

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

**Eighty-First Session
April 22, 2021**

The Committee on Education was called to order by Chair Shannon Bilbray-Axelrod at 1:34 p.m. on Thursday, April 22, 2021, Online and in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/81st2021.

COMMITTEE MEMBERS PRESENT:

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

COMMITTEE MEMBERS ABSENT:

Assemblywoman Alexis Hansen (excused)

GUEST LEGISLATORS PRESENT:

Senator Marilyn Dondero Loop, Senate District No. 8
Assemblywoman Natha C. Anderson, Assembly District No. 30

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:

Heather Korbolic, Policy Director, Office of the Governor
Peter Guzman, President, Latin Chamber of Commerce, Las Vegas, Nevada
Kent Ervin, representing Nevada Faculty Alliance
Brenda Pearson, representing Clark County Education Association
Jhone Ebert, Superintendent of Public Instruction, Department of Education
Yesenia Serrato Gonzales, representing Azulblue United by Autism
Joanna Bieda, Private Citizen, Las Vegas, Nevada
Chris Daly, representing Nevada State Education Association
Tiffany Tyler-Garner, Executive Director, Children's Advocacy Alliance
David Cherry, Government Affairs Manager, City of Henderson
Jennifer Loescher, Regional Math Trainer, Southern Nevada Regional Professional Development Program; and Senior Policy Fellow, Teach Plus Nevada
Jeffrey Horn, Deputy Executive Director, Clark County Association of School Administrators and Professional Technical Employees
Emily Espinosa, representing Nevada Association of School Administrators
Mary Beth Sewald, President and CEO, Vegas Chamber
Jared Luke, Director, Government Affairs, City of North Las Vegas
Marie Neisess, President, Clark County Education Association
Jessica Ferrato, representing Nevada Association of School Boards
Mary Pierczynski, representing Nevada Association of School Superintendents
Leonardo Benavides, Coordinator, Government Relations, Clark County School District
Cyrus Hojjaty, Private Citizen, Las Vegas, Nevada

Chair Bilbray-Axelrod:

[Roll was called. Committee rules and protocol were explained.] We have two bills today. I will open the hearing on Assembly Bill 450 and invite the bill presenters.

**Assembly Bill 450: Revises provisions relating to workforce development.
(BDR S-1108)**

Heather Korbolic, Policy Director, Office of the Governor:

I am here to present Assembly Bill 450, which appoints a committee to conduct an interim study to align workforce training and programs offered by community colleges in the state of Nevada. Before I get into the details of the bill, on behalf of the Governor, I would like to acknowledge the work of the Nevada System of Higher Education (NSHE) as it relates to the COVID-19 pandemic response.

Campuses across the state implemented mitigation measures immediately to protect faculty, students, and their communities. Science departments helped the state build COVID-19 test kits, which were in short supply around the country at the time. The Nevada State Public Health Laboratory within the University of Nevada, Reno School of Medicine became a statewide leader in testing, research, and genomic analysis. The NSHE colleges and

universities have trained and built the state's health contact tracing workforce. Nevada System of Higher Education scholars have provided key input on the Governor's mitigation measures and have informed the state's path going forward throughout this pandemic. Campuses have been great partners in everything from testing to vaccinations throughout the entirety of this pandemic. On behalf of the Governor, we are grateful for the efforts of the state institutions today and every day.

As Governor Sisolak said in his State of the State address on January 19, 2021, he is calling on the Legislature to work with NSHE over the next two years to develop a framework to analyze community colleges' role in building Nevada's workforce and economic future. As Nevada rebounds and finds new footing in a post-pandemic landscape, the importance of community colleges as they relate to workforce development will be more important than ever.

Since the time he served on the Board of Regents, the Governor has been vocal about the importance of community colleges and his desire for the state to focus on supporting and expanding access to certificate programs and two-year degrees that can lead to immediate jobs. The timing is right to review the governance and the role of the state's community colleges.

Assembly Bill 450 proposes the creation of a multidisciplinary committee to study the governance structure of Nevada's community colleges as it relates to the state's workforce development needs. The Governor believes that Nevada's workforce development system is in need of a meaningful transformation to meet the needs of our evolving economy. Those needs have only been magnified by the current public health crisis.

As you all know, NSHE is governed by the Board of Regents and encompasses several different types of institutions of higher education, including community colleges. Community colleges will be and have always been critical to the state's efforts to develop Nevada's workforce as the economy continues to expand and diversify to meet the needs of existing trades and professions and for emerging careers in the future economy. Community colleges currently provide a broad spectrum of education, from traditional degree programs to certificate and training programs, all of which are essential to developing our workforce.

