get to the nurse's office, ask for a product, run back to the restroom, use those products, and then go back to class, which can result, sometimes, in more than 30 minutes of lost learning time. There are no schools in Nevada that actually provide menstrual products inside school bathrooms. That is why A.B. 224 is really crucial to ensuring that this equitable access is available to students.

Assemblywoman Torres:

I just want to note my appreciation and respect for Ms. Glover, who reached out to me throughout the interim looking to find someone who would be interested in carrying this legislation. I am really excited to see it come to fruition. I know the force behind this piece of legislation, making sure this was a conversation, reaching out to stakeholders, attending stakeholder meetings, and advocating for our communities to ensure access to menstrual products.

Could you talk a little bit about the work you have done in your community to help ensure access to period products and how many kids you have delivered to within your community?

Samantha Glover:

I founded a nonprofit that has 501(c)(3) status pending from the IRS, and is based in Reno, Nevada, and Denver, Colorado. We launched on December 23, 2020, and to date we have raised over 16,000 menstrual products to create period packages. Our period packages are brown lunch bags that contain all the tampons and pads needed for one menstrual cycle,

along with a handwritten card that contains information about toxic shock syndrome, as well as how to use the menstrual products given. We have actually created more than 500 packages and distribute them directly to the tent city in Reno in collaboration with Reno Burrito Project, along with family and women shelters in Reno and other educators who have also reached out. Anyone who is in need of providing menstrual products—organizations, educators, foster workers—can reach out to Red Equity at any time, and we are happy to provide menstrual products. This has been an ongoing drive and an ongoing effort within our community, both in northern Nevada as well as Denver, Colorado.

Assemblywoman Torres:

I appreciate that, and I appreciate all that you are doing to ensure that everyone in our community has access to menstrual products. I think this is a remarkable piece of legislation.

Assemblywoman Nguyen:

I think this is an amazing bill and seeing how we are sitting in a building that also provides menstrual products to all of our members and our female-majority Legislature in the bathrooms, I think it is about time. I know we have a lot of educators on this Committee, and I am sure you have worked with schools and teachers, and I know my younger sister taught middle school for a long time, so I am sure there is not a teacher who does not have these products. I am sure the teachers appreciate the fact that you are bringing legislation that would take another thing our teachers are paying for out of pocket to provide to their students. In addition to pencils, papers, copies, tape, white-out, et cetera, I am sure many of our teachers and educators are providing menstrual products to their students, and I appreciate that.

Have you been able, with your nonprofit work, to go into schools to provide some of these products to other people?

Samantha Glover:

I have had some school nurses, as well as educators at every level. Right now, we are currently coordinating with 20 educators. We usually meet at a park or in a parking lot where I deliver some period packages to them and they distribute those to their students. There is a necessity and a lot of educators who are struggling to afford these products that we support through Red Equity to make sure their students have access to these products.

Assemblywoman Nguyen:

Do you know how many young women suffer from period poverty?

Samantha Glover:

Specifically, for high school students, one in five girls miss school due to lack of access to menstrual products. We can see that is a really big number in Nevada once we do the math and figure out how many girls are in high school, and understand that 20 percent of our girl high school students are struggling with this issue. It is a really significant part of why A.B. 224 is needed.

Chair Bilbray-Axelrod:

I would like to point out, Ms. Glover, that you said your name every single time you testified. I cannot tell you how many adults and professional testifiers do not do that. We are all just gushing about you, so you should be very proud of yourself.

Seeing no further questions from members, I will open the hearing for testimony in support of A.B. 224.

Christopher Daly, representing Nevada State Education Association:

Nevada State Education Association supports A.B. 224 to ensure feminine hygiene products are made available at no cost to students in school bathrooms and to require school districts to address the issue of lack of access to feminine hygiene products due to unaffordability.

Access to feminine hygiene products for girls and young women in schools is a health issue, an education issue, and an equity issue. Simple access to these products of necessity would help reduce any stigma related to menstruation and would also reduce missed class time. For many years, certain educators have purchased feminine hygiene products with their own funds to keep in their classrooms to provide to girls and young women who may need them. Making these products available in girls' bathrooms would mean these educators would not have to spend their own money. [Written testimony was also submitted, [Exhibit U](#).]

Finally, A.B. 224 promotes equity, providing a basic necessity at no cost, and benefits girls and young women from low-income families who may otherwise struggle to afford feminine hygiene products.

Chair Bilbray-Axelrod:

I was so impressed by Ms. Glover that I forgot to go back to the bill sponsor and ask her to go through the provisions of the bill. Assemblywoman Duran, would you like to go through the provisions of the bill?

Assemblywoman Duran:

I would like to walk you through A.B. 224 and the two major components—access and reporting—and then I will review the one proposed amendment [[Exhibit V](#)].

To address the access, section 3, subsection 1, requires that pupils at a middle school, junior high school, or high school will be provided period products in the school bathrooms at no cost to the pupil. Additionally, section 3, subsection 2, requires the board of trustees of each school district and the governing body of each applicable charter school to develop a plan to address the lack of access to period products due to the affordability and provide equal access to such products. This subsection also provides what must be included in the plan.

The bill requires certain reports. Section 1 adds a new section to *Nevada Revised Statutes* Chapter 385A, requiring each public and applicable charter school that an evaluation of access to period products be included in the annual report of accountability.

Section 3, subsection 3, requires that every other year the school districts and applicable charter schools submit a report on its accessibility plan to the Director of the Legislative Counsel Bureau for transmittal to the next regular legislative session.

We have submitted one proposed amendment [[Exhibit V](#)] that would change the terminology "feminine hygiene products" to "menstrual products." The amendment would also add "May accept monetary gifts, grants and product donations" to the bill language. That concludes our presentation.

Chair Bilbray-Axelrod:

We will now return to testimony in support of A.B. 224.

Karla Ramirez, Organizer, Planned Parenthood Votes Nevada:

Planned Parenthood Votes Nevada is in favor of A.B. 224 because no one should struggle to access menstrual products. As Ms. Glover mentioned, one in five girls misses class time due to lack of access to menstrual products. Even with online classes, more students are struggling to access their basic necessities, like pads and tampons. In order to end period poverty, we must ensure that menstrual products are available and affordable for people who need them. Menstrual products are a necessity and should be treated as such. Planned Parenthood Votes Nevada urges you to support A.B. 224 and bring us one step closer to ending period poverty.

Nathan Noble, Member, The Young Democrats, University of Nevada, Reno Chapter:

A lot has already been said in support, so I will not waste the Committee's time by going back over it. The immensely positive effects this would have include so many benefits to the health and safety of our student community. This Committee has long maintained that those are top priorities, as they should be. If we cannot provide for our students' health and well-being, then we cannot educate them properly. As such, we throw our full support behind this bill.

As a side note, I would like to mention that we especially like this bill being sensitive to the needs of all people with menstrual issues, not merely women. Its transinclusivity is wonderful. I would like to personally thank Assemblywoman Duran and Ms. Glover for bringing it forward. I will conclude my testimony by saying ditto to everything that was said before.

Jeri Burton, President, Nevada Chapter, National Organization for Women:

Our members proudly support A.B. 224 for period equity. Thanks to Assemblywoman Duran for bringing forward this bill at the request of Samantha Glover of Red Equity, a nonprofit helping people needing period products in northern Nevada. We also appreciate the 23 bipartisan Assembly cosponsors on the bill.

Period products are a necessity. We have seen students and low-income families struggle to meet this monthly need. I volunteered at Vegas Community Pantry last year and in addition to the need for groceries, we had daily requests for menstrual supplies, which we were able to meet through donations.

This past year, one in four people with periods struggled to purchase feminine hygiene products. Period products must be readily and easily available and free of charge in our schools. No one should have to miss class time or other essential school activities because they cannot afford period products. As Ms. Glover so wonderfully indicated, in those states that have passed this legislation, attendance among people with periods has increased 2.5 percent.

Additionally, this bill will help destigmatize the need for period products and provide the necessary education on these products and their use. We urge you to support and vote yes on A.B. 224. [Written testimony was also submitted, [Exhibit W](#).]

Sophia Burbano, Private Citizen, Reno, Nevada:

I am a sophomore at the Davidson Academy in Reno, Nevada. I am speaking today because passing A.B. 224 is a necessity to ensure an equal education to all Nevadans. I can recall countless times I had my period in school and had been unprepared. Usually, I go to the bathroom and try to make do with the paper products in the stalls. That is hardly ever easy. When this has happened, asking a teacher or administrator for period products has never been an option, as the memories of my friends and me being teased about menstruation were too fresh and shameful. As many menstruators in school know, it is normal for us to miss class rather than ask for period products. The data supports this. Based on a survey of 1,000 students, four in five teens have either missed class time or have known someone who missed class time because of the lack of access to period products.

Furthermore, the majority, or 51 percent of students, feel like their school does not care about them, even if they do not provide free period products in the bathrooms. While I have never personally struggled to afford menstrual products, I have still missed class countless times due to the inaccessibility of menstrual products in school. If we had access to period products inside school bathrooms, I am overwhelmingly confident that periods would no longer affect my education and cause me to miss class time.

For the good of our students, Nevada must realize A.B. 224. To vote against this resolution would be to neglect and dismiss the needs of Nevada students and the urgent, unwavering demand for equitable education and dignity. Thank you for your time and your Committee steps to creating a safer, more just Nevada.

Robert Barsel, Private Citizen, Las Vegas, Nevada:

I am a high school student in Las Vegas. For the last few years, I have worked in my community in peer support groups for children who have lost a parent or sibling. Through that group, I have met many kids who have told me stories about their education and the support they receive. One girl's story stands out to me. I met this girl a few years ago. She

had just entered the eighth grade. She had lost her mother very suddenly. She had been homeless when her mother was alive and was in and out of shelters after the fact. Already, that is more than what a young girl should have to be experiencing. In that atmosphere, school should have felt like a safe haven. However, that was unfortunately not the position she was put in. This girl could not afford period products, and on the days when she was not provided with menstrual products by her homeless shelter, she would simply have to miss school because she was unable to acquire pads or tampons that would have made this problem quickly disappear. Less time in school meant more time on the streets. Unfortunately, this is a choice many young girls have to make every day.

Please, I urge the Committee to pass A.B. 224 to provide even a modicum of normalcy to young girls who are literally struggling to survive while fulfilling their education. This is not a difficult problem to solve and one that would mean a world of difference to menstruating people across the state of Nevada.

Akaash Krishnan, Private Citizen, Reno, Nevada:

I am a 19-year-old freshman at Columbia University, living in Reno. I am speaking to you today in ardent support of A.B. 224, a bill that will ensure crucial equity and access to educational opportunities and rightful hygiene for so many Nevadans. Throughout high school, I watched time and again as menstruators were unprepared to deal with their period or were forced to reckon with an administration that scattered obstacles in their path to access menstrual products and hygiene.

One memorable moment that has continued to resonate with me years later is an experience a friend of mine had during gym class. The class began uneventfully and with all the makings of a successful and enjoyable hour. About halfway through the dodgeball session, my friend whispered in my ear that she thought she had just gotten her period. Her face was furrowed in fear as she discreetly wrapped her jacket around her waist. I walked with her to our teacher and asked if we could head back to the school because she was not feeling well and needed to use the bathroom. Not expecting resistance, I was shocked and angered when he joked and quipped that she should not have come if she was not feeling well and had inconvenienced the class. When he finally let us go, my friend was on the verge of tears for feeling the fear and uncertainty, exacerbated by a teacher who was horribly unsympathetic. At school, she did not have any period products at her disposal, so we went from student to student in study hall asking if anyone had any she could use. Finally, someone rushed to her aid and handed her a product from a backpack, but not before the study hall monitors admonished my friend for disturbing her peers.

That day displayed blatantly and painfully the hoops she had to jump through to access menstrual products. At every turn, there was a small barrier that, intentionally or not, did hurt her and kept her from being able to quickly and assuredly deal with the issue at hand.

Assembly Bill 224 is imperative. Menstruators deserve to access these products, as well as the framework that educates their peers and administrators on how to support rather than add to the problem. I am glad my friend managed to get the access she needed, but it hurts to

think about the thousands of menstruators across the state who face this academic obstacle day in and day out. The obstacles can be intensely abated by A.B. 224. I strongly urge the Committee to pass A.B. 224 to ensure equity and dignity for menstruating students.

Chair Bilbray-Axelrod:

I know we still have a few more calls in support. I do want to remind folks that you are welcome to say "ditto" and "I am in support." We do have several other bills and we need to let members leave at 4 p.m. for other committees. We will have to come back, but I would at least like to have this bill finished.

Peyton Barsel, Private Citizen, Las Vegas, Nevada:

I am a student at Columbia University on a gap year, currently working for a logging firm in Nevada. I am here today in full support of A.B. 224, a bill I have followed since its inception. I will, for brevity's sake, just say ditto. I am incredibly supportive of A.B. 224 and everything included. Thank you for your time, and I strongly urge the passage.

Jenny Jiang, Private Citizen, Reno, Nevada:

I graduated from high school in Reno in 2019, and I am currently a sophomore at the University of California, Berkeley. I am speaking today to express my support for A.B. 224, a bill that would make huge strides in increasing much-needed menstrual resources for young people across Nevada.

My own experiences with dealing with menstruation in middle and high school were shrouded in shame and confusion. Unfortunately, this is a common thread for many who are just starting their periods during this chaotic time in their lives.

The lack of accessible period products in my school meant a monthly ritual of wrapping cheap, single-ply toilet paper around my underwear to form a makeshift pad. Besides being wholly ineffective, it was, frankly, humiliating. The lack of menstrual resources available to me at school was directly tied to my feelings of shame around my body. I felt that my period was a gross part of me that should be covered up and swept under the rug, a feeling that was confirmed by my school's lack of access to menstrual products and related educational resources.

Not only would A.B. 224 provide the physical products that people with periods require, but it would also go a long way in helping dismantle still pervasive taboos around menstruation as a whole. I remember how touched I felt when my local climbing gym started stocking free period products in its restrooms. I was caught off guard by how such a small act could go such a long way in making me feel welcome in that space and in my own body.

Unfortunately, such a sighting remains a rare occurrence rather than the status quo, which is exactly why A.B. 224 is so crucial. Period products are basic human necessities and not luxury items, and they should be treated as such. I strongly urge the Committee to pass A.B. 224 to ensure menstruating students are treated with the dignity and equity that has, up until this point, so often been denied to them.

Stella Thornton, Private Citizen, Carson City, Nevada:

I am a 16-year-old high school student at Carson High School. This bill will be immensely helpful for me and for all of the students at all of the high schools in Nevada. Thank you so much for hearing A.B. 224.

Chair Bilbray-Axelrod:

We love hearing from high school students and young folks. There were some college students who have testified also. We really appreciate the calls. Are there any other callers in support?

Brittany Walker, Cochair, Community Advisory Board, Women's Research Institute of Nevada:

We are in support of A.B. 224 and would like to say ditto to all the comments. Kudos to Ms. Glover for her wonderful presentation.

Max Grinstein, Private Citizen, Reno, Nevada:

I am a high school freshman from Reno, and I am here to testify in support of A.B. 224. Why am I here supporting A.B. 224? You might not expect a teenage boy to be here testifying in favor of a bill expanding access to period products and, truth be told, I admit I cannot fully understand all of the difficult issues that come with lack of access to period products. But there is one thing I do understand, which is the stress of being a high school student—all of the work that is required, all of the peer pressure, all of the time spent, all of the worries about the present and the future. There is a lot of stress that high school students face. So, I cannot imagine having to deal with all of that plus the added pressure of worrying about where I might obtain essential period products.

I have learned how difficult it can be for some of my fellow high school students to access these products, and I worry about the additional stress that adds to their life. Here in Nevada, if students do not have enough money for lunch, school lunches can be provided for them. Why do we not do the same with essential feminine health products? I urge you to pass A.B. 224. Thank you for your time and service to the state of Nevada.

[Additional written testimony was submitted but not discussed and are included as exhibits for the hearing, [Exhibit X](#), [Exhibit Y](#), [Exhibit Z](#), [Exhibit AA](#), and [Exhibit BB](#).]

Chair Bilbray-Axelrod:

Are there any other callers waiting to testify in support? [There were none.] I will open testimony for opposition.

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

It goes without saying that Ms. Glover was incredibly compelling and impressive, and we are certainly proud to have her here in Washoe County. By way of history, part of the reason we do not provide menstrual products inside the bathroom is due to past experience with these products being used to destroy school property, costing hundreds of thousands of dollars in plumbing damage. That is ultimately why we had to move them to a place with adult

supervision. We appreciate the barrier this creates for our students, but perhaps we can work together on ways to mitigate the risk of school property and provide access to these products in additional locations that do not put school property at risk.

While the students we have heard from today are incredibly mature, that is not the case for all of our middle and high school students. Additionally, our new secondary schools are built with gender neutral bathrooms that do not have a private, separate area where these would be available to our students in a private way.

We are certainly committed to creating a culture rich with social-emotional competencies where our students are not shamed, but supported by all the adults in the school. I know this is a policy committee, but with uncertainty of whether this bill will go to the Assembly Committee on Ways and Means, I have to say our board platform indicates opposition to any and all unfunded mandates. Should this proposal receive a specific appropriation, we could look at addressing logistical issues and use separate state funds to pay for these products for our students. Any new mandates will only redirect already limited funds we use to hire and pay teachers, and for classroom supplies and other educational requirements to this new requirement.

We hope to work with the bill sponsor and any existing stakeholder groups that may have been working on this bill, and Ms. Glover, to address these concerns and hopefully move to support.

Brad Keating, representing Clark County School District:

Similarly to Ms. Anderson testifying in opposition of A.B. 224, I want to begin by saying how incredible of a job Ms. Glover did on testifying on this bill. We completely agree with Ms. Glover that it is important to provide access to these feminine hygiene products for our students. As Ms. Anderson mentioned, we already do that in each of our nursing offices at schools. We have concerns with placing them in each bathroom due to past experiences where students have not used them as intended, where pranks have led to unforeseen financial costs to the districts. While we want to remove as many barriers as possible, we do want to make sure these products are also accessible to students who need them the most.

We also want to briefly note that we do have a fiscal note that has been submitted to this bill. Although this is a policy committee, there is a cost for the dispensers and the additional products themselves over what is already allotted in the school nursing offices. If there is a creative method to provide access without an additional cost, we are certainly open to looking at all ideas and hope Ms. Glover can help us find a creative solution. We are committed to having additional conversations with the bill sponsor as we look to see how we can best provide these services to our students. We thank you for your time and consideration. Once again, I would like to tell Ms. Glover how incredible of a job she did in her testimony today.

Mary Pierczynski, representing Nevada Association of School Superintendents:

First, I want to echo what everyone else has said. Ms. Glover, we are so proud that you are a Nevada high school student. You are so mature and did a wonderful job.

I think you have heard from Clark County School District and Washoe County School District about what the concerns are with carrying out the mandates of the bill as it is currently written. I am very confident we can reach a solution to this important issue that will be helpful to the students and still maintain the schools in the kind of manner we need to maintain them. We look forward to working with Ms. Glover and Assemblywoman Duran to come to a good solution for this important issue.

Chair Bilbray-Axelrod:

Are there any other callers waiting to testify in opposition? [There were none.] I will open the hearing for testimony in neutral. [There was none.] Are there any closing remarks from the presenters?

Samantha Glover:

I want to thank everyone here for being respectful, considerate, and valuing the experiences of students in Nevada to help ensure equity and dignity is provided to all Nevada students so no one is ever missing class time because they cannot afford menstrual products.

Assemblywoman Duran:

I would like to conclude my presentation with a quote. When New Hampshire's Governor, Chris Sununu, signed a similar bill into law in 2019, he said, "SB 142 will help ensure young women in New Hampshire public schools will have the freedom to learn without disruption—and free of shame, or fear of stigma." It is my hope that we can give our students in Nevada the same opportunity. Thank you again and for taking the time to consider this measure. I urge your support of A.B. 224, and we are happy to work with the school districts in trying to find a resolution to getting some period products to our students without feeling ashamed.

Chair Bilbray-Axelrod:

I will close the hearing on Assembly Bill 224. I will open the hearing for Assembly Bill 418. This bill is on behalf of the Legislative Committee on Education, which requires the Nevada Department of Education to develop, implement, and analyze an exit survey for certain employees and others matters properly relating thereto. Assemblywoman Gorelow will be presenting the bill. We will hopefully get through all the testimony, a few questions, and then we will recess until 6 p.m.

Assembly Bill 418: Enacts provisions relating to education. (BDR 34-526)

Assemblywoman Michelle Gorelow, Assembly District No. 35:

I am pleased to present Assembly Bill 418 on behalf of the Legislative Committee on Education and the Nevada State Teacher Recruitment and Retention Advisory Taskforce. Assembly Bill 418 requires the Department of Education to implement an exit survey

analyzing teacher retention. The bill directs the Department to consult the Teacher Recruitment and Retention Taskforce on development and execution of the exit survey. I think it might be prudent to give the Committee a brief overview of the Taskforce before discussing the bill.

During the 2019 Session, the Legislature passed Assembly Bill 276 of the 80th Session, which created the Teacher Recruitment and Retention Taskforce. The Taskforce is composed of public school teachers with five or more consecutive years of teaching from each of the school districts across the state. They meet quarterly to address challenges with attracting and retaining teachers. In their 2020 report, the Taskforce made a series of recommendations, which included a general recommendation that the Legislative Committee on Education select a third party to develop, implement, and analyze the results of a statewide educator survey.

During the interim session, the Taskforce argued that Nevada's lack of consistent data regarding why teachers leave schools contributes to low levels of retention. They told the Legislative Committee on Education that if we do not know why educators leave, we cannot make good policy to keep them. The Committee recognized the need to understand these reasons, which is why I am here to present A.B. 418 on behalf of the interim Legislative Committee on Education.

Section 1, subsection 1 of A.B. 418 requires the Department of Education, in consultation with the Taskforce, to establish an exit survey measuring teacher retention. In a proposed amendment [[Exhibit CC](#)] by the Department of Education, there is the ability for the Department to customize each district's survey.

Section 1, subsection 2 of the bill allows the Department to partner with any person or entity with expertise in education to further the development and implementation and analysis of the exit survey. The amendment does not change this subsection.

Section 1, subsection 3 specifies that the board of trustees of a school district is responsible for administering the exit survey to qualifying teachers and licensed experts. It also requires the board of trustees to report the previous year's exit survey results on or before August 1 of each year. The amendment will change this in that the school district will provide the Department survey link and will ensure the data from each survey will be transmitted directly to the Department.

Section 1, subsection 4 mandates the Department of Education review and provide recommendations for improvement to the board of trustees based on the results submitted in subsection 3.

Section 1, subsection 5 requires the Department of Education to make a transmitted report to the Legislature or Legislative Committee on Education containing the information sent to and from school districts and any additional recommendations for further legislation.

The effective date of this bill is January 1, 2022. There are no other presenters, and I am available for questions.

Chair Bilbray-Axelrod:

I know we have folks from the Department of Education available if there are any questions from the Committee about what this would actually look like. Are there any questions from the Committee? [There were none.] I will open the hearing for testimony in support of A.B. 418.

Brenda Pearson, representing Clark County Education Association:

The Clark County Education Association (CCEA) is speaking in support of A.B. 418 and the proposed Department of Education amendment [[Exhibit CC](#)]. Teacher departures pose serious challenges for schools and districts, especially in consideration of Nevada's depleted pipeline. Research demonstrates that high teacher turnover can lower student academic outcomes, specifically in schools predominantly serving economically disadvantaged students and students of color. Creating and implementing an exit survey will help our state and districts better understand why teachers leave and then target efforts to curb attrition. Assembly Bill 418 is a great start to understanding why teachers leave the Nevada K-12 education delivery system.

Teacher attrition is not a new issue in Nevada. Historically, Nevada has dealt with attrition issues by sweeping them under the proverbial rug. We have depended upon recruiting educators from other states and countries for some of our most difficult positions instead of growing our own pipeline. We have created many programs for alternative routes to licensure to speed potential candidates through the process, but continue to wonder why these individuals were more likely to leave the profession within the first few years. We have even paid for educators to serve in chronically underperforming schools only to be surprised when they leave that school when the money dries up. All along, Nevada has thrown our hands up wondering why our efforts have not paid off.

Nevada has fallen victim to the anecdotal fallacy, where we have used an isolated example or a personal story to inform our decisions instead of evidence-based decision making. Nevada must base decisions upon data and objective evidence. Assembly Bill 418 supplies us with such data. Assembly Bill 418 positions Nevada at the precipice of a positive change that will positively impact our students.

The CCEA thanks the Nevada State Teacher Recruitment and Retention Advisory Taskforce for beginning this conversation during the interim session, and we thank the sponsors of the bill. We look forward to continuing our conversation on attrition and retention in Nevada's schools and whether a survey like this should apply more broadly to teacher turnover to better understand why educators transition to other schools, leave the district, or leave the profession entirely. [Written testimony was also submitted, [Exhibit DD](#).]

Christopher Daly, representing Nevada State Education Association:

The Nevada State Education Association (NSEA) supports A.B. 418 which requires a survey for educators leaving employment. We supported Assembly Bill 276 of the 80th Session creating the Nevada State Teacher Recruitment and Retention Advisory Taskforce in the 2019 Session to address the issue of Nevada's vexing teacher shortage. Assembly Bill 418 comes directly from a recommendation of the Taskforce to help identify factors involved in the decision of many educators to leave their schools or the profession of teaching altogether.

We all know Nevada's teacher shortage is a significant problem across school districts in the state. While there is often a focus on the teacher pipeline, teacher retention is equally, if not more important. In the Clark County School District, for example, half of the teachers separate from employment within five years.

Based on recommendations to the Taskforce, an effective exit survey would consider educator characteristics and assignment, the reason for leaving, and future employment plans. In the survey, it will be critical to determine whether the reason for leaving is related to poor working conditions or a lack of support. The NSEA believes exit surveys will identify issues such as large class sizes, low compensation, and punitive or unfair evaluation systems as major factors. But exit surveys will give decision makers the information necessary to make adjustments to better retain Nevada's teaching workforce. [Written testimony was also submitted, [Exhibit EE](#).]

Noah Sullivan, representing Clark County School District:

The Clark County School District is in support of A.B. 418. Exit surveys provide important insight as to why our employees are leaving the district. The CCSD wants to retain as many skilled workers as possible, and receiving these surveys will provide us with a meaningful strategy to keep our workers employed within the district as we look to minimize vacancies and understand how best we can support our staff.

The CCSD would like to emphasize its support for the amendment offered by the Department of Education [[Exhibit CC](#)], which would allow our annual exit surveys to include questions targeted specifically to CCSD employees. It is important to ensure that the district is in constant communication and access in order to best improve our recruitment and retention of licensed professionals.

The CCSD wants to thank the Assembly Committee on Education for its continued dedication to improving the livelihoods of CCSD workers and for bringing forward this important bill.

Chair Bilbray-Axelrod:

Are there any other callers waiting to testify in support? [There were none.] Are there any callers waiting to testify in opposition? [There were none.] Are there any callers waiting to testify as neutral? [There were none.] Are there any closing remarks? [There were none.] I will close the hearing on Assembly Bill 418.

The meeting was recessed [at 3:56 p.m.].

The meeting was reconvened [at 6:09 p.m.].

Chair Bilbray-Axelrod:

I will open the hearing on Assembly Bill 415. This is a Committee bill that directs the Legislative Committee on Education to conduct an interim study and provide recommendations concerning strategies to enhance the statewide system of accountability for schools, also known as the Nevada School Performance Framework (NSPF), and to study and address school improvements based on the Performance Framework. The bill provides entities with whom the Committee must consult and specifies data to be collected and reviewed. With us today to present A.B. 415 is Dr. Jessica Barr, a data analyst and school improvement consultant with extensive experience working in this specific area with NSPF.

**Assembly Bill 415: Provides for an interim study on public school accountability.
(BDR S-752)**

Jessica Barr, Data Analyst and School Improvement Consultant, Nevada School Performance Framework:

My background is strongly rooted in Nevada education, having a career path that started in the classroom as a teacher, progressed into administration and district leadership, and ultimately into the role of analyst and consultant. Currently, I work with over 80 elementary, middle, and high schools, a majority of which are Nevada schools, serving approximately 30,000 students. My work is really rooted in the positive influence of student outcomes through the use of data, predictive analytics, and effective training. As such, my work requires that I have an intricate understanding of the Nevada State Performance Network (NSPF) and an awareness of its intricacies. I am truly a proponent of the NSPF and believe wholeheartedly that it has proven ability to positively shift student outcomes and school performance when resulting data is adequately accessible, understood, and utilized. That being said, now that we have had three years of testing, data collection, and reporting, we have started to see some potential trends and possible limitations of the NSPF.

Assembly Bill 415 proposes to provide an opportunity for data-driven reflection and potential adjustments by conducting an interim study. This study will review the following trends and potential limitations that we have seen emerge after our first three years of NSPF implementation and data collection. As we go through the proposed areas of study today [Exhibit FF], please do keep in mind that these recommendations are based on a subset of data that has been collected over the past three years. The study itself would be essential in determining if these initial indicators that we are seeing are, in fact, prevalent across the entire state of Nevada.

Here are our proposed areas of study [page 3, Exhibit FF]: access to scores of pupil outcomes from schools and teachers. It is truly necessary to study levels of access to individual student data and potential limitations that places on improving school performance. What we are initially seeing and hearing in working with schools across

Nevada since the inception of the NSPF is that different districts receive different levels of access to their individual student data. Some, but not all districts, schools, and teachers receive access to all of their data indicators, including some that would be considered crucial for reflection and replication of best practices.

For example, in the area of student growth, certain districts share information that outlines specific individual student growth targets, the growth that students ultimately receive individually on their assessments, and the exact growth target that they are expected to hit the following school year, while other district schools only have access to a simple "yes" or "no" on whether or not a student is hitting those targets, giving these school leaders and teachers almost no insight into how close or far students are from achieving their goals. Essentially, this is leaving them blind to aim for targets that they have no access to.

It is really crucial to explore this because in elementary school, 45 percent of the elementary rating is composed of points relating to targets that not all schools seem to currently have access to. Forty percent of the middle school rating is also composed of these points relating to targets that not all schools have access to.

Our next area of study [page 4, [Exhibit FF](#)] would be the access to scores of pupils who transfer between schools and districts and the existing capability to share data. It is necessary to explore Nevada's current capacity to share data, especially when such a significant portion of the star-rating system is dependent on hitting targets that follow transfer and transient students. What we are seeing initially is that, though we do have platforms that were intended to support data sharing, like Infinite Campus, schools are often limited to phone calls and record requests that frequently go unfulfilled.

This study will collect data on access and offer potential recommendations. For example, one of many examples, we do know the state of Florida has a highly effective data-sharing system where teachers have access to data at their fingertips.

The next proposed topic of study is in the area of methodology [page 5], specifically the methodology of comprehensive support and improvement, which we abbreviate to CSI; targeted support and improvement, which is referred to as TSI; and additional targeted support and improvement, which we refer to as ATSI, school designations. It is necessary to explore Nevada's current methodology for designating schools based on underperforming subgroups.