Recent economic downturns in this state highlight the need for community colleges to be more closely aligned to the diversity of students, business communities, and the regions of the state that they serve. In order to maximize opportunities offered by Nevada's community colleges and the expanding economy, Nevada must take the coalition approach to identifying opportunities for realigning education and training funding, to increase coordination and collaboration among partners within the workforce system, and to establish accountability for statewide workforce development going forward.

With our evolving state economy and workforce, Nevada has to ensure higher education formulas incentivize the education and training of tomorrow's workforce. Additionally, it is important for us to determine whether new methods of coordinating, governing, or funding community colleges in this state are necessary to improve and advance the purpose of the state's community colleges. The committee will work on an interim study to identify the opportunities for aligning workforce training with community colleges to meet the needs of our evolving economy. The committee will also analyze the governance structure and funding mechanisms for community colleges to ensure coordination is occurring among all of our workforce development partners.

To reiterate, the Governor believes that NSHE's funding formulas are in need of review, and that is why he specifically called on this study committee to analyze existing funding structures. The bill establishes a collaborative effort to establish a study committee that includes relative stakeholders and will be cochaired by the chancellor and industry partners. The committee will include one community college president and will be subject to open meeting laws, which will allow for all the other stakeholders to attend and contribute. The study will be data-driven and will rely on the expertise of national experts. It will also identify national best practices of governance and of funding methods for community colleges, which will include an analysis of effective relationships among local school districts, workforce development, and community colleges, and will make recommendations concerning how the state can strengthen these relationships to improve student achievement. It will also analyze effective relationships between business and industry and community colleges and make recommendations concerning how the state can strengthen such relationships and better prepare students for entering into the workforce.

The committee will provide a report of its findings to the Governor, to the Legislative Counsel Bureau, and to the chair of the Board of Regents in time for the recommendations to be considered in advance of the 82nd Legislative Session.

With that, I am happy to take any questions.

Chair Bilbray-Axelrod:

Are there any questions from Committee members?

Assemblywoman Nguyen:

Is there a particular reason why this is focusing on community colleges? I know that community colleges are within the higher education system and have their unique challenges. Is that the thought process in separating these?

Heather Korbolic:

Governor Sisolak has looked at this from all angles and really wants to be strategic in his approach to discussing and reviewing the governance structure around community colleges as they relate to the higher education university systems in general. Because of our state's workforce development needs and how they are evolving—our community colleges are actively responding to this new workforce development need—it gives us an opportunity to

take an introspective look at whether or not we should keep those two systems together or whether or not those two systems should be separated. That is part of the study in the committee's charge.

I will also add that Chancellor Rose, who is appointed to be cochair on this committee, has experience with that, with researching that, and the practicality of implementing things like that in Oregon, so she brings a wealth of knowledge.

Assemblywoman Tolles:

I know there is another effort to move the Office of Workforce Innovation (OWINN) out of the Governor's Office to the Department of Employment, Training and Rehabilitation (DETR). There seems to be a lot of crossover between OWINN and what we are proposing here. Could you talk me through the differences and the reason for those policy changes?

Heather Korbulich:

Governor Sisolak's recommended budget does move OWINN into DETR as an effort to start aligning all the various workforce development organizations within the state into one centralized location that is really focused on putting Nevadans back to work. This is a conversation that brings the Governor's Office of Economic Development (GOED) into the committee and starts researching and looking broadly across the state with industry partners, private industry partners, and chambers, about how we not only align our entire state's workforce development needs with the students' needs but getting people into the workforce with our new job market. I think they are aligned but kind of separate and not altogether in one package, but the same people will be involved in the conversations with this committee.

Assemblywoman Tolles:

It still sounds like it is very similar. Will it also utilize the information from the P-20W Legislative Advisory Committee analysis as well, because that also aligns the education goals with the workforce needs in an emerging economy.

Heather Korbulich:

Certainly, we expect that the OWINN folks and the DETR folks will be at the table, bringing that information with them, having these conversations, and being a part of the discussion on how we build from here.

Assemblywoman Torres:

I understand that the focus is for us to understand the role and assess the governance structures we have in place now for our community colleges. However, given that the system does currently consist of our community colleges, our state college, and our universities, has there been any consideration of including them in this conversation? It seems like this would very much impact the entire system and not just community colleges.

Heather Korbolic:

I think that is part and parcel of why we put Chancellor Rose as a cochair along with GOED, a community college president, and then having open meetings where everyone will be able to contribute and bring their insight. The committee is also able to develop and set up subcommittees at the chair's desire. I think all of those parties will eventually be included in the conversation.

Assemblywoman Torres:

I think there should be a larger consideration of how this is going to impact those universities. It has to be a priority as well, as how this impacts the system as a whole and not just a part of the system. I definitely support the intent of this legislation, but I would urge there to be a consideration of adding additional language that would allow for them to be a part of this conversation.

Chair Bilbray-Axelrod:

I like this bill and I appreciate the intent. I think community colleges are a great place to start, honestly. Not everyone out there is looking for a four-year degree. What is sticking out to me is the makeup of the committee that will be studying this. I am not seeing apprenticeship programs. I am not actually seeing labor at all as someone who should be there. I think that is a missed opportunity. Maybe I missed it, but I do not see the state workforce development in here. I think we have a lot covered and I appreciate that, but I think it needs to be a little more inclusive. Is that something you considered?

Heather Korbolic:

Yes, absolutely, we have had considerations around involving labor. I think we were really working toward having a committee that could be nimble and quick, which is why we narrowed the scope to the seven different members. It does include an office representative from GOED; along with chambers, which represent a wide and diverse makeup of businesses and industry leaders; the superintendent of education, who happens to be in the room with us; and community college presidents. What we thought we were doing was creating a bill that would allow for a lot of flexibility with primary stakeholders at the table and then allowing for subcommittees to be formed from there, and also having a public forum in order to include all of the voices that felt like they wanted to be heard.

Chair Bilbray-Axelrod:

I appreciate that, and I do think you have a wide swath of representation. To me, because of those apprenticeship programs, people can make a very good living for the rest of their lives. I think they should definitely have a seat at the table. I would be happy to continue this conversation offline with you.

Are there any other questions from the Committee before we move on? [There were none.] I will open testimony in support. Is there anyone on Zoom or in the room who wishes to testify in support? [There was no one.] Are there any callers waiting to testify in support of A.B. 450?

Peter Guzman, President, Latin Chamber of Commerce, Las Vegas, Nevada:

I am here in support of Assembly Bill 450. I would like to thank Chair Bilbray-Axelrod and all the members of the Assembly Committee on Education. For years we have talked about diversifying our economy, but we cannot effectively diversify our economy while failing to properly train our workforce.

I can tell you firsthand that community colleges play a very important role in effectively training our students. The reality is that community colleges are more than just a stepping-stone into a four-year degree. In fact, many students spend two years at a community college, and that can lead to lucrative careers in high-demand, high-paying jobs. As we recover from this pandemic, now more than ever, we must be laser-focused on the needs of our employers with workforce curriculum at community colleges.

Finally, I want to thank the Governor's Office for consistently working to help prepare our workforce for all different emerging industries in Nevada. This study is an important step in that direction, and it will continue to make us a better community. The Latin Chamber of Commerce is a proud supporter of this bill.

Chair Bilbray-Axelrod:

Are there any other callers waiting to testify in support? [There were none.] I will close testimony in support and open testimony in opposition to A.B. 450.

Kent Ervin, representing Nevada Faculty Alliance:

The Nevada Faculty Alliance is the independent association of faculty at NSHE colleges and universities. We work to empower our faculty members to be fully engaged in our mission to help students succeed. The Nevada Faculty Alliance is an affiliate of the American Association of University Professors, which advances academic freedom and shared governance in higher education.

The Nevada Faculty Alliance is supportive of the study in A.B. 450 to look at our community colleges and better serve the needs of workforce development and career and technical education statewide. Please refer to Professor Doug Unger's written statement regarding A.B. 450 [[Exhibit C](#)].

I am testifying in opposition, respecting the Committee's rules, in order to propose a change to the bill. Specifically, the study committee should include representatives of community college faculty nominated through the faculty shared governance bodies and should also include a student representative. It is important to have direct representation, with a vote, from those who will develop and teach the workforce development program and from students.

We further note that while workforce development is an important part of the community college mission, the academic and core education programs leading to associate degrees and transfers to four-year institutions are also essential to the success of Nevada's students and economic development statewide. The study committee should include in its deliberation the cost of the new workforce development programs and how the supported industries can contribute to the training of their workers.