What we are currently seeing after three years of data collection is that Nevada is one of a few states that employs punitive actions for designated support and targeted improvement schools. It is also how we determine what schools need support in closing opportunity gaps in high-need populations, making this a really high-stakes category for Nevada and its schools. My data is showing that schools that are actually achieving exceptional growth with high-need subpopulations are potentially being falsely flagged and triggered as

underperforming due to the structure of our current metric. It also appears that the major reason we are not seeing more triggered school designations is due to many schools having smaller numbers of subgroup populations and thus not qualifying for the designation.

In the provided visual [page 5], you can see one such example of a school that I work with that is achieving really high growth medians for Individual Education Plan (IEP) students or special education students. In fact, they only saw 15 percent of their IEP students achieve low growth, yet this very same year they were triggered as an underperforming subgroup under the state's current metric. This is one of many examples I have seen, and the study we would conduct would see if this is potentially a more pervasive impact happening across our schools.

This is really why evaluating the methodology and data from the entire state would be really important: (a) Because we may be inadvertently penalizing schools achieving exceptional growth with their subgroups and high-need populations; (b) We may be increasing risk of penalty to schools that serve higher numbers of diverse subgroups and high-need populations; and (c) We may be limiting opportunity to reflect upon and replicate true best practices across our state.

We would also explore methodology in the area of growth indicators for high school [page 6, [Exhibit FF](#)]. It is necessary to explore these growth indicators to support high schools in sustainable improvement. What we are seeing is that contrary to elementary and middle school, Nevada's high school metric does not measure and, therefore, does not promote student growth outside of that of English learners. Only 10 percent of the high school rating measures student growth compared to 60 to 65 percent of the elementary and middle school ratings.

We would also like to explore academic achievement indicators for high school [page 7]. Specifically, we want to look at Nevada's current American College Testing (ACT) proficiency cut scores and how it is potentially impacting college readiness. Currently, Nevada has the lowest ACT composite average score in the nation, coupled with the lowest expectation for proficiency.

This is what we are seeing [page 8]. Nevada determined its own cut scores for ACT proficiency; essentially, the scores that we say sufficiently meet our expectation for college and career readiness. In English language arts, this cut score and expectation is a 17, and in math it is a 20, with the average Nevada high school student receiving a composite score of 17.9 in 2020. Do these cut off scores adequately represent that Nevada students are college- and career-ready, and are we doing Nevada students and parents a potential disservice by telling them they are proficient and college-ready at these levels? Initial data implies that we may be doing just that.

For example, though our Nevada cut score for proficiency in college readiness is a 17, a 19 to a 21 is the average English reading score needed to avoid remedial college courses. In math, although our cut score is a 20, a 22 is the average national math score needed to avoid

remedial college math courses. When looking at college acceptance, a 25 or higher is the minimum score for a shot at entrance into a selected university. Elite universities generally only admit with scores above a 31.

In terms of college readiness and success, Nevada students currently only have a 13 percent probability of earning an "A" in an entry level college course at our current decided upon cut score, and a 39 percent chance of earning a "B". Math is quite similar, with Nevada students having a 13 percent chance of receiving an "A" in their entry level math course at the current cut score, and a 40 percent chance of earning a "B".

We will also have some additional purposes of our interim study [page 9, [Exhibit FF](#)]. First is to identify existing resources and additional resources to aid schools and improve pupil and school outcomes. Next, we would evaluate how other states address data sharing and the impact of transient pupils and enrollment fluctuation on school ratings and performance. Finally, we would like to make some recommendations concerning any matter relating to the study, including, without limitation, recommendations for proposed legislation.

In conclusion, A.B. 415 is proposing not to evaluate the NSPF in its entirety—and that is an important distinction—but rather to explore these emerging trends and potential limitations in their own individual capacity to determine if what we are seeing in our initial data subset is an anomaly or potentially pervasive across the state of Nevada.

If the study does, in fact, reveal the need for targeted adjustments and resources across Nevada schools, then there is no better time to act than now. Essentially, we will be hitting the restart button on data collection and accountability this year, after the unprecedented pause that the pandemic ignited. With all schools receiving new baseline data this year and anticipated star ratings in the fall of 2022, what better time to reflect and potentially implement minor adjustments that emerge from this study for the betterment of Nevada schools.

Thank you so much for your time and your consideration today. I am happy to answer any questions you may have.

Chair Bilbray-Axelrod:

Committee, feel free to go back and reference that PowerPoint. I think there are some staggering numbers. The important thing I do want to bring up is what Dr. Barr said at the end. This is not a huge overview; we are looking at little problems that have been identified over the last three years. I do think the timing is great with what we just went through. Are there any questions from Committee members? [There were none.] I know this is a very diligent Committee, so I think this is just more of a testament that you did really good work. I will open the hearing for testimony in support of A.B. 415.

David Dazlich, Director, Government Affairs, Vegas Chamber:

I want to take a moment to thank the sponsor for bringing this bill. We believe this is a good piece of legislation, and the data collected will help inform sound education policy moving forward and we urge a yes vote.

Hawah Ahmad, representing Clark County Education Association:

The Clark County Education Association (CCEA) is in support of A.B. 415. I would like to direct the members of the Committee to the two exhibits we have entered for testimony from our President, Marie Neisess [[Exhibit GG](#)] and Dr. Brenda Pearson [[Exhibit HH](#)].

In short, Nevada does need to flip the script on the school accountability system, and we need data to do so. We think this is a wonderful starting point, but of course, as time progresses, we do have to acknowledge the pitfalls within the current system to address and be agile in our approach to strategies to ensure our students and educators are put first.

Again, I would love if everyone could read the testimonies we have submitted as exhibits [[Exhibit GG](#) and [Exhibit HH](#)]. If you have any questions, please contact us.

Christopher Daly, representing Nevada State Education Association:

The Nevada State Education Association (NSEA) supports A.B. 415 to conduct an interim study of the statewide system of accountability for public schools. The NSEA has consistently expressed concern about Nevada's sorting and rating mechanisms for educators as well as schools. The added NSPF or school star-rating system has failed to foster the education improvements it was intended to deliver. Instead, it acts in a more punitive way, penalizing schools largely based on factors outside the school's control. For example, the income of the community a school serves is more likely to track with the school's star rating than any of the individual indicators included in the NSPF.

Of particular concern is the emphasis many school leaders put on the indicator's academic proficiency on state assessments. This creates a school culture where educators feel compelled to teach to the task rather than spend the time needed for quality teaching and learning, including developing critical thinking skills and more time for personalized and differentiated instruction.

Since the COVID-19 crises forced the closure of school buildings and has shifted to distance learning and hybrid education models, it became clear Nevada's one-size-fits-all policy of student assessments, teacher evaluations, and school star ratings no longer serve the best interest of students. With most Nevada students now returning to school buildings, continued reliance on these old schemes may create counterincentives for students and educators to come to school sick, to teach the task instead of teaching and reinforcing health and safety, and to maximize numbers, in time, in classrooms, even when that may be outside of the guidelines for safe operation of school buildings. [Written testimony was also submitted, [Exhibit II](#).]

Brenda Pearson, representing Clark County Education Association:

The CCEA is speaking in support of A.B. 415. The intent of Nevada's school accountability system is to hold schools and districts responsible for raising student achievement and inform timely supports to make improvements when necessary, but Nevada's school performance framework has historically fallen short of this aim. Nevada's system has been solely built upon compliance, which has informed districts, schools, and the public of what outcomes students met without explanation of why they met them.

As a prior educator in the Clark County School District, the NSPF was viewed as an incomplete picture of what schools were able to accomplish. School ratings did not inform progress but, instead, deterred educators from serving in schools that earned a 1- or 2-star rating. Chronically underperforming schools seem to be boxed in year after year, having to absorb numerous special programs, often burdening an academically struggling school.

Additionally, star ratings are influenced by school funding. School funding issues are most prevalent in our chronically underperforming schools, which are predominantly located in our economically disadvantaged and diverse communities. Resources are not readily available to these schools, and students deemed at risk need additional funding to support their progression toward proficiency. School ratings should not be closely correlated with school funding unless we fund the per-pupil funding plan optimally. This is one of the many reasons why CCEA adamantly supports the full implementation of Senate Bill 543 of the 80th Session with consistent and diversified revenue streams.

Nevada needs to flip the script on its school accountability system. School accountability systems should be informed by both macro- and micro-level data sources and should drive toward the comprehensive understanding of student and school success. The CCEA is in support of A.B. 415 for all of these reasons. At the end of the day, we have just withstood the impossible, and instead of returning to the same inefficient system, we support looking at the future, exploring reforms, and most importantly, changing the culture of education in Nevada to put our students and educators first [[Exhibit HH](#)].

Chair Bilbray-Axelrod:

Are there any other callers waiting to testify in support? [There were none.] I will open the hearing for testimony in opposition. [There was none.] I will open the hearing for testimony in neutral.

Sarah Nick, Management Analyst, Legislative Liaison, Department of Education:

The Department of Education is testifying in neutral to A.B. 415 and looks forward to working with the bill sponsors and stakeholders regarding implementation.

Chair Bilbray-Axelrod:

Are there any other callers waiting to testify as neutral? [There were none.] Are there any closing remarks?

Jessica Barr:

Thank you all so much for your consideration. We truly believe this could shed some really informative light on areas of support for Nevada's schools.

Chair Bilbray-Axelrod:

Thank you, Dr. Barr. It has been a real pleasure working with you. We can definitely tell your passion about data and collecting the right data for the state of Nevada so kids can move forward. I will close the hearing on Assembly Bill 415.

Because Assemblywoman Miller is not present at the moment, I am going to move the work session to the end. I will open the hearing for Assembly Bill 384, presented by Assemblywoman Torres. Assemblywoman Torres and Assemblywoman Duran are bookending two bills, Assembly Bill 384 and Assembly Bill 353. To be fair to everyone, I am allowing 20 minutes for Assemblywoman Torres' testimony because I was told the second bill will only need 10 minutes.

Assembly Bill 384: Revises provisions governing sexual misconduct in institutions of the Nevada System of Higher Education. (BDR 34-939)

Assemblywoman Selena Torres, Assembly District No. 3:

I am here today to present Assembly Bill 384, which is the companion legislation to Assembly Bill 353, as the Chair acknowledged. This piece of legislation does address sexual misconduct in our colleges and universities. I want to make sure the Committee is aware that there has been a proposed amendment [[Exhibit JJ](#)] that has been emailed to the members of this Committee and posted on the Nevada Electronic Legislative Information System. I want to apologize for the late notice of the amendment. I have been working around the clock with the Nevada System of Higher Education (NSHE) and the institutions to make sure we could get an amendment to this Committee that satisfied various stakeholders. I do apologize for it being late, but there have been several changes to the legislation with the amendment.

This bill arose out of a bipartisan bill from the 2019 Session, sponsored by Senator SeEVERS Gansert. The pandemic interfered with the usual process, but the interim Legislative Committee on Education was able to engage key stakeholders and representatives from all points of view in a study regarding safe and respectful learning environments. The area of greatest concern to the individuals on the committee was sexual harassment and violence based on gender discrimination, including that based on sexual orientation, gender identity, and gender expression. Sadly, our LGBTQ youth are among our most vulnerable for harassment and violence. The study participants agreed that uniform policies on sexual misconduct in Nevada's schools are long overdue. Furthermore, it is essential that school personnel and others involved in the grievance process understand all available resources on and off campus. Training was another identified need. We need to provide more training at all levels, especially on trauma-informed responses, so victims receive assistance that recognizes the complexity of their experiences.

Later this evening, you will be hearing Assembly Bill 353. There are a few key differences that I want to point out. First, A.B. 384 specifically deals with higher education, so the vast majority of the student population are adults. Therefore, the climate surveys are appropriately administered to all students at an institution. Second, unlike K-12 schools, sexual harassment and violence perpetuated by third-party vendors is an issue in the higher education setting that is not necessarily apparent in our K-12 setting.

I want to thank NSHE and the government affairs teams from every institution for continuing to engage in this dialogue over the course of the last year. This is not a piece of legislation we quickly put together; this is a piece of legislation that I have been collaborating with stakeholders on since April 2020. I really appreciate the work they have done to ensure we could find a policy that worked for Nevada. I am committed to continuing this dialogue in the months to come, and I am confident that together we will craft a policy that garners community support and creates a safe environment for all students.

At this time, I would like to introduce Assemblywoman Brown-May, who will provide the Committee with additional remarks regarding the need for this policy in student communities.

Assemblywoman Tracy Brown-May, Assembly District No. 42:

I am thrilled to be here to provide additional comments regarding A.B. 384. Today, I am here to share a personal perspective regarding the importance of safeguarding our students attending the Nevada institutions of higher education.

I am the proud mom of three young adults. My 18-year-old son is preparing to enter the university; my 20-year-old daughter is currently in the middle of her college career; and my oldest is a recent graduate from a Nevada System of Higher Education university. While her gender pronouns are she, her, and hers, she identifies as a nonbinary lesbian. Through the experiences of each of my children, I have become increasingly aware of the situations that they and many of their friends experience. Sexual-related misconduct, including allegations of abuse, assault, sexual harassment, bullying, and harassment related to gender expression and identity and sexual orientation are real, and our families are dealing with them.

Currently, the only data we have is anecdotal and they include the stories of young adults like mine and thousands of others across Nevada. A concerning trend is that many survivors fail to report. The personal nature of the complaint, the vulnerability required to share complaints, the lack of private reporting processes, and the stigma that is often attached to the nature of these types of reports often deter our students from reporting, even when that offense is egregious. Members of the LGBTQ-plus community are often targets for sexual misconduct, sexual assault, or gender-based bullying. People with disabilities have often been targets of these same behaviors and have reported increased instances of sexual assault. Often, students do not know where to turn for assistance, even when we do have some of the processes in place.

As we get better at discussing appropriate sexual behaviors, it is also important that we identify inappropriate sexual conduct, and we need a way to identify the current experiences of our students. Assembly Bill 384 will begin that process. We have an opportunity here to utilize the existing assets and talents of the institutions in our state to better define the situations that our students are facing. As a parent, I feel it is necessary that we ask the questions and include the members of both the LGBTQ-plus community and the disability community as we consider the current climate on our university and college campuses.

At this time, I would like to introduce to you Ms. Dominique Hall, University of Nevada, Reno (UNR) student body president, and she will provide additional remarks.

Dominique Hall, Private Citizen, Reno, Nevada:

I am a senior at UNR. On campus, I serve as student body president. Additionally, I would like to make a disclaimer that I am currently serving as Assemblyman Frierson's intern. I am in no way speaking on behalf of him or his team. Today, I am here as a student advocate with hopes of explaining the student perspective of why A.B. 384 is important to Nevada students.

This summer, I had the privilege of being a fellow with The Every Voice Coalition, where I completed extensive research on campus sexual violence and helped to organize hundreds of NSHE students. We are in support of combating this campus sexual violence. I can truly say A.B. 384 is the right way to combat campus sexual violence on NSHE campuses.

According to the Rape, Abuse and Incest National Network, 13 percent of college students experience some form of campus sexual violence, and only 20 percent of women report these incidents. From my research in the 2019-2020 school year, only two NSHE campuses, UNR and the University of Nevada, Las Vegas (UNLV), reported incidents of sexual violence to the Clery Act. However, in the 2019 Campus Climate survey from UNR, 12 percent of the 3,000-plus survey takers reported they experienced violence that year.

The University of Nevada, Reno is the only NSHE institution with a recent Campus Climate survey. Going off the fact that 12 percent of the 3,000-plus survey takers identified they experienced sexual violence, and there are only 14 reports of sexual violence acts in the Clery report of 2019, we can assume campus sexual violence is a prevalent issue in other NSHE institutions, it is just not being reported.