Thank you very much. We would fully support A.B. 450 with the addition of faculty and student representatives to the study committee. [Written testimony was also submitted, [Exhibit D.](#)]

Chair Bilbray-Axelrod:

Are there any other callers in opposition? [There were none.]

[[Exhibit E](#) was also submitted in opposition to Assembly Bill 450.]

I will close testimony in opposition and open testimony in neutral.

Brenda Pearson, representing Clark County Education Association:

The Clark County Education Association (CCEA) is testifying in neutral on A.B. 450. The creation of an interim study that will explore opportunities to streamline postsecondary education from our community colleges to workforce development programs is a key component of Nevada's economic diversification and development. The CCEA is in neutral on A.B. 450 because we know the key to economic diversification is in the K-20 delivery system.

In Nevada, it is important that we utilize our community colleges to their fullest and allow this interim study to guide how we can best work together to improve student achievement. However, CCEA would be remiss if we failed to mention that we are in neutral on this bill because we believe the K-20 education delivery system must include looking at new revenue streams to fund our community colleges and the Pupil-Centered Funding Plan optimally, to ensure every workforce development program is impactful and that our students have the skills needed to transition from K-12 to postsecondary workforce programs. This session legislators have the opportunity to fully fund the Pupil-Centered Funding Plan, allowing students across our state to realize their full potential. Funding our education delivery system optimally means that legislators must identify a designated revenue stream for the purpose of education. The CCEA understands that in order to pass new revenue, we must use a bipartisan effort led by the Governor. However, any decision short of passing new revenue this session to fund the Pupil-Centered Funding Plan will create delays in the development of streamlined workforce programs. Due to the learning loss attributed to distance education over the pandemic, we must invest in our students to ensure they have the necessary skills to capitalize on the relationships this interim study aims to improve.

Creating a streamlined system that connects K-20 to workforce opportunities will only be successful if our K-12 system produces college- and career-ready graduates. This cannot be done without a stable and consistent designated revenue stream aimed at improving the quality of K-12 education for all students.

The CCEA would like to thank this Committee for hearing Assembly Bill 450, and we look forward to helping ensure the recommendations of this interim study are adopted and executed to provide Nevada students with opportunities.

Chair Bilbray-Axelrod:

Are there any other callers waiting to testify in neutral? [There were none.] I will close the hearing for neutral testimony. [[Exhibit F](#) was submitted as written testimony in neutral.] Are there any final comments from the presenter? [There were none.] I will close the hearing on Assembly Bill 450. I look forward to following up with you. I will open the hearing on Senate Bill 173 (1st Reprint) and welcome Senator Dondero Loop, Superintendent Jhone Ebert, and Assemblywoman Anderson.

[Senate Bill 173 \(1st Reprint\)](#): Revises provisions relating to education. (BDR S-1003)

Senator Marilyn Dondero Loop, Senate District No. 8:

With me today is my cosponsor, Assemblywoman Anderson, and Superintendent Ebert. We are pleased to present Senate Bill 173 (1st Reprint), the "Back on Track Act," for your consideration.

The COVID-19 pandemic forced many schools to close their doors and suddenly transition to distance learning. This phrase, "distance learning," has been said so many times that sometimes we forget to take a moment to reflect on how this fundamentally shifted and disrupted our schooling. The transition was difficult for our students, families, educators, and support staff. As we consider everything we have been through, we should take great pride in how our communities have worked together to face these challenges, and we should acknowledge all of those who have gone above and beyond to do the best they can for our kids in these difficult circumstances.

Parents, teachers, and school administrators are to be commended for adapting. However, the simple fact is, in-person instruction cannot be replicated. We know that learning loss, because of the pandemic, is a crisis that threatens to set many of our kids back, leaving a widened achievement gap and leaving children behind. If we do not work to correct it now, we will have implications for their educational development for years to come.

Research indicates this learning loss, sometimes referred to as "the COVID slide," may set some of our students' educational development back as much as two years. In some cases, the effects may be felt into adulthood, including reduced educational attainment and learning potential. The damage and effects of learning loss can even be a bigger setback for communities that are already disadvantaged socially and economically. One thing is certain: virtual learning means unequal learning.

We already know that learning loss is widening racial disparities in education. Research done by McKenzie and Company and the Education Commission of the States indicates that negative impacts of virtual schooling may be greatest for low-income, Black, and Hispanic students. This impact may be partly due to those students having a higher risk of limited time or lower-quality remote instruction and uneven access to devices and the Internet, compared to their peers.

According to this research, if schools return to in-class learning in January 2021, which we have already passed, students who are white may experience six months of learning loss compared to typical in-class learning. However, Hispanic students may experience more than 9 months of learning loss, our Black students may experience over 10 months of learning loss, and low-income students may experience as much as 12 months of learning loss, over twice as much as those who are white. Let me be clear, even one month of learning loss is unacceptable for any of our students. That same research estimates the impact of student learning loss to individuals and society. In that same scenario where in-class learning would have resumed in January, the average kindergarten through 12th grade student could lose, in their lifetime, \$61,000 to \$82,000 in earnings.

As a former 30-year educator myself, I know firsthand there is no substitute for one-on-one instruction time with students at any grade level and in any subject. Our teachers are essential to the success of our kids, and there is simply no way to replicate in-person instruction and that one-on-one time with students. We must work to address the learning loss resulting from the past year in order to make sure our students do not fall behind. We need to know how our students are doing on a day-to-day basis, sustain their interest over the summer, and use this time in the classrooms so they are more prepared to return to school this fall.

Finally, I want to acknowledge that what we are discussing today is only possible because of the American Rescue Plan Act of 2021 that Congress passed and President Biden signed into law just recently. I want to specifically thank U.S. Senator Cortez Masto, Senator Rosen, Congresswoman Titus, Congressman Horsford, and Congresswoman Lee for voting for this bill. These critical relief dollars coming to Nevada schools have allowed us to bring forward the Back on Track Act, which asks our school districts to come up with plans to provide options for both virtual and in-person summer school. The bill will help move the state and our school districts through that planning process, ensuring that hundreds of millions of dollars in federal aid intended to mitigate learning loss are being put to work for our students.

I am now going to turn the microphone over to Assemblywoman Anderson for her remarks and a walk-through of the legislation.

Assemblywoman Natha C. Anderson, Assembly District No. 30:

I am a teacher in my real life. I think the Senator has laid out very clearly what has been lost this last year-and-a-half in our classrooms. First, I want to tell you why I love being a teacher. It has nothing to do with this bill. It has everything to do with our students. It has everything to do with the fact that when you come into a classroom, the first few days are

just like what you have just experienced today; where you have the nervous energy of whom you are going to sit next to and what is going to happen. As the year continues, there is a sense of community, a sense of pride, a sense of joy, and sometimes disappointment. The worst, and also the best, is when you have created a sense of community in your classroom and you have to tell the students, "Stop talking. We have to get through this. Stop it." I know there are two or three other educators in the room who have had that experience as well. The students are not always talking about the subject matter, no matter how much you wish they were. But that is what creates a sense of community. Based upon what I am hearing from my peers, that is what has been lost.

It is not just about a grade that our students have lost, it is a sense of the social and emotional learning. It is a sense that it is okay to fall because they are not going to fail. They are in a safe place. We have lost that a little bit and it is time for us to try to regain it.

The Back on Track Act is one way to do so. It is allowing our different school districts to come up with the best plan for their school district. What is right for Washoe County will be very different from what is right for Elko and very different from what is needed in Clark County and Carson City. It is defining that there needs to be a plan in place.

I think the other items that have been missing are much better defined in the letters that were written by our federal delegation [[Exhibit G](#), [Exhibit H](#), [Exhibit I](#), and [Exhibit J](#)], in particular, the letter from Congresswoman Titus [[Exhibit I](#)], where she also utilized some other evidence I believe Senator Dondero Loop mentioned.

At this time, I will walk through the bill. As I said before, one of the important items to remember is there is no one way to have this plan. Each school district is being directed to create their own plan. Trying to do some research, I know that every single school district has already started discussing this. It might not have been brought up to their school boards, but they have already started discussing how to do this, so those plans will be in place.

The Back on Track Act, Senate Bill 173 (1st Reprint), contains an initial road map with next steps in the fight to combat learning loss in two distinct ways. First, it allows an avenue for intensive and targeted services for our students. Second, the bill requires school districts and the State Public Charter School Authority to submit a plan to address any loss of learning due to the pandemic. Within 30 days after the signing of this bill into law, section 1 authorizes the board of trustees of each school district and the State Public Charter School Authority to submit to the Superintendent a plan to address any learning loss experienced by pupils as a result of the COVID-19 pandemic. The plan will include the option for pupils to attend summer school, either in person or online, and the manner in which the schools and districts or charter schools will target pupils most at risk of learning loss.