From information sessions with The Every Voice Coalition last summer, many NSHE students expressed how they knew a peer who had experienced campus sexual violence but never reported their cases. I, too, know many peers who have experienced this violence. I believe having NSHE institutions supply Campus Climate surveys on sexual misconduct, adopt clear policies on sexual misconduct, enter memorandums of understanding with victim organizations, and more within this bill, will begin to allow cases of campus sexual violence to drastically end and the perpetrators to be held accountable.

I want to end this testimony by sharing that when I would have discussions about campus sexual violence on NSHE campuses, many students expressed that a campus without sexual violence would be their dream campus; a campus they would feel comfortable sending their younger siblings to. Currently, NSHE has little or no campus sexual violence prevention or accountability policies. In this current state, NSHE students are in a vulnerable position of being at risk of having a sexual misconduct act committed against them. I would not feel comfortable sending my younger sister to an institution with no clear policies.

Assembly Bill 384 would grant NSHE students like me the possibility of having a safer and more accountable campus.

Assemblywoman Torres:

At this time, I would like to introduce Dr. Margaret Campe, who is the Director of the Care Center at UNLV.

Margaret I. Campe, Director, Jean Nidetch CARE Center, University of Nevada, Las Vegas:

First, I would like to say thank you to the Committee for having me, and to Assemblywoman Torres for inviting me to provide testimony in support of A.B. 384 and for all the work that went into crafting this bill. I became the director of the Jean Nidetch CARE Center at UNLV about a year ago. To those of you who may not know, the CARE Center is the only anti-violence advocacy office in all of NSHE. Prior to taking this directorship at the CARE Center, I spent the previous decade or so working in the anti-violence field in government, community-based, and higher education settings. My research in higher education has been focused on best practices for researching, analyzing, and responding to interpersonal violence, both on campus but also in the broader communities. I have published peer-reviewed journal articles, invited book chapters, technical reports, and recommendations for higher education institutions. At my previous institution, the University of Kentucky, I aided the Center for Research on Violence Against Women in the implementation, analysis, and recommendations of their Campus Climate survey. My dissertation used national-level Campus Climate data to examine sexual assault, harassment, and domestic or dating violence on college campuses. My scholarly background and experience, both in practice and in research, really makes me uniquely qualified to testify on the importance of this legislation.

There is no shortage of research underscoring college campus sexual assault as a public health problem. Students who experience sexual assault and harassment during their collegiate careers have higher rates of post-traumatic stress disorder, depression, anxiety, substance use disorders, academic difficulty, and higher dropout rates. Research also shows that when students are able to access resources, these negative consequences might be mitigated.

What we know from the research and what I have seen in practice is that most often student survivors do not disclose their experience to any official source, such as police or Title IX, for a myriad of reasons. Although most studies over the previous 40 years have focused on female-identified victim survivors as it pertains to prevalence and frequency of sexual

misconduct victimization on campuses, more recent research has shown that those who occupy different or additional marginalized identity characteristics, such as having a disability, being a racial or ethnic minority, being a first-generation student, identifying they are queer or transgender, are associated with even higher disproportionate risks of experiencing sexual assault or harassment during college. The other cumulative stressors associated with marginalized identities, such as race, gender, sexual orientation, or ability discrimination, compound the negative effects of sexual assault or harassment.

Given these empirically supported facts and the diverse nature of our NSHE institutions and NSHE's commitment to diversity, equity, and inclusion, making available confidential advocacy services at each NSHE institution is imperative for our students who are most marginalized and those who are most vulnerable to violence. Assembly Bill 384 mandates that confidential advocates be made available at all NSHE institutions. This is an important step in providing a vital service for the holistic well-being of our student population.

The bill also mandates Campus Climate surveys related to sexual misconduct be conducted every two years. This type of institutional research is really imperative for several reasons. First, we know that sexual assault is highly underreported, and although all data has flaws, self-report surveys, such as Campus Climate surveys, yield more realistic results than a Clery report ever will, as Clery reports are based on official statistics. I just got done explaining, and as others have explained, most victim survivors do not report to official sources.

Second, universities should always be using evidence-based and empirically supported programming. With each campus having unique student populations as well as services available to those students, Campus Climate surveys can provide data for NSHE as a whole, but also for each institution that can identify and inform administrators as to where there may be gaps in service and what students experience as it relates to sexual misconduct.

Assembly Bill 384 gives NSHE the opportunity to show students throughout the system that the administration takes sexual misconduct seriously by garnering a more accurate reflection of prevalence as well as the student experience with sexual misconduct and subsequent response services.

Without taking too much more time, I also want to say that the bill also requires annual training for Title IX employees. The importance for trauma-informed training for anyone who is responding to sexual misconduct cannot be understated. As noted, it is really difficult for survivors to disclose to anyone, let alone an official office, thus, avoiding victim-blaming. Engaging with survivors in a trauma-informed manner is imperative for students, as well as staff and faculty, in building trust with the Title IX police or any other office, including confidential advocates, just so we are able to work toward dismantling barriers to reporting and increasing access to services. That concludes my testimony in support of A.B. 384.

Assemblywoman Torres:

I would like to go to Tina Russom, who is the general counsel for NSHE. She will very quickly go through the main components of the legislation. If the Committee has specific questions about the legislation, we are more than happy to answer those.

Tina Russom, Deputy General Counsel, Nevada System of Higher Education:

I am here on behalf of NSHE, testifying in support of A.B. 384 with the amendment [[Exhibit JJ](#)]. Also present is UNR's Title IX coordinator, Maria Doucettperry, and she has a sexual misconduct policy, but we agree that this bill will help encourage students to take action. She has offered support of the amendment to A.B. 384.

The overarching objective of the amendment is to ensure state legislation that is harmonious with existing sexual misconduct and discrimination laws and flexible enough should federal laws change, as we expect them to. I will now briefly and generally review some of our proposed amendments.

We are proposing amendments to the definition sections 3 through 11, seeking to align them with existing federal and state laws, which include but are not limited to Title IX of the Education Amendments Act of 1972, Title VII of the Civil Rights Act of 1964, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, the Violence Against Women Act, the Campus Sexual Violence Elimination Act, and *Nevada Revised Statutes* Chapters 613 and 651.

Sections 12 through 15 provide general parameters for conducting a sexual misconduct climate survey in support of providing a safe and protected campus for our students and staff by collecting data to increase transparency, measure progress, and improve existing policies. There is also a proposal for a new section which would permit memorandums of understanding with local law enforcement agencies to establish the rules and responsibilities in supporting students and university employees relating to the prevention of, and response to, on or off campus sexual misconduct, in an amendment which seeks to permit memorandums of understanding with sexual assault crisis centers and domestic violence centers to provide free, independent, confidential services and access to medical and legal support for students and employees through these partnerships. The amendment to section 21 codifies an amnesty policy which generally precludes the punishment of alcohol or drug use discovered as a result of reporting incidents of sexual misconduct.

We thank Assemblywoman Torres for her work and for her continued collaboration with NSHE. We also thank the Committee for hearing this bill today. Ms. Doucettperry and I are available to answer any questions.

Assemblywoman Torres:

We now stand open for questions.

Chair Bilbray-Axelrod:

Are there any questions from Committee members?

Assemblywoman Tolles:

Having taught for 17 years in the higher education space, some of the hardest conversations I have had were with students who, by midsemester, I could see something had happened. They come to my office and share that they have been harassed or assaulted. I want to express my gratitude to you for bringing this forward. I also want to express gratitude for the acknowledgement that it is not just female victims. It is our LGBT students. Some of the hardest conversations have been with some of my LGBT students who have faced this kind of harassment and feel that extra layer of shame about coming forward about their experiences. I think these kinds of conversations and this kind of movement forward is so incredibly important to them.

I suppose my only question would be if you could talk a little more about if there is some additional training for teachers. We do know that, oftentimes, students will come forward to their teachers first. How can we make sure we are creating a network of support for these students?

Maria Doucettperry, Director, Equal Opportunity and Title IX, University of Nevada, Reno:

Yes, this bill does allow for and requires additional training for not only all of the students, but all employees on all of the campuses.

Assemblywoman Tolles:

Could you elaborate a little bit further on what that might look like for employees, instructors, and so forth?

Maria Doucettperry:

Right now, the bill anticipates annual training, so that would be once a year. We are looking at doing that electronically for the most part and in-person training for the students, in addition to trainings on various issues concerning what is sexual harassment, what consent looks like, and how to act. We would also be doing training along the lines of bystander intervention and what they can do to help and how to assist those who may come to them in need of assistance.

Assemblywoman Tolles:

I also want to note that I appreciate taking a trauma-informed approach to the response.

Chair Bilbray-Axelrod:

Are there any other questions from the Committee? [There were none.] I will say, Assemblywoman Torres, you have done your due diligence and worked really hard with stakeholders. I appreciate that. I do not think it has anything to do with us all being tired, I just think you did a good job vetting this bill and working with folks. I appreciate all the hard work. I will open the hearing for testimony in support of A.B. 384.

Serena Evans, Policy Specialist, Nevada Coalition to END Domestic and Sexual Violence:

We are here today in strong support of A.B. 384. First and foremost, we want to thank Assemblywoman Torres for bringing this bill forward. Nevada needs this legislation. Not only in my professional capacity, but also as a survivor of campus sexual assault here in Nevada, I know the importance this bill will have for Nevada students.

College-age adults have the highest risk for sexual assault, with an estimated 25 percent of college females and 5 to 6 percent of college males experiencing some form of sexual violence during their time at a four-year institution. We know these numbers are even higher for nonbinary and LGBTQ students. However, what is even more staggering is that the U.S. Justice Department estimates that less than 5 percent of these sexual assaults are reported to campus or community law enforcement. With college-age individuals experiencing the highest rates of sexual assault, it only makes sense that our NSHE campuses put into practice the support and resources that are proven to increase positive outcomes for victim survivors.

Speaking from my experience, sexual assault is incredibly isolating. Had I felt my campus had these supports in place, I would have been more likely to come forward and seek out the resources and support that I truly needed at the time. Victim survivors are suffering not only physical and emotional harm, but also harm to their ability to fully engage in their academic experiences.

It is imperative that colleges are open about sexual assault. It is no longer the time to be hush-hush about the sexual assault experiences of students. When colleges report zero instances of sexual assault, victim survivors are further isolated and feel they have nowhere to turn. By NSHE adopting these rules, providing victim survivors with resources, and collecting data, our higher education campuses in Nevada can prove that they are not only tackling the epidemic of sexual assault, but are taking it seriously. We urge you to pass A.B. 384 to help protect victim survivors on our college campuses throughout Nevada.

Liz Ortenburger, CEO, SafeNest:

I want to thank the Committee for hearing this bill today and for Assemblywoman Torres putting together such an amazing piece of legislation. SafeNest works with over 25,000 clients on the front lines of domestic violence and its intersection with sexual assault every single year. We work with UNLV students, as we are based in Clark County, oftentimes in confidential settings needing shelter, advocacy, and healing.

This bill is ready to support the nonprofit community in raising up the voices of students to get the services they so need. We stand poised to partner as a nonprofit agency with training, advocacy, shelter, and support in any way possible that supports this legislation.

Melody Rose, Chancellor, Nevada System of Higher Education:

I am calling in tonight to express my heartfelt support for A.B. 384. This bill is personal for me. I am the mother of four young adults, two of whom are current university students, and

one of those is a member of the LGBTQ community. I am also a 35-year veteran of the movement to protect students from sexual violence on our campuses. With that as background, I would like to genuinely thank Assemblywoman Torres for her leadership on this issue and for allowing our team to be at the table in crafting these amendments.

This legislation provides additional protections and supports for the students and employees of NSHE colleges and universities, while ensuring due process throughout our administrative procedures. It provides for the regular and rigorous data collection on our campuses with regard to sexual misconduct that will help us reduce and ultimately achieve our goal to eliminate campus sexual assault and violence. The student climate study will also help us better serve our unique communities. I urge your support of A.B. 384.

Lisa Levine, Private Citizen, Las Vegas, Nevada:

As a former member of the Nevada Board of Regents, I am calling because I strongly support A.B. 384. Campus Climate surveys are critical because physical and emotional safety are important for students to succeed. Violence against women and girls and violence against the LGBT community are still a major problem, and that includes sexual violence on college campuses.

One in five women and one in sixteen men are sexually assaulted while in college, which mostly go unreported. Climate surveys equip higher education institutions with data to develop policies and implement procedures that protect students, help victims, and foster safe learning environments. Colleges and universities are then able to use data to develop comprehensive solutions and evaluate their impact by comparing climate survey results over time. We know more must be done to prevent sexual assaults on college campuses.

Assembly Bill 384 will ensure NSHE institutions participate in climate surveys that will, without a doubt, strengthen protections for students while tearing down barriers that deter victims from seeking justice. Thank you, Assemblywoman Torres, for championing this, and the Committee members for your consideration.

Lily James, Co-Executive Director, The Every Voice Coalition, Boston, Massachusetts:

I am a senior in college. The Every Voice Coalition is a student survivor-led organization working to write, file, and fight for student and survivor written legislation to prevent campus sexual violence and support survivors.

I am here tonight to testify in support of A.B. 384, a bill that implements many extreme and crucial measures that work to support student survivors and prevent campus sexual violence. We are so excited Assemblywoman Torres is working on this important legislation and we want to thank her for ensuring there is a legislative focus on addressing the epidemic of campus sexual violence.

While we support the intention of the original bill, we cannot yet fully support the proposed amendment, as we have not yet gotten a chance to work with Assemblywoman Torres on the amendment. We have not yet gotten a chance to review this proposed amendment to ensure

Nevada students and survivors have had a chance to weigh in on the amendment, which is a vital step to ensuring this legislation is meeting the needs of Nevada students and survivors. We look forward to working with Nevada student survivors to review the proposed amendment.

While we at The Every Voice Coalition unfortunately have not yet had the opportunity to work with Assemblywoman Torres on this bill, we look forward to working with her to ensure student survivor voices are centered in this bill and in any law that works to address campus sexual violence.

Chair Bilbray-Axelrod:

I would just like to remind callers, when you are in support, it means you are in support of the bill and the amendment that was accepted. I am going to have to put your testimony in opposition. It sounds like once you review the amendment, you will probably be in support. However, because of our rules, we need to make sure it is in the right category. We will go to the next caller in support.

Suman Randhawa, Private Citizen, Las Vegas, Nevada:

First, thank you, Assemblywoman Torres and everyone, for your time, energy, and efforts toward putting such an important bill forward. I want to echo all the testimony that was given before me. I am here as a woman, a woman of color, a student, a parent, a student body president at Nevada State College, cofounder and copresident of IGNITE National College Chapter at Nevada State College, and a victim of sexual abuse. I strongly support A.B. 384. Why? The answer is simple. No one should have to go through an experience like this, especially in a place where they are there to have a better future.

Women are four times more likely to be a victim, and without proper education, training, preventative measures, and resources, everyone is vulnerable. Three-fourths of reports from victims of sexual misconduct go unreported. When asked why they did not report it, they say, "I thought no one would believe me," "The abuser was someone I knew," "I did not know I could," or "I did not want to get anyone in trouble." There were not any resources or anyone to advocate on their behalf. They were misinformed by someone on their campus or they feared repercussions. These are just a few of the reasons why sexual misconduct goes unreported. I know personally going through a traumatic experience like this can result in setbacks, depression, anxiety, and lower self-confidence, and can take a year to heal from.

Assembly Bill 384 is a step in the right direction in creating a safer campus for everyone, so no one has to go through an experience like this. This bill will ensure victims are not only heard, but perpetrators are held accountable.

Michael Flores, representing University of Nevada, Reno:

I just want to thank Assemblywoman Torres for all her work on this bill that took place well before session started. You have heard from one of our students and the director of our Title IX office about the importance of this legislation. The University of Nevada, Reno is in full support of A.B. 384 and urges your support.

Anthony Ruiz, representing Nevada State College:

Nevada State College is in support of A.B. 384, along with the proposed amendment. We have also submitted a letter on the Nevada Electronic Legislative Information System with more detail [[Exhibit KK](#)]. We know anonymous climate surveys included in this bill will help schools evaluate the prevalence of sexual violence in the community and take steps to prevent sexual violence.

Finally, I would also like to thank Assemblywoman Torres for her willingness to work with us on improving these bills, and we ask for support.

[Additional written testimony in support was also submitted but not discussed and is included as an exhibit for this hearing, [Exhibit LL](#)].

Chair Bilbray-Axelrod:

Are there any other callers waiting to testify in support? [There were none.] I will open the hearing for testimony in opposition.

Joseph Cohn, Legislative and Policy Director, Foundation for Individual Rights in Education:

The Foundation for Individual Rights in Education (FIRE) is a national nonpartisan, nonprofit organization that has been around for 20 years, defending free speech and due process rights of college students. On a personal level, I grew up in Nevada, but I live in New Jersey now. I went to UNLV and interned in your Legislature for the Democratic majority leader at the time. It is a tremendous pleasure to be back testifying in Nevada again.

The perspective of FIRE on this issue is that no matter where someone goes to school, every school in the country should have a policy that adequately deals with campus sexual assault, that ensures no institution sweeps allegations under the rug, treats every complainant with fairness and dignity, but at the same time does not cut any corners on due process. When A.B. 384 is stacked up against that standard, it does not do well. I do not say that with delight. This is a very difficult issue to deal with, and I can tell that a lot of hard work has gone into the bill. However, it is unconstitutional in a number of respects and unwise in others. I am going to go as quickly as I can through some of them, although not all of them because it is literally riddled with problems, from both a free speech and a due process perspective.

From a free speech perspective first, it references its definition of sexual harassment in a Nevada statute that deals with harassment in the military context. Of course, the U.S. Supreme Court has defined harassment differently depending on context, from the military context to the employment context to the educational context. It would be unconstitutional to not use the educational context definition. From that perspective alone, it deals with overbreadth from a free speech perspective.

On the due process perspective, it has a long, long list of problems. For one, it does not guarantee students the right to even have a hearing.

Chair Bilbray-Axelrod:

You are at your two minutes. If you could submit your testimony in writing, we would appreciate it.

Joseph Cohn:

I am happy to wrap it up quickly, and I will send something supplemental in writing. If the Committee will indulge me to let me do that tomorrow morning, that would be great.

There is not a right to a hearing; there is not a right to all of the evidence in the school's possession, only what they plan to use, which allows them to hide exculpatory evidence; there is not actually a right to cross-examination here, it is only contingent on the feds requiring that right; it limits the grounds of appeals; it also greatly incentivizes false reports by giving an automatic right to major financial benefits for filing a report.

There are a number of problems with it and there are other things we like, which I did not get a chance to get into. Thank you for your time. [Written testimony was not received.]

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

I have to apologize because I am clearly in the wrong section of testimony. I tried to get in under support because UNLV is in enthusiastic support of this bill, as was outlined by Dr. Campe earlier.

Chair Bilbray-Axelrod:

Are there any other callers waiting to testify in opposition? [There were none.] I will open the hearing for testimony in neutral.

Sage Carson, Manager, Know Your IX, Washington, D.C.:

Know Your IX is a national leading student and survivor-led campaign in violence and education. I am here today to declare our support for A.B. 384, but we have not had a chance to review the accepted amendments, so we are testifying today as neutral.

Know Your IX recently released a report outlining the experiences of over 100 student survivors who reported sexual misconduct to their school in recent years. We found that, of students who reported to their school, nearly 40 percent of students are pushed out of education. These education interruptions occur not because of sexual violence alone, but because of sexual violence exacerbated by school administrators' inadequate or otherwise harmful responses to reports of violence: survivors describing blame for the violence against them, being told that the school could do nothing, having their cases run out for years, and getting punished for their own assault after seeking help. Throughout our conversations with survivors, we continued to hear the same sentiment shared by survivors, which one put so frankly. They shared quotes, "Honestly, what the school did to me was way worse than what my rapist did to me."

We were excited to work with Assemblywoman Torres on the original bill language and a companion bill in the Senate, which we believe will reduce school pushout and institutional betrayal. However, we cannot give support to the proposed amendment because we have not had a chance to work with Assemblywoman Torres on the amendment, nor have we had the opportunity to review the amendment with local Nevada survivors to ensure the bill still meets the needs of Nevada students and survivors.

We encourage the Committee to support the original iteration of the bill and to work with local students to ensure the bill moving forward actually meets the needs of students instead of just the needs of institutions. We should all be working together to prioritize the needs of survivors first and foremost.

Elizabeth Tang, Counsel for Education and Workplace Justice, National Women's Law Center, Washington, D.C.:

The National Women's Law Center (NWLC) was founded in 1972, the same year Title IX was enacted. Since then, we have worked to address sexual discrimination in schools and have participated in every major Title IX case before the U.S. Supreme Court.

Today, I am testifying in neutral with respect to A.B. 384. I support the intent of the bill as it was originally introduced, but have not had an opportunity to review the accepted amendments at this time.

The NWLC supports the intent of A.B. 384 because sexual misconduct pushes too many students out of higher education, including in Nevada. For example, sexual assault affects one in four women and one in fifteen men during their time in college. It is also vastly underreported. Nine in ten college survivors do not report their assault to their school, and even when they do come forward, many survivors are ignored or punished instead of being helped. I have personally represented a number of these student survivors in litigation against their schools.

When schools do not do enough to address sexual misconduct, students are pushed out. More than one in four student survivors end up dropping out of college. Under A.B. 384, the Board of Regents could require NSHE institutions to provide a wide range of supportive measures to student survivors that actually help them stay in school, including waiver for scholarship requirements if a survivor's grades have suffered due to trauma.

The bill would also authorize the board to create fair and trauma-informed investigation procedures for reporting and investigating sexual misconduct, to provide prevention and awareness training, to survey students about sexual misconduct, and submit annual data. The board would also prohibit schools from punishing student survivors for ancillary behavior, like using drugs or alcohol during their sexual assault, so that survivors are not afraid of coming forward to ask for help.

I want to address something that was raised earlier during the opposition testimony. A.B. 384 does comply with the due process requirements and ensures a fair process for all parties. The Ninth Circuit, which includes Nevada, Nevada federal courts, and Nevada state courts do not require hearings with cross-examination in public universities. Furthermore, the majority of other federal courts outside of Nevada have also addressed the issue and have held that public universities satisfy due process requirements when they provide an opportunity for some form of questioning through a hearing panel, and that respondents and their advisors are not entitled to conduct cross-examination. This is the case in the First, Fourth, Fifth, Eighth, and Tenth Circuits.

Chair Bilbray-Axelrod:

I am going to have to ask you to wrap up your testimony, as you are at two and a half minutes.

Elizabeth Tang:

My point is that the few circuits that have held that public universities do have to provide cross-examination only do so in some cases where credibility determinations are at issue and where expulsion or suspension is possible. Assembly Bill 384 is consistent with all of these court decisions, federal and state, and allows flexibility in that the bill allows for the board to require hearings of cross-examination if, at some point, Nevada institutions are actually required to do so under law.

Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's Office; and representing Clark County Public Defender's Office; and Nevada Attorneys for Criminal Justice:

I want to thank Assemblywoman Torres for her diligent work on this bill to ensure that our students are protected. We have said over and over during hearings that we are really aiming at helping victims and with ensuring that we are providing services to victims. We appreciate those portions of this bill.

We do have concerns regarding the due process portion. I just want to state that the amendment has alleviated a significant amount of those concerns. We appreciate the hard work that Assemblywoman Torres has done and look forward to continuing to work with her to ensure we are passing the best legislation possible.

Lily James:

I would like to change my testimony to the neutral position. I am not actually in opposition to the bill and would like to be on the record as neutral, if possible.

Chair Bilbray-Axelrod:

Are there any other callers waiting to testify in neutral? [There were none.] Are there any closing remarks?

Assemblywoman Torres:

I just want to reiterate my thanks to the organizations and stakeholders that have come to the table to help with this piece of legislation, whether it be a year ago or today. I know we have had some of the institutions working to provide amendments to make sure we can get this legislation out. I want to affirm that the intent of this legislation is to ensure that we create a safe culture and climate for our students in Nevada. I think it is really important that we work with local stakeholders as well to ensure we pass legislation that makes sense for the state of Nevada. I am confident we will get there with other stakeholders in this piece of legislation. Please reach out to me or my office. My information is readily available on the legislative website. I know Assemblywoman Hardy, Assemblywoman Tolles, and Assemblyman Leavitt have all reached out to sign on. If anyone else is interested in signing on as a sponsor for this legislation, please reach out to me and I would be more than happy to add you.

Chair Bilbray-Axelrod:

I will close the hearing on Assembly Bill 384 and open the hearing on Assembly Bill 353, presented by Assemblywoman Duran.

**Assembly Bill 353: Revises provisions governing sexual misconduct in public schools.
(BDR 34-768)**

Assemblywoman Duran, Assembly District No. 11:

I am here today, along with Assemblywoman Torres, to present Assembly Bill 353, which addresses how schools deal with incidents of sexual misconduct at the K-12 level. I will start by explaining the background for the bill and Assemblywoman Torres will talk about the major provisions.

In an effort not to be repetitive, I want to reiterate that A.B. 353 is the K-12 version of Assembly Bill 384. Last session, Senate Bill 332 of the 80th Session called for a study on ways to create safe and respectful learning environments in our schools at all grade levels. Assembly Bill 353 and Assembly Bill 384 are virtually identical and address the same issues of understanding the actual scope of the problem: training, uniform policies, grievance processes, supportive services, reporting, and sanctions.

The study conducted after Senate Bill 332 of the 80th Session identified several critical areas of concern, which inform the basis for A.B. 353. Throughout the working group for S.B. 322 of the 80th Session, stakeholders agreed that part of a uniform policy should be standardization of the grievance process for victims, no matter what county they live in or what school they go to. Another issue was better utilization of existing community resources and services. This is why I am so excited to include amendments from Clark County and Washoe County that ensure communication between school districts and child welfare agencies to the extent possible [[Exhibit MM](#)].

There are organizations to help victims of sexual misconduct, and many state and national resources as well. Making sure school personnel and others involved in the grievance

process are aware of all available resources is critical. Like the bill heard earlier tonight [[Assembly Bill 384](#)], [A.B. 353](#) prioritizes training for individuals involved in the grievance process. As you may know, this focus on sexual harassment is also a national discussion. The federal government is currently proposing revisions to the timeline of the Education Amendments Act of 1972. The regulations regarding Title IX were adopted in 1975, and after 45 years, are finally being updated. The new regulations recognize for the first time that sexual harassment is a form of sex discrimination and will include many provisions similar to those we are proposing in [A.B. 353](#), relating to the grievance process, burden of proof, and appropriate responses to allegations of sexual misconduct.

This concludes my portion of the presentation. I will now turn it over to Assemblywoman Torres.

Assemblywoman Selena Torres, Assembly District No. 3:

Thank you, Assemblywoman Duran, for carrying this piece of legislation. I will now go over the major provisions of [A.B. 353](#). Since it is a very long bill and I doubt the Committee is likely to read every single section this evening, I will quickly go over the different components of this legislation, although a section-by-section summary has been made available to members of the Committee via the Nevada Electronic Legislative Information System.

First, this bill does create climate surveys on sexual misconduct so the schools and the public can better understand the true scope of the problem. Lower reported numbers of incidents of sexual misconduct are not representative of the actual number of incidents, as was discussed under the previous bill presentation.

Schools across the country are using climate surveys to get a better handle on the true scope of the problem at the school level. This bill lays out the process for developing and administering the surveys and reporting the results. The conceptual amendment [[Exhibit MM](#)] ensures that the surveys are administered to all secondary students. Secondary would be middle school and high school students, and not for elementary students.

Second, the bill addresses training for school employees, victim advocates, Title IX coordinators, and others on an annual and ongoing basis. This training will make sure that all the key players are informed about available services, resources, sexual misconduct policies, and the grievance process. Another key component of this bill is the designation of a victim advocate at each school who is trained to provide support for victims and connect them with other supportive services in a setting that best suits them and the victims' needs.

I want to emphasize the inclusion of training on trauma-informed response, as we saw in the previous legislation. Victims of sexual misconduct suffer from a complex range of issues and reactions affected by neurobiological impacts as well as stereotypes and myths. Having victim advocates and others trained on campus on trauma-informed response will be a major step forward in helping victims in a meaningful and scientific way.

Third, there is a wealth of resources available already at the state, local, and federal levels. They are of no use if people are not aware of those resources. To that end, the bill consistently emphasizes the dissemination of contact information for the available resources and services.

I would like to thank Clark County and Washoe County for reaching out to work on an amendment that explicitly states and ensures that the referrals may be made to children advocacy centers as deemed appropriate. Those are already local services that are provided. It just ensures there is that collaboration connection between our school districts and the services provided in the county, as far as child welfare is concerned.

Fourth, a mishmash of policies that differ from school to school does not serve our needs as a state. For that reason, the bill requires each school to adopt a uniform policy on sexual misconduct with certain specified components to ensure the policy is balanced and responsive to the needs of all persons involved in the incidents of sexual misconduct. Victims' needs can include financial help, medical services or intervention, forensic examinations, counseling, and assistance dealing with law enforcement.

Also consistent with sexual misconduct cases in the workplace and the proposed new federal Title IX regulations, the bill establishes the preponderance of evidence as a standard for sexual misconduct cases in schools. This is currently permitted by federal regulation in Title IX cases as well, and this just codifies that element.

Lastly, the fifth aspect is reporting and sanction. The bill requires that schools, school districts, and charter school governing bodies report to the Department of Education, which then compiles the reports for dissemination to the Legislature and its committees and the Department of Health and Human Services. By tracking these numbers and making that information publicly available, we can see what is working and what is not working. As policy makers, we can make the decisions that we need to make changes as necessary.

I thank the Committee for hearing this bill. At this time, Assemblywoman Duran and I stand open to questions. I believe we were supposed to have some representatives from our school districts, but they may have had to hop off earlier. I am not sure they made it. To the extent that they are not available, I am more than happy to get back to the Committee with answers as well. I just want to make it abundantly clear to the Committee that we have worked extensively with the school districts as well as the counties to make sure this piece of legislation makes sense for our students. We are willing and open to continuing that collaboration in the days and weeks to come.

Chair Bilbray-Axelrod:

Are there any questions from Committee members?

Assemblywoman Krasner:

I have a question about section 12 of the bill. It talks about the Office for a Safe and Respectful Learning Environment developing a climate survey. I am wondering what kind of

information is going to be asked of these kids. You said middle school, and that is sixth grade and those pupils are 11 years old. I am wondering what kind of questions we are going to be asking them.

Assemblywoman Torres:

I do not want to specify exactly what questions are going to be asked, because that is not the job of the Legislature. I truly believe the Office for a Safe and Respectful Learning Environment and the Department of Education as a whole will create the questions necessary that are age appropriate for our students. I have no doubt of that policy.

I just want to iterate to the Committee of having a climate survey. If we do not ask the questions, we do not understand the prevalence of sexual misconduct. It goes unknown. It is not just unreported, it is also unknown. We cannot make policy changes, we cannot make administrative changes, we cannot make regulatory changes because we do not know what issues exist. That was a highlight of the discussion when we looked at A.B. 384. I think we have to have a similar mindset and a similar response when we are looking at A.B. 353 in understanding how we really capture the data and how sexual misconduct or sexual violence is impacting our kids. We know sexual violence is not limited to individuals 18 and older. I think it is important that we capture this data to the best of our ability.