Examples of students most at risk of learning loss are outlined in the bill, but I want to make sure it is clear. This is not an extensive list in any shape or form. There are many individuals other than those listed whom we need to make sure to target. That is why it is so important to have each school district create their own plan. Some of those mentioned in the bill

include pupils with disabilities, pupils who are chronically absent, and pupils who are enrolled in grades 1 through 3 who are struggling in mathematics and reading. Again, I want to make sure this is clear as well. Our students who are struggling in the other grades as well also need to be targeted, but we purposely mentioned grades 1 through 3 based upon how important it is to have that base. It is also for those who lack the financial resources necessary to access services to address learning loss.

Section 1 also requires the school district or charter school offering summer school to include transportation and meal services. When school districts submit their plans, they can design their transportation policy to fit the needs of their students. Additionally, it outlines requirements for summer school personnel and authorizes the use of federal money to administer the program.

Senate Bill 173 (1st Reprint) requires that personnel who are hired for summer school programs, including but not limited to, teachers, support personnel, counselors, speech and language pathologists, and other licensed personnel, receive supplemental pay at least equal to the current contract rate.

Section 2 of S.B. 173 (R1) requires school districts and the Charter School Authority to submit a report to the Superintendent of Public Instruction by October 31 of this year regarding any plan to address learning loss, including information related to summer school and the use of federal money for that purpose. The Department of Education will then submit a consolidated report by November 30 to the Governor and to the Legislature.

As mentioned before, the degree to which the pandemic impacted some of our areas is still unknown. The information gathered in these reports will be critical to understanding the severity of the situation we anecdotally and personally know exist.

I would like to turn the presentation over to Superintendent Ebert for her remarks.

Jhone Ebert, Superintendent of Public Instruction, Department of Education:

I want to thank Senator Dondero Loop and Assemblywoman Anderson for their leadership on this bill, including the Department of Education and other stakeholders in this critical work. It is important to acknowledge that regaining our equilibrium as a society is going to take every single one of us. The Department of Education is working hard in partnership with the Governor, the State Board of Education, you as our legislators, and all of our stakeholders, to support the ongoing recovery of our students from COVID-19. It is our job to provide what all parents want for their children: a pathway to success. Every child who is willing to work hard will have our unwavering support so they can graduate with the tools they need to build a home, a life, and a future.

This Back on Track Act is an important part of every school district to deliver on our promise to students and their families. As Senator Dondero Loop said so eloquently, there is no substitute for one-on-one instruction with students at any grade level in any subject. I share her deep appreciation for all of the parents, grandparents, siblings, caretakers, and other

family member mentors who went above and beyond to support our students in the distance learning. However, we know students who rely on the supports of interventions are only successful with teachers who have endured all of the work during this pandemic to support our children.

The conversation that S.B. 173 (R1) has opened in Nevada is part of the national dialogue. As noted, the American Rescue Plan provided \$1.1 billion to the State of Nevada, and it acknowledges the unique opportunity to leverage summer learning to support our educational recovery. Of the \$1.1 billion, 90 percent of the funds go directly to districts and schools; 20 percent of those funds must be used to address learning loss. Of the 10 percent of funds that the Department of Education may reserve for statewide activities, at least 5 percent must address learning loss, at least 1 percent must be used for its summer enrichment programming, and another 1 percent must be invested in after-school programs.

I am proud that Nevada is once again poised to lead the way forward for recovering from COVID-19, thanks to this legislative proposal. Thank you for all your continued leadership, and I will turn the presentation back over to Assemblywoman Anderson.

Assemblywoman Anderson:

We just found out that we also have a parent and a student who would like to be a part of this.

Chair Bilbray-Axelrod:

I was just going to move on to testimony in support, and they are on Zoom, so I was going to go to them next.

Senator Dondero Loop:

Just to pull that together, over the past year we have experienced our most challenging circumstances with nuanced impacts across school districts. It is clear that our students and our schools continue to face significant hurdles from the pandemic's impacts. This is not the time to sit back and wait to see how bad the situation is or to just accept that learning loss is a new reality. Our kids, our educators, our families, and our communities and state deserve more. These unprecedented times call for a consistent and guided response plan to address the profound learning loss and other issues experienced across our communities.

I am hopeful that by providing these next steps to our schools, we will confront the learning loss, achievement gaps, and underlying inequities that have been amplified by the pandemic and get our students back on track. Thank you for your consideration.