Assemblywoman Krasner:

It actually does state in the bill the type of information that the climate survey will be requesting in section 12, subsection 3(h). I am a little concerned about the demographic information that it is requesting, wanting to know ethnicity, national origin, economic status, disability, gender identity or expression, immigration status, sexual orientation. Is that not protected information that parents need to give their consent before their child submits to a questionnaire that is invasive like this?

Assemblywoman Torres:

That is a policy decision that this Committee has the opportunity to make. I worked pretty extensively with the school districts, and I think this is data that we would like to capture and data that our school districts are in support of. I think this would be very positive for us to capture this information.

Additionally, this is an anonymous climate survey. We have other climate surveys that are administered in our school districts already that capture very similar data. In fact, as an educator, I administered my school's climate survey in December or early January before I came to Carson City, and we captured that data. It would just be included, and it is very much in the surveys that students are already doing. The intent is not for us to create a new survey, it is very much for it to just be incorporated into the climate surveys that currently exist. If that is an issue for this Committee, I would suggest looking at other pieces of our statutes and regulations. However, this is information that we are already capturing, so I think this is a very positive way for us to understand the school climate and culture.

If I could just take a moment to note to the Chair, our Title IX representative from Washoe County has been admitted to the hearing.

Assemblywoman Hansen:

I am not sure if I missed something, but you mentioned sixth grade and up for the survey. When I was looking, it seemed like the age or grade level would be determined by the regulatory body. Do we know for sure what ages? I am just trying to envision kids filling out a survey and being able to accurately comprehend it. Could you point out where the ages are?

Assemblywoman Torres:

That is noted in the amendment [[Exhibit MM](#)]. I admit that the amendment was sent rather late because we had been working with our stakeholders until the last minute to make sure we could get something that people were comfortable with. If you look at the conceptual amendment presented to the Committee, in section 13, at the request of Washoe County School District, we are eliminating the inclusion of questions regarding the current climate survey to specifically secondary students.

Assemblywoman Hansen:

The bill mentions that there is an additional grievance process as opposed to maybe what we currently do. Could you help me understand what exists currently that we are not addressing that would give us more of a grievance process?

Assemblywoman Torres:

Could you please clarify what section of the piece of legislation you are looking at?

Assemblywoman Hansen:

I am actually just referring to the information on page 1 of [A.B. 353](#), the first sentence under "An Act," where it says, ". . . authorizing the imposition of additional requirements for the grievance process for sexual misconduct at a public school"

Assemblywoman Torres:

That is also a question that is addressed in the conceptual amendment. I have been meeting with the Title IX coordinators now for several months. I appreciate Ms. Session, both school districts, and the National Association of Foreign Student Advisors for joining us so we can all get on board. I appreciate the work they have done. They were concerned by codifying something very specifically in our state statutes that there would be opportunities for us to be at odds with federal regulations. It was determined that we would remove some of the additional language to ensure the legislation aligned very much with what the federal standards are. We removed that language, and it is noted in the conceptual amendment. I think specifically that would be section 27. That was a recommendation from the Nevada Association of School Superintendents.

Gina C. Session, Director, Civil Rights Compliance; Title IX Coordinator; and Title VI Coordinator, Washoe County School District:

The Department of Education had promulgated regulations for sexual harassment that went into effect August 2020. They are quite comprehensive regulations and they had brand new requirements for K-12 and a very involved grievance procedure.

I appreciate Assemblywoman Torres working with us because we had to act very quickly—that is 30 to 50 pages of regulation—to comply with the grievance procedure that is required under the federal regulations. I am glad we have been able to work with Assemblywoman Torres because I have a concern that if we have additional grievance procedures passed in state law, we are going to have conflicting obligations under the federal regulations and under the state regulations. I am very much encouraged by her willingness to listen to our concerns regarding the grievance procedures and hope we can continue to collaborate.

Assemblywoman Tolles:

Thank you, Assemblywoman Torres, for continuing the dialogue and work with the districts on this. This is certainly something I am passionate about and, in fact, have been very involved with legislation in the past on putting curriculum standards in place to teach kids about how to be safe, where to go to report if they are not, and we have also done quite a bit with reporting over these last couple of sessions. I am trying to wrap my head around if what we currently have in place is melding with the new framework that is entering here, and how some of those complement and how some of those might cross over. That might be a longer conversation. To be more specific, in section 17, subsection 1, paragraph (a), "The procedures by which a pupil or employee of a public school may report or disclose an alleged incident of sexual misconduct that occurred on or off a campus . . .," could you touch on how that fits within our existing framework of mandatory reporting and what we are doing in this bill that is different and needed to be added?

Assemblywoman Torres:

What does this legislation do differently that is not currently required in the statute? We do a lot in Nevada, and I want to make that abundantly clear. Our schools and our school districts do a lot to ensure we are keeping our students safe. This legislation requires that we go a little bit above and beyond just that. When schools identify a student who needs additional resources, it requires not only that those resources are available, but it also requires some kind of collaboration between the school districts and the federal, state, and local agencies that are providing those resources and making it very explicit within the statute. Additionally, with the amendment, the county children's advocacy centers that do have medical services as necessary for when children and their families can be referred and are eligible to be referred, it makes sure they are receiving these wrap-around services. I know our schools are doing their best, but it makes it a policy and requires that it be a policy of our response to sexual misconduct on our school campuses.

Chair Bilbray-Axelrod:

We do have our legal counsel here and I know they have reviewed the Title IX issues as well. Could we have Amanda Marincic, our committee counsel, speak to the conflict regarding the grievance process in Title IX?

Amanda Marincic:

Just as a general matter, Title IX establishes the minimum requirements for the grievance process, not the maximum requirements. To the extent that any portion of this bill goes above and beyond the grievance process in Title IX, it is not in conflict with Title IX, it is just establishing the floor. For example, part of the provision of the bill is establishing a timeline for investigating and providing a decision after a hearing and investigation. The Title IX regulations are silent as to what that timeline may be; they just provide that the timeline must be prompt and reasonable. Having a specific timeline is an addition that goes above and beyond the floor that was established by Title IX.

Assemblywoman Tolles:

Thank you for elaborating on that. I think that is helpful. I have one follow-up question. I appreciate the child advocacy centers being added. I do think they are a phenomenal resource to collaborate with. Is the Department of Education's Safe Voice Nevada considered one of the reporting mechanisms that would be covered in line with this bill?

Assemblywoman Torres:

I do not think Safe Voice is specifically mentioned, but it does require that there be a collaboration between the state, federal, and local resources. There is nothing precluding them from participating in that conversation because the policies would be crafted by the school districts themselves. If there were a specific place in the legislation where Safe Voice was comfortable being added or if my colleagues would like to see it added, I do not think that Assemblywoman Duran or I would be opposed to that. It would just be a matter of finding where exactly we would want to include that or whether or not it makes sense. Safe Voice is not providing the counseling services, so I am not sure I understand where they would fit in, but I am happy to take that conversation off line if there is somewhere specific you would like Safe Voice to be mentioned.

Assemblywoman Hardy:

I want to ask a couple of questions about the survey. Would a parent be able to opt out of a child taking the survey? I have been getting a lot of emails saying that the federal Protection of Pupil Rights Amendment requires parental permission for certain surveys.

Assemblywoman Torres:

As stated in the conceptual amendment, section 13 allows for passive consent, so parents can definitely opt out.

Assemblywoman Hardy:

Do we currently have something called a "student risk behavior assessment" and is it similar to the survey or is it something different?

Assemblywoman Torres:

I am not familiar with that specific assessment myself. I do not know if Ms. Session is or someone else.

Gina Session:

I am not familiar with that, so I would not feel comfortable responding to that question.

Felicia Gonzales, Deputy Superintendent, Division for Educator Effectiveness and Family Engagement; Department of Education:

I am actually going to pass that question over to Christy McGill to talk about the youth risk survey.

Christina (Christy) McGill, Director, Office for a Safe and Respectful Learning Environment, Department of Education:

Yes, we have a youth risk behavior survey that is administered through the Department of Health and Human Services and the Centers for Disease Control and Prevention. They administer that survey every other year. Most districts do require active consent, so a parent does have to sign to give permission for the risk behavior survey.

Chair Bilbray-Axelrod:

I do want to point out that in section 12, subsection 4, it states, "The climate survey on sexual misconduct must provide an option for pupils to decline to answer a question." Not only can the parents decline, but the student can as well.

Are there any other questions from Committee members? [There were none.] I will open the hearing for testimony in support for A.B. 353.

Elisa Martinez Alvarado, Private Citizen, Las Vegas, Nevada:

I am a student in the Clark County School District. I am here in strong support for A.B. 353. Schools need to be a place where students feel safe to ensure learning can take place. Unaddressed students can feel preyed upon by sexual predators. Students should not have to experience this kind of trauma in school. I want to thank Assemblywoman Torres for bringing this much-needed legislation forward. Thank you for your time, and I urge the Committee to support A.B. 353.

Christopher Daly, representing Nevada State Education Association:

The Nevada State Education Association (NSEA) supports A.B. 353 to address sexual misconduct and violence in schools. Addressing sexual misconduct and violence at school sites is critical to ensuring a safe and respectful learning environment, and is also an important matter of individual social justice. We know instances of sexual misconduct and violence are underreported generally, and this is very likely the case at school.

Assembly Bill 353 will require schools to conduct a survey of school climate to help identify the level of alleged misconduct and the extent to which this is being effectively reported. Assembly Bill 353 also establishes important protocols to ensure a more uniform response to assist victims of sexual violence, including designation and training for a victim advocate.

The "Me Too" movement has provided a public dialogue about sexual harassment and growing accountability for perpetrators. Assembly Bill 353 is an important step to address sexual misconduct and violence in our schools. [Written testimony was also submitted, [Exhibit NN.](#)]

Serena Evans, Policy Specialist, Nevada Coalition to END Domestic and Sexual Violence:

First and foremost, I would like to give a big, heartfelt thank you to Assemblywoman Duran and Assemblywoman Torres for bringing this bill forward. We are in strong support of A.B. 353.

The Nevada Coalition to END Domestic and Sexual Violence was lucky enough to be part of the Senate Bill 332 of the 80th Session workgroup that was established in the 2019 Legislative Session. Through that workgroup, there were so many stakeholders throughout the state that talked about many different aspects of school safety, but there was a big focus on procedures, protocols, and responses for victim survivors of sexual assault, harassment, and misconduct at the K-12 level. We are thrilled to see some of what was talked about through the workgroup being brought forward in this legislation.

I do want to highlight that the U.S. Department of Education found that between the 2015-2016 school year and the 2017-2018 school year, sexual violence reports rose more than 50 percent. We know that experiencing some form of sexual assault, misconduct, or harassment is traumatic at any age, but having to navigate that trauma along with navigating the public school response, academic duties, while trying to seek resources, can cause a lot of frustration, confusion, and revictimization for many students and their families. We believe this important legislation will create clarity and clear procedures for our public schools in Nevada and will create better outcomes for all students and victim survivors.

Alexandria Cannito, representing Washoe County:

We want to thank the sponsors, Assemblywomen Torres and Duran, for adding us to the bill to allow that, when appropriate, our child welfare division could be involved to help investigate some of these abuses.

[Additional testimony in support was submitted but not discussed and is included as an exhibit for the hearing, [Exhibit OO.](#)]

Chair Bilbray-Axelrod:

Are there any other callers waiting to testify in support? [There were none.] I will open the hearing for testimony in opposition.

Janine Hansen, State President, Nevada Families for Freedom:

I did look at the amendment, but I could not see any portion of it that provided for parental notification of the surveys or parental consent. We oppose A.B. 353. It contains an invasive sexual survey including sexual misconduct, gender, race, ethnicity, national origin, economic status, disability, gender identity or expression, immigration status, and sexual orientation of the student. The bill makes no mention of the federal Protection of Pupil Rights Amendment, which requires parental consent and the opportunity to opt out before students are required to submit to a survey that concerns one or more of the following eight areas if funded as part of a program administered by the U.S. Department of Education: beliefs of the student or the student's parent; mental or psychological problems; sex behavior and attitudes; illegal, anti-social, self-incriminating, or demeaning behavior; religious practices, affiliations, or beliefs; and much more.

As A.B. 353 exists, it is in violation of the Protection of Pupil Rights Amendment. In addition, this bill creates an impossible task for schools and is a nightmare for administration. It requires schools to have investigators, however, the time-honored laws of evidence specifically do not apply; hearing officers, although they may just ignore objections; and there are no constitutional protections against incriminating yourself. It provides for no right of counsel or counseling for the accused party. Does this process sound similar to our judicial system, except there are no protections for the accused?

Assembly Bill 353 makes the schools the investigators, the law enforcement, legal counsel, judge, jury, and executioner. Oppose A.B. 353, which violates individual liberties, imposes impossible administrative burdens on our schools, will result in a nightmare of injustice to our students, and is a violation of pupil and parental rights. [Written testimony was also submitted, [Exhibit PP](#)].

Lynn Chapman, Treasurer, Independent American Party of Nevada:

We oppose A.B. 353. We are not discussing prisoners or even people locked up in a mental hospital. We are discussing our children. Section 12, subsection 4 states, ". . . must provide an option for pupils to decline to answer a question." Would a child even know that they can decline to answer? Would they be intimidated into answering questions they did not really want to answer? When I read that sentence, I went through the entire bill looking for the word "parents" to see where they were mentioned. I could not find a single place in this bill where the word "parents" was ever even used. This is very concerning. This bill is in regard to children from sixth through twelfth grade. The Protection of Pupil Rights Amendment was passed in the 1970s due to very nosy questionnaires by the schools. When Samuel Hayakawa was a U.S. Senator urging passage of the Protection of Pupil Rights Amendment in 1978, he predicted that the schools were succumbing to a heresy that rejects the idea of education as the acquisition of knowledge and skills and regards the fundamental task in education as therapy.

A parent's main job is to protect their child. Having a fully informed consent of the parent should be the top concern of everyone involved and having them present during any questioning is paramount. The rereading of the Protection of Pupil Rights Amendment is definitely in order. Please oppose A.B. 353.

Karen England, Executive Director, Nevada Family Alliance:

We are calling to oppose this very, very intrusive survey portion of the bill. Numerous times the Family Education Rights and Privacy Act (FERPA) are referred to in the bill, so you are well aware of the federal law regarding FERPA and the information and data collected on the students. However, the bill omits everything regarding the right of a parent to be notified via federal law, as well as the ability to decline. It is not enough to say in the bill that a child can decline because the federal law, as stated before, the Protection of Pupil Rights Amendment, was updated as recently as the early 2000s to make it even stronger in the area of parental rights and notification on invasive surveys. You want to do this, but you are not giving the school districts any direction that they need to adhere to federal law or be in total violation of federal law.

Federal law requires you to notify the parents and to give the child the opportunity to opt out. The parent has to be notified before the child has the option to opt out. It is very explicit. You can Google it, and I am surprised the Legislative Counsel Bureau did not Google this piece of legislation because you can find it all over the U.S. Department of Education's website. It is very invasive. You are omitting every reference to parental rights, which the federal government has put in place to stop and put limits on legislatures and pieces of legislation just like this bill.

The Nevada Family Alliance opposes this bill. There is no need to be giving intrusive surveys to our kids, and there is certainly no reason to do it in violation of federal law.

Joseph Cohn, Legislative and Policy Director, Foundation for Individual Rights in Education:

Before I was with the Foundation for Individual Rights in Education (FIRE), I was the legal director of the ACLU affiliate in Nevada in 2011. I watched these conflicts over the years in Nevada over civil liberties, and it is a concern to me how deeply problematic for due process both bills are. It is unusual for FIRE to testify on bills dealing with K-12 because our expertise is higher education. However, some aspects of the case law apply in both contexts, like the definition of harassment from *Davis v. Monroe County Bd. of Ed.* 526 U.S. 622 (1999) which is actually a U.S. Supreme Court case in the K-12 setting. From that perspective, the bill is just unconstitutional as written.

It is also important to remember the Ninth Circuit, just last year, in *David Schwake v. Arizona Board of Regents*, No. 18-15725 (9th Cir. 2020) gave a pretty influential opinion about how governments can put their thumb on the scales of justice in a way that gives rise to an accused student's Title IX claims. That is exactly what is happening here because you do not have the right to a hearing or cross examination or access to all of the evidence, all of those problems I described. For one brief moment, I would like to say there are parts of the

bill that are meritorious—confidential resources for complainants and amnesty policies, for example. We are eager to work with the sponsors of both of these bills to help improve some of the most troubling aspects for us, because there is a way to resolve the tensions.

There have been over 200 cases in the last ten years, favorable to accused students, challenging the fairness of proceedings against them. It is wishful thinking that your state will be able to statutorily ignore all of those opinions.

Chair Bilbray-Axelrod:

Are there any other callers waiting to testify in opposition? [There were none.] I will open the hearing for testimony in neutral.

Mary Pierczynski, representing Nevada Association of School Superintendents:

We represent the 17 superintendents throughout the state. We appreciate the work Assemblywoman Torres has done with us on this bill. We look forward to continuing work on the bill, as we still have some questions in some areas we are working out, so we cannot fully support the bill at this time.

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

I would like to echo the comments of Ms. Pierczynski. Assemblywomen Duran and Torres have been amazing to work with, right up until the last minute addressing concerns we brought to their attention in order to make this relevant in a K-12 setting. We will continue to work with the sponsors to make sure these issues are addressed going forward.

Brad Keating, representing Clark County School District:

We are testifying in neutral on A.B. 353. I want to begin by thanking Assemblywomen Duran and Torres for bringing this important bill forward and working with us over the last few months to amend the bill to make sure we are complying with federal laws in regard to Title IX as we strive to provide an inclusive and safe environment for all of our staff and students.

We are neutral today only because we are waiting to see what the final language will look like from all of the proposed amendments being submitted on this bill, and we want to ensure the intent is captured. Once again, we want to thank Assemblywomen Duran and Torres for working with us on this bill.

Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's Office; and representing Clark County Public Defender's Office; and Nevada Attorneys for Criminal Justice:

I want to thank the sponsors for really working toward protecting victims, especially our youngest and most vulnerable victims. We have the same concerns regarding some of the due process rights. We look forward to continuing to work to ensure we are enacting the best policies.

Joanna Jacob, Manager, Government Affairs, Clark County:

I am making my first appearance this session in the Assembly Committee on Education. I am glad to be here today in neutral, hoping to get to support. I will echo the comments of the previous callers, Ms. Pierczynski, and my colleagues from the school districts. I want to thank Assemblywomen Duran and Torres for working with us on behalf of Clark County. We looked at this bill and thought there was an opportunity to collaborate. We already do collaborate with the Clark County School District, but collaborate in a positive way to wraparound services, as Assemblywoman Torres noted, with the child welfare agencies and to partner with our colleagues in the school districts. We appreciate being added to this bill where appropriate. We also recognize the work our children's advocacy center does for the community.

We have also brought our concern about the victim advocate, and exempting them out as a mandated reporter has been taken care of in the amendment. We are neutral today because we are going to work with the stakeholders and the bill sponsors on final language and hope to come back to you in support.

Chair Bilbray-Axelrod:

Are there any other callers waiting to testify in neutral? [There were none.] I do not normally do this, but it did come up three times in opposition testimony that we would be in violation of federal law. Since we do have an attorney on staff here, we do not have to Google, we can ask an attorney. Ms. Marincic, would you please explain to us if we are in violation of federal law?

Amanda Marincic, Committee Counsel:

One of the laws that was mentioned in opposition is the Pupil Rights Amendment. That law does provide that no student shall be required to submit to a survey that reveals certain information which, relevant to this discussion, would include sex behavior or attitudes, without the prior consent of the parents. I will note, as written and with the amendment, the survey requires the school district or school to administer the survey to students, but students are not required to complete the survey. That is something the student does not have to complete, and it is not a requirement in the statute.

I would also note that just because the statute does not say that the school district has to comply with federal law, they still have to comply with federal law even though the bill does not say that. As currently written, the bill does not conflict with federal law, so it would not prevent the school district from complying with those requirements of the Pupil Rights Amendment.

Chair Bilbray-Axelrod:

Are there any final remarks before I close the hearing?

Assemblywoman Duran:

Thank you, Madam Chair, for your time, and Committee and all the stakeholders. I just want to thank Assemblywoman Torres. She has been working tirelessly. She is a champion for all

the students, and I think she wants to make sure they are protected and to have an avenue to feel safe and somewhere to support this. I want to give a shoutout to her for all the work she does for all her students throughout the state. We will be working with the stakeholders to make sure we get this bill right.

Assemblywoman Torres:

I know there was a lot of conversation about making sure it is abundantly clear in statute that parental consent is required. It is in the conceptual amendment [[Exhibit MM](#)] in section 13. I encourage individuals to look at the conceptual amendment, which requires passive consent, although the word "parent" is not used in the amendment. I am sure our legal team will clean up that language to make sure it is there. I think a lot of the opposition's concerns were addressed.

Additionally, a lot of the language regarding hearings was removed from the legislation. I think the due process concerns are addressed in the legislation and puts us in alignment with what the federal standard is. If the concern is the federal standard, that is not something we can handle here at a state level. I thank the Committee for hearing this legislation.

Chair Bilbray-Axelrod:

I will close the hearing on [Assembly Bill 353](#). That brings us to our work session. We have ten bills on work session this evening. I believe most of them will be unanimous, so we are going to be doing [Assembly Bill 213](#), [Assembly Bill 261](#), and [Assembly Bill 367](#) last. I will open the work session for [Assembly Bill 195](#).

**[Assembly Bill 195](#): Revises provisions relating to pupils who are English learners.
(BDR 34-174)**

Kristi Robusto, Committee Policy Analyst:

As nonpartisan staff, I am not here to advocate for issues. I am here to assist members with policy issues brought forward to this Committee.

The first bill on work session today is [Assembly Bill 195](#), sponsored by Assemblywoman Torres, and heard by this Committee on March 23, 2021 [[Exhibit QQ](#)]. [Assembly Bill 195](#) requires the board of trustees of each school district to determine the number of certain groups of enrolled pupils, as well as the number of teachers licensed or with endorsements. The bill also enumerates the rights of pupils who are English learners and the rights of parents or guardians of people who are English learners, requires a parent or guardian be provided with enumerated rights in writing in their primary language, requires the district's report on how they spent relevant funds, and authorizes the Department of Education to adopt relevant regulations.

There are two proposed amendments to this measure. The first amendment was proposed by Assemblywoman Torres [page 1, [Exhibit QQ](#)], which does the following: Revises provisions related to reporting by the board of trustees; clarifies language related to the enumerated rights of the parents or guardians; requires the Department of Education to translate the enumerated rights in English, Spanish, and Tagalog; and revises policy requirements.

The second conceptual amendment [page 2, [Exhibit QQ](#)] does the following: Provides further revisions and details in section 2; revises how long an English learner has lived in the United States from three to six consecutive years in the definition; provides that it is the parents and/or guardians' right to not have their child receive services throughout the bill as appropriate; requires the Department of Education and the board of trustees to post a copy of the enumerated rights in the five most common languages in addition to English; revises section 4 by deleting the required annual report and instead requiring the board of trustees to post such information on their Internet website.

Chair Bilbray-Axelrod:

Are there any questions on the bill? [There were none.] I will entertain a motion to amend and do pass Assembly Bill 195.

ASSEMBLYMAN FLORES MADE A MOTION TO AMEND AND DO
PASS ASSEMBLY BILL 195.

ASSEMBLYWOMAN TOLLES SECONDED THE MOTION.

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

THE MOTION PASSED. (ASSEMBLYMAN MCARTHUR VOTED NO.)

I will assign the floor statement to Assemblywoman Torres. The next bill on work session is Assembly Bill 206.

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

Kristi Robusto, Committee Policy Analyst:

Assembly Bill 206 is sponsored by Assemblyman Leavitt and was presented to the Committee on March 31, 2021 [[Exhibit RR](#)]. The bill provides that a pupil may enroll in a full-time distance education program if a parent or guardian is a member of the Armed Forces of the United States and has received orders to relocate to Nevada, but not yet relocated. The bill also authorizes this at charter schools and requires that those students who would be enrolled in a full-time distance education program that do not reside in the county be included in the count of pupils for apportionment purposes.

There are no amendments for this measure.

Chair Bilbray-Axelrod:

Are there any questions on the bill? [There were none.] I will entertain a motion to do pass Assembly Bill 206.

ASSEMBLYWOMAN NGUYEN MADE A MOTION TO DO PASS
ASSEMBLY BILL 206.

ASSEMBLYWOMAN DURAN SECONDED THE MOTION.

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

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblyman McArthur. The next bill on work session is Assembly Bill 225.

Assembly Bill 225: Revises provisions governing examinations for the licensure of teachers and other educational personnel. (BDR 34-139)

Kristi Robusto, Committee Policy Analyst:

Assembly Bill 225 is sponsored by Assemblywoman Tolles and was heard by the Committee on March 25, 2021 [[Exhibit SS](#)]. The bill requires the Commission on Professional Standards in Education to adopt regulations ensuring that the examinations for initial teacher licensing and other educational professionals are administered in a manner that provides reasonable accommodations, including considering exceptions to the examinations for persons with such disabilities.

There are two proposed amendments to this measure. The first comes from the Department of Education which deletes the new language in subsection 1 and revises subsection 2 to include alternative means rather than exceptions to examinations.

In the second amendment, Assemblywoman Tolles proposed adding a cosponsor to the bill.

Chair Bilbray-Axelrod:

Are there any questions on the bill? [There were none.] I will entertain a motion to amend and do pass Assembly Bill 225.

ASSEMBLYWOMAN MARZOLA MADE A MOTION TO AMEND AND
DO PASS ASSEMBLY BILL 225.

ASSEMBLYWOMAN NGUYEN SECONDED THE MOTION.

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

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Tolles. The next bill on work session is Assembly Bill 254.

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

Kristi Robusto, Committee Policy Analyst:

Assembly Bill 254 is sponsored by Assemblyman Frierson and heard by the Committee on March 30, 2021 [[Exhibit TT](#)]. The bill prohibits public or private postsecondary institutions or the National Collegiate Athletic Association (NCAA) from: (1) preventing a student from being compensated for the use of the student's name, image or likeness, or the ability of the student to obtain professional services with certain exceptions; (2) compensating a student athlete for those components when related to the official activities of the institution or the NCAA; (3) altering the student's scholarship award due to such compensation; and (4) disallowing the student's participation in such sports if they receive compensation. The bill also prohibits the NCAA from preventing the institution itself from participation.

Additionally, the bill authorizes a student athlete to enter into a contract with an outside entity, and it requires the Legislative Committee on Education to appoint a committee to conduct an interim study concerning this.

There is one proposed amendment [page 1, [Exhibit TT](#)] submitted by Assemblyman Frierson which: (1) authorizes an institution to adopt policy imposing reasonable restrictions; (2) authorizes the institution to require a student athlete to receive education regarding entering into contracts; (3) requires a student athlete disclose any previous or existing contracts and; (4) changes the effective date from October 1, 2021 to January 1, 2022, for certain sections.

Chair Bilbray-Axelrod:

I will entertain a motion to amend and do pass Assembly Bill 254.

ASSEMBLYWOMAN MILLER MADE A MOTION TO AMEND AND DO
PASS ASSEMBLY BILL 254.

ASSEMBLYWOMAN HARDY SECONDED THE MOTION.

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

THE MOTION PASSED. (ASSEMBLYMAN MCARTHUR VOTED NO.)

I will take the floor statement. The next bill on work session is Assembly Bill 262.

Assembly Bill 262: Revises provisions governing education. (BDR 34-946)

Kristi Robusto, Committee Policy Analyst:

Assembly Bill 262 is sponsored by Assemblywoman Anderson and was heard by the Committee on March 25, 2021 [[Exhibit UU](#)]. The bill prohibits the Board of Regents from assessing tuition charges for students who graduated from high school or successfully completed a high school equivalence and who are members of a federally recognized Indian tribe or nation located at least partially in this state or are recognized as being at least one-quarter Indian regardless of membership status.

There is a conceptual amendment [page 2, [Exhibit UU](#)] proposed by Assemblywoman Anderson which deletes the prohibition of tuition charges against students who graduate from high school and amends language regarding members of federally recognized Indian tribes or nations. It adds a new section waiving all fees for Native American students who meet certain criteria and adds a number of cosponsors to the bill, including Assemblywoman Hansen, who was added after the work session document was created.

Chair Bilbray-Axelrod:

Are there any questions regarding the bill? [There were none.] I will entertain a motion to amend and do pass Assembly Bill 262.

ASSEMBLYWOMAN DURAN MADE A MOTION TO AMEND AND DO
PASS ASSEMBLY BILL 262.

ASSEMBLYWOMAN NGUYEN SECONDED THE MOTION.

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

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Anderson. If you need a backup, we will give it to Assemblyman McArthur. The next bill on work session is Assembly Bill 417.

Assembly Bill 417: Revises provisions related to school buses. (BDR 34-531)

Kristi Robusto, Committee Policy Analyst:

Assembly Bill 417 is sponsored by the Assembly Committee on Education and was heard by the Committee on April 1, 2021 [[Exhibit VV](#)]. The bill authorizes the superintendent to establish a designee and requires that the Department of Public Safety (DPS) submit written recommendations with an inspection report regarding inspection of buses. The bill removes a criminal penalty against a superintendent for failing to address defects within ten days and instead allows the superintendent to be removed without criminal conviction of a misdemeanor.

There are three proposed amendments [page 2, [Exhibit VV](#)] to this measure. The first is on behalf of the Department of Education which: (a) reduces the frequency of school bus inspections to annual instead of semiannual and requires reinspection of vehicles that were in violation; (b) revises language about the written recommendations; (c) increases the number of days from 10 to 20 to correct a defect; (d) restores the repealed language regarding a superintendent's potential removal from office; and (e) requires DPS to provide an annual report to each superintendent of the school district and the governing body of a charter school.

The second amendment was proposed during the Committee meeting by Chair Bilbray-Axelrod and Assemblywoman Nguyen and proposes to replace "days" with "calendar days" throughout the bill and within the Department of Education's amendment.

The third amendment was proposed adding the amendment that a defect is defined pursuant to the out-of-service criteria provided in the *Nevada School Bus Out-of-Service Criteria* manual.

Chair Bilbray-Axelrod:

Are there any questions on the bill? [There were none.] I will entertain a motion to amend and do pass [Assembly Bill 417](#).

ASSEMBLYWOMAN TORRES MADE A MOTION TO AMEND AND DO PASS [ASSEMBLY BILL 417](#).

ASSEMBLYWOMAN TOLLES SECONDED THE MOTION.

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

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Hardy. The next bill on work session is [Assembly Bill 420](#).

[Assembly Bill 420](#): Revising provisions governing educational management organizations. (BDR 34-754)

Kristi Robusto, Committee Policy Analyst:

[Assembly Bill 420](#) was sponsored by the Assembly Committee on Education and was heard by the Committee on April 1, 2021 [[Exhibit WW](#)]. The bill requires the definition of "educational management organization" be revised by renaming it to "educational service provider."