Chair Bilbray-Axelrod:

I am going to open the hearing for questions from the Committee. We will start with Assemblywoman Nguyen.

Assemblywoman Nguyen:

When I think of my own family members who came here in 1975, after the end of the Vietnam War, my uncles brought their kids, who were 5 and 6, and other cousins around that age. I know they heavily relied on our education system to help them with learning English and preparing them for their future. I know our education system has given them real opportunities. They are now teachers, engineers, and other productive members of our communities.

I was just reading an article about how nearly 70,000 of the 320,000 kids in the Clark County School District are English language learner (ELL) students. I also saw that as part of the American Rescue Plan, states must outline—which you highlighted—looking at successful strategies for future spending and data to support that spending for those students who are homeless, have disabilities, and the other students whom you outlined. I noticed that ELL students were not included. I am very grateful that you are bringing this bill and also the passage of the American Rescue Plan, but is there any reason why those students were not specifically enumerated in those sections? Did you believe they were included in some of the other categories?

Senator Dondero Loop:

I absolutely understand. This list was not all inclusive, if you will. Those were some examples of whom we might be capturing. For example, just to go to the other end of the spectrum, if we have a student who needed English 101 in high school, we did not specifically include that in this list. Absolutely our ELL students are part of this list and included. They would be included in the Title I schools, they might be included in magnet schools, any schools that have this program, because every single school and every single school district will not have a summer school, but all students are invited to attend.

With that being said, my biggest worry is that we will not have enough seats. It would also be my biggest accomplishment that we have so many students attending that we do not have enough seats. I do not see that we will not have enough seats because I trust that our school districts and our educators have embraced this and will help us make our kids whole.

Assemblywoman Tolles:

I want to commend you for all the support you garnered for this legislation. I appreciate that you are bringing it forward. I have a couple of technical questions. In section 1, subsection 4, "If a school district or charter school is unable to hire a sufficient number of persons to work in summer school . . . " they may hire retired public employees. We obviously have current teachers under contract and then potentially reaching into the retired public employees to fill these spots. Are substitute teachers also included? I would think they would be a good resource and maybe that is included in those who are currently teaching. I am not sure.

Senator Dondero Loop:

Yes, they would be included. Any certificated, licensed employee would be included. We are counting on the school districts to open that up to those individuals who would fit into those categories.

Assemblywoman Tolles:

This is technical and hopefully I can wrap my head around it, but in regard to the payment, they will receive compensation in addition to their regular compensation. I think we have three different scenarios: we have full-time employed teachers, substitute teachers, and pulling from retired teachers. How would that work in terms of their current compensation, and then additional compensation? I will also note, as I read it, it looks like it is outside of collective bargaining. Could you walk through the logistics to help us understand that implementation piece?

Senator Dondero Loop:

We would love the teachers to get as much compensation as allowable. Every district is going to do this part a little bit differently. We certainly have talked to the stakeholders and had these discussions. One school district may decide to double the allowable amount and one school district may not. That school district may decide to add a certain amount on top of that. With that being said, it is absolutely going to be above and beyond what we would consider, as educators, a standard rate of pay per hour, which in Clark County is \$22.50 or something, and in Washoe County it might be \$30.00. We would love that to be doubled or more.

Assemblywoman Anderson:

I think Senator Dondero Loop explained it really well. What happens with our contracts is as educators we get paid throughout 12 months, but we work 9 months. That is one issue. With our contracted rate of pay, it is how much we would make per hour. If you are a nationally board-certified teacher, because of this legislative body, you can get a 5 percent bonus. There are a few districts that give more because of their negotiated agreement. You get an hourly rate of pay based upon what you would be paid based upon how many years of experience you have, plus the 5 percent to 8 percent extra. That is how you figure out what your hourly rate of pay would be. Quite frankly, our summer school teachers in the past—and I want to make sure "in the past" is very clear because this is not our usual world—it has usually been those one- through five-year teachers who are able to do summer school because they are still trying to figure out how they will pay their bills. We do not need to go into the funding because that is a different committee that I believe you are on. We will figure that one out later. That is what the hourly rate of pay is based upon—that is what a first- or second-year teacher would be making. We want to have our 15-year teachers out here teaching. That is where that is coming from. The way this bill is set up, that is the floor. If you are in a community where it is difficult to get enough teachers or counselors, that is when the school district and the bargaining agent are able to work together to come up with a different formula, if necessary. The hourly rate of pay is based upon what their current contract language is. That is where the bargaining unit comes in.