Chair Bilbray-Axelrod proposed a conceptual amendment which revives the term "educational management organization" and amends the definition as "a for-profit entity that contracts with and is accountable to the governing body of a charter school to provide centralized support or operations, including without limitation, educational, administrative, management, compliance, or instructional services or staff to the charter school.

Chair Bilbray-Axelrod:

Are there any questions on the bill? [There were none.] I will entertain a motion to amend and do pass Assembly Bill 420.

ASSEMBLYWOMAN TORRES MADE A MOTION TO AMEND AND DO
PASS ASSEMBLY BILL 420.

ASSEMBLYWOMAN NGUYEN SECONDED THE MOTION.

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

THE MOTION PASSED UNANIMOUSLY.

I will take the floor statement. The next bill on work session is Assembly Bill 213.

Assembly Bill 213: Revises provisions governing education. (BDR 34-242)

Kristi Robusto, Committee Policy Analyst:

Assembly Bill 213 is sponsored by Assemblyman Flores and was heard by the Committee on March 25, 2021 [[Exhibit XX](#)]. The bill prohibits the Board of Regents from assessing tuition charges against students who: (1) are members of a federally recognized Indian tribe or nation located at least partially in this state; and (2) who have graduated from a high school in this state regardless of whether the student or family has been a bona fide resident for the last 12 months prior to matriculation to a Nevada System of Higher Education (NSHE) institution.

The bill revises four requirements related to state scholarship programs as outlined in the work session document for your review. It also prohibits a prepaid tuition program or college savings program from excluding a person who is participating solely on citizenship or immigration status.

There is one proposed amendment [page 1, [Exhibit XX](#)] submitted by Assemblyman Flores which provides that the Board of Regents may not assess a tuition charge against students or parents or spouses in the U.S. Armed Forces that were stationed in Nevada when the student was admitted to, instead of enrolled at, an NSHE institution if the student enrolls and maintains their enrollment. It authorizes the Board of Regents to use up to 5 percent of money received from the State General Fund to administer the alternative application process. It revises the effective date for sections 3, 4, and 4.5 to July 1, 2022.

Chair Bilbray-Axelrod:

Are there any questions regarding the bill? [There were none.] I will entertain a motion to amend and do pass Assembly Bill 213.

ASSEMBLYWOMAN TORRES MADE A MOTION TO AMEND AND DO PASS ASSEMBLY BILL 213.

ASSEMBLYWOMAN NGUYEN SECONDED THE MOTION.

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

THE MOTION PASSED. (ASSEMBLYMEN HANSEN, KRASNER, AND MCARTHUR VOTED NO.)

I will assign the floor statement to Assemblyman Flores. The next bill on work session is Assembly Bill 261.

Assembly Bill 261 (1st Reprint): Revises provisions governing education to provide diversity and inclusivity in the academic standards and curriculum. (BDR 34-672)

Kristi Robusto, Committee Policy Analyst:

Assembly Bill 261 is sponsored by Assemblywoman Anderson and was heard by the Committee on April 1, 2021 [[Exhibit YY](#)]. The bill requires the board of trustees of a school district or governing body of a charter school to ensure that instruction is provided to pupils enrolled in grades K-12 on the history and contributions to science, the arts, and humanities of certain groups or persons that are outlined in the bill and that instruction be included in the standards, age-appropriate, and in one or more courses of study. It also prohibits the State Board of Education from selecting instructional materials unless the instructional materials accurately portray the history and contributions as outlined above.

There is one proposed amendment submitted by Assemblywoman Anderson which adds a cosponsor to the bill.

Chair Bilbray-Axelrod:

Are there any questions on the bill? [There were none.] I will entertain a motion to amend and do pass Assembly Bill 261.

ASSEMBLYWOMAN TORRES MADE A MOTION TO AMEND AND DO PASS ASSEMBLY BILL 261.

ASSEMBLYWOMAN MILLER SECONDED THE MOTION.

Is there any discussion on the motion?

Assemblywoman Hansen:

I probably should have said something on the last bill as well because I feel I owe it to all of you to explain. On this bill, I spoke with the sponsor, but I am just a local kind of government person where I like the local control and I would rather it be dictated by those school districts locally.

If you would indulge me for the record, on Assembly Bill 213, I voted no in the sense that I worried about the Millennium Scholarship, opening that competition more so, and feeling that there are a lot of mechanisms financially for aid for students who might not be able to fill out a Free Application for Federal Student Aid. I looked through several of the Nevada System of Higher Education schools, and they provide student aid and programs for these students to get that. Thank you for allowing me to get that on the record.

Chair Bilbray-Axelrod:

To be clear for the record, the first part of her comments were on Assembly Bill 261. Her next comments were on a previous bill, Assembly Bill 213. We need to try not to do that, but I understand. We will conduct a roll call vote on Assembly Bill 261.

Assemblywoman Krasner:

I will vote yes to move the bill out of Committee, but I reserve my right to change my vote on the floor.

THE MOTION PASSED. (ASSEMBLYMEN HANSEN AND MCARTHUR
VOTED NO.)

Chair Bilbray-Axelrod:

I will assign the floor statement to Assemblywoman Anderson with Assemblywoman Marzola being the backup. The last bill on work session is Assembly Bill 367.

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

Kristi Robusto, Committee Policy Analyst:

Assembly Bill 367 is sponsored by Assemblywoman Tolles and was heard by the Committee on March 30, 2021 [[Exhibit ZZ](#)]. The bill requires disciplinary studies be added to the list of designated core academic subjects and eliminates the requirement that the curriculum of an advanced placement course be used for the American government credit in a combined course.

There is one proposed amendment [page 2, [Exhibit ZZ](#)] which removes disciplinary studies from the core academic subject and instead adds "disciplinary skills" to subsection 1 of *Nevada Revised Statutes* 389.054 with regard to social studies.

Chair Bilbray-Axelrod:

Are there any questions on the bill? [There were none.] I will entertain a motion to amend and do pass Assembly Bill 367.

ASSEMBLYWOMAN TORRES MADE A MOTION TO AMEND AND DO
PASS ASSEMBLY BILL 367.

ASSEMBLYWOMAN MARZOLA SECONDED THE MOTION.

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

THE MOTION PASSED. (ASSEMBLYMEN MCARTHUR AND MILLER
VOTED NO.)

I will assign the floor statement to Assemblywoman Tolles. I will close the work session and open public comment. Are there any callers waiting to testify in public comment? [There were none.] Are there any comments from members before we adjourn? [There were none.] I would like to thank everyone for being troupers. This meeting went over five hours. I appreciate all of you and our amazing staff. Our next meeting will be Thursday, April 8, 2021, at 1 p.m.

This meeting is adjourned [at 8:51 p.m.].

RESPECTFULLY SUBMITTED:

Sarah Baker
Recording Secretary

Lori McCleary
Transcribing Secretary

APPROVED BY:

Assemblywoman Shannon Bilbray-Axelrod, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a proposed amendment submitted by Assemblywoman Brittney Miller, Assembly District No. 5, regarding [Assembly Bill 235](#).

[Exhibit D](#) is written testimony dated April 6, 2021, submitted by Brenda Pearson, representing Clark County Education Association, in support of [Assembly Bill 235](#).

[Exhibit E](#) is written testimony dated April 6, 2021, submitted by Rene Cantu, Executive Director, Jobs for Nevada's Graduates, in support of [Assembly Bill 235](#).

[Exhibit F](#) is written testimony dated April 6, 2021, submitted by Hawah Ahmad, representing Clark County Education Association, in support of [Assembly Bill 235](#).

[Exhibit G](#) is an email dated April 5, 2021, submitted by Erin Phillips, President, Power2Parent, in support of [Assembly Bill 235](#).

[Exhibit H](#) is a proposed amendment dated March 31, 2021, submitted by Hawah Ahmad, representing Clark County Education Association, regarding [Assembly Bill 266](#).

[Exhibit I](#) is a proposed amendment from the Department of Education, submitted by Assemblywoman Britney Miller, Assembly District No. 5, regarding [Assembly Bill 266](#).

[Exhibit J](#) is a proposed amendment submitted by Assemblywoman Brittney Miller, Assembly District No. 5, regarding [Assembly Bill 266](#).

[Exhibit K](#) is written testimony dated April 6, 2021, submitted by Brenda Pearson, representing Clark County Education Association, in support of [Assembly Bill 266](#).

[Exhibit L](#) is written testimony dated April 6, 2021, submitted by Marie Neisess, President, Clark County Education Association, in support of [Assembly Bill 266](#).

[Exhibit M](#) is written testimony dated April 6, 2021, submitted by Christopher Daly, representing Nevada State Education Association, in support of [Assembly Bill 266](#).

[Exhibit N](#) is written testimony dated April 6, 2021, submitted and presented by Vinny Tarquinio, Member, Clark County Education Association, on behalf of Tamara Duff, RN, NCSN, Clark County School District, in support of [Assembly Bill 266](#).

[Exhibit O](#) is written testimony submitted by Tom Wellman, President, Nevada State Education Association-Retired, in support of [Assembly Bill 266](#).

[Exhibit P](#) is written testimony dated April 6, 2021, submitted and presented by Joanna Miller, Communication Strategist, Clark County Education Association, on behalf of Kenny Belknap, Private Citizen, Las Vegas, Nevada, in support of [Assembly Bill 266](#).

[Exhibit Q](#) is written testimony dated April 6, 2021, submitted by Susan Kaiser, President, Washoe Retired Education Association; and Member, Nevada State Education Association-Retired, in support of [Assembly Bill 266](#).

[Exhibit R](#) is a collection of written testimonies from educators and members of Clark County Education Association, in support of [Assembly Bill 266](#).

[Exhibit S](#) is a collection of written testimonies from nurses and members of Clark County Education Association, in support of [Assembly Bill 266](#).

[Exhibit T](#) is a copy of a PowerPoint presentation titled "A.B. 224 Period Poverty in Nevada Schools," submitted and presented by Samantha Glover, Co-Founder and Executive Director, Red Equity, in support of [Assembly Bill 224](#).

[Exhibit U](#) is written testimony dated April 6, 2021, submitted by Christopher Daly, representing Nevada State Education Association, in support of [Assembly Bill 224](#).

[Exhibit V](#) is a proposed amendment dated April 6, 2021, presented by Assemblywoman Bea Duran, Assembly District No. 11, regarding [Assembly Bill 224](#).

[Exhibit W](#) is written testimony submitted by Jeri Burton, President, Nevada Chapter, National Organization for Women, in support of [Assembly Bill 224](#).

[Exhibit X](#) is a letter dated April 5, 2021, submitted by Kelly Bumgarner, Ph.D., MPH, Children's Advocacy Alliance, in support of [Assembly Bill 224](#).

[Exhibit Y](#) is written testimony dated April 6, 2021, submitted by Rebecca Garcia, President, Nevada PTA, in support of [Assembly Bill 224](#).

[Exhibit Z](#) is a letter dated April 6, 2021, submitted by Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada, in support of [Assembly Bill 224](#).

[Exhibit AA](#) is a copy of an email dated April 5, 2021, submitted by Caryll Batt Dziedziak, Director, Women's Research Institute of Nevada, in support of [Assembly Bill 224](#).

[Exhibit BB](#) is a collection of written testimony from various individuals, in support of [Assembly Bill 224](#).

[Exhibit CC](#) is a proposed amendment submitted by Sarah Nick, Management Analyst, Legislative Liaison, Department of Education, regarding [Assembly Bill 418](#).

[Exhibit DD](#) is written testimony dated April 6, 2021, submitted by Brenda Pearson, representing Clark County Education Association, in support of [Assembly Bill 418](#).

[Exhibit EE](#) is written testimony dated April 6, 2021, submitted by Christopher Daly, representing Nevada State Education Association, in support of [Assembly Bill 418](#).

[Exhibit FF](#) is a copy of a PowerPoint presentation dated April 6, 2021, titled "AB415: Proposal to Conduct an Interim Study of the Statewide Accountability of Public Schools," presented by Jessica Barr, Data Analyst and School Improvement Consultant, Nevada School Performance Framework, regarding [Assembly Bill 415](#).

[Exhibit GG](#) is written testimony dated April 6, 2021, submitted by Marie Neisess, President, Clark County Education Association, in support of [Assembly Bill 415](#).

[Exhibit HH](#) is written testimony dated April 6, 2021, submitted by Brenda Pearson, representing Clark County Education Association, in support of [Assembly Bill 415](#).

[Exhibit II](#) is written testimony dated April 6, 2021, submitted by Christopher Daly, representing Nevada State Education Association, in support of [Assembly Bill 415](#).

[Exhibit JJ](#) is a proposed amendment by the Nevada System of Higher Education, submitted by Assemblywoman Selena Torres, Assembly District No. 3, regarding [Assembly Bill 384](#).

[Exhibit KK](#) is written testimony dated April 4, 2021, submitted by Anthony Ruiz, representing Nevada State College, written by Amey Evaluna, Manager, Division of College and Community Engagement, Nevada State College, in support of [Assembly Bill 384](#).

[Exhibit LL](#) is written testimony dated April 5, 2021, submitted by AJ Holly Huth, Youth Services Manager, The LGBTQ+ Community Center of Southern Nevada, in support of [Assembly Bill 384](#).

[Exhibit MM](#) is a conceptual amendment presented by Assemblywoman Bea Duran, Assembly District No. 11, and Assemblywoman Selena Torres, Assembly District No. 3, regarding [Assembly Bill 353](#).

[Exhibit NN](#) is written testimony dated April 6, 2021, submitted by Christopher Daly, representing Nevada State Education Association, in support of [Assembly Bill 353](#).

[Exhibit OO](#) is written testimony dated April 6, 2021, submitted by Haley Duran, Private Citizen, in support of [Assembly Bill 353](#).

[Exhibit PP](#) is written testimony dated April 6, 2021, submitted by Janine Hansen, State President, Nevada Families for Freedom, in opposition to [Assembly Bill 353](#).

[Exhibit QQ](#) is the Work Session Document presented by Kristi Robusto, Committee Policy Analyst, Research Division, Legislative Counsel Bureau, regarding [Assembly Bill 195](#).

[Exhibit RR](#) is the Work Session Document presented by Kristi Robusto, Committee Policy Analyst, Research Division, Legislative Counsel Bureau, regarding [Assembly Bill 206](#).

[Exhibit SS](#) is the Work Session Document presented by Kristi Robusto, Committee Policy Analyst, Research Division, Legislative Counsel Bureau, regarding [Assembly Bill 225](#).

[Exhibit TT](#) is the Work Session Document presented by Kristi Robusto, Committee Policy Analyst, Research Division, Legislative Counsel Bureau, regarding [Assembly Bill 254](#).

[Exhibit UU](#) is the Work Session Document presented by Kristi Robusto, Committee Policy Analyst, Research Division, Legislative Counsel Bureau, regarding [Assembly Bill 262](#).

[Exhibit VV](#) is the Work Session Document presented by Kristi Robusto, Committee Policy Analyst, Research Division, Legislative Counsel Bureau, regarding [Assembly Bill 417](#).

[Exhibit WW](#) is the Work Session Document presented by Kristi Robusto, Committee Policy Analyst, Research Division, Legislative Counsel Bureau, regarding [Assembly Bill 420](#).

[Exhibit XX](#) is the Work Session Document presented by Kristi Robusto, Committee Policy Analyst, Research Division, Legislative Counsel Bureau, regarding [Assembly Bill 213](#).

[Exhibit YY](#) is the Work Session Document presented by Kristi Robusto, Committee Policy Analyst, Research Division, Legislative Counsel Bureau, regarding [Assembly Bill 261](#).

[Exhibit ZZ](#) is the Work Session Document presented by Kristi Robusto, Committee Policy Analyst, Research Division, Legislative Counsel Bureau, regarding [Assembly Bill 367](#).