Finally, for the substitute pay as well as the high-needs pay—and I am not sure exactly how the high-needs pay works because it is an area, during the regular school year when—if, for example, we do not have enough music teachers—the school district is able to hire someone who has recently retired to come back and teach. They are able to fill those difficult, hard-to-fill positions. This allows us to be able to do that as well.

Assemblywoman Tolles:

Can I repeat back what I heard to make sure I heard it right? This will be determined at the district level. For licensed teachers who are currently employed, it will be part of the collective bargaining agreement at the district level—their base pay plus this additional pay. In my mind, coming from a background of retail years ago, it is like holiday pay. You get additional pay because of special circumstances. That may be a bad analogy because you are giving me that look.

Assemblywoman Anderson:

You are very close, but there are two different paychecks because they are coming from two different areas. The summer school pay will not have the Public Employees' Retirement System (PERS) benefits taken from it. The regular pay employees have over the year does have PERS benefits. That is why there are two different areas. That is the only thing, going back to my years at Gymboree, that holiday pay would be on the same paycheck. These are separate accounts, so it is separate pay.

Assemblywoman Tolles:

That is category one, a licensed teacher. Thank you for that clarification. Category two is the substitute teacher who, if I understand correctly, is not licensed but we utilize them—we will call them a second category substitute teacher pay. They are not collectively bargained so that will have to be worked out at the district level as to what they are paid for summer school. The same thing would apply to the high-needs or retired teachers, category three. Each of those will be worked out by the individual districts.

Assemblywoman Anderson:

Correct. More than likely, and this is again more than likely, the substitute pay will continue to be the same as what they are currently hired at because they do have to have a substitute license, based upon background checks and other elements. There is a license that is necessary, and that is where the contract is with the school district and that individual on an individual basis. Although they are not part of a collective bargaining unit, they do have a contract in that fashion. It would more than likely continue to be the same pay, but I cannot guarantee that at this time. I am sorry.

For the high-needs, I am not sure exactly how that language would look, but it allows the district to have that conversation with those individuals.

Assemblywoman Torres:

I have a couple of clarifying questions. The first question I have is regarding section 1, subsection 2. This is the part that is talking about transportation and providing breakfast and lunch to pupils who attend. Can you talk a little bit about whom that would apply to? I want to make sure that this would apply to the students who are currently required to receive transportation now.

Senator Dondero Loop:

Absolutely, it will apply. Each school district will devise their transportation plan. Just as we have transportation plans now within school districts, where maybe at the corner of X and Y, they pick up. Because one school is not having summer school, maybe the pupils will be picked up at a different location. However, the school will provide transportation and that is absolutely a part of this bill.

Assemblywoman Torres:

To clarify, I know in Clark County it is a one-mile radius where the school does not have to provide transportation. I am trying to make sure that schools that are currently not required to provide transportation to certain students would not be looped into this. I know our public charter schools do not require transportation either. I want to make sure those transportation policies already in place are not changed by this legislation.

Senator Dondero Loop:

Nothing is being changed for the regular school year. This is for summer school only and those schools that have summer school and the school districts are being asked to submit a plan. When the school district, whether it is Elko, Eureka, Nye, Clark, or Washoe—it does not matter which school district—if they decide to use these funds and submit a plan, within their plan we are asking them to submit how their transportation model will fit. In one school district, they may pick up every half mile. Another school district may pick up every mile, or another may have four buses. That is submitting the plan. That is part of the plan. We want to get as many students as we can to the schools. It would behoove everyone to make sure those transportation stop points are easily accessible for all children.

Assemblywoman Torres:

I may have some additional questions to clarify that offline. My next question is, I have been fortunate for the last couple of years to work with programs through TRIO [Nevada State College Trio Upward Bound Program], which is a part of our state university and college system. Have we considered permissive language that would allow for additional funding to these programs that are already existing—these summer bridge programs that are serving the communities that are outlined in the bill—that are operating within our public system?

Senator Dondero Loop:

Right now, this bill focuses on public schools and our state public charter schools, and that is whom this funding is going to. Certainly, they would be welcome to use the funding that they may or may not receive from the American Rescue Plan. However, right now, this is this funding.

I would be remiss if I did not add one of the things that is very important within this summer school piece, and that is in the past, we have not had summer school for elementary students. Summer school has almost traditionally been for high school students. This is K-12, so that is a really important piece for us to understand.

The other important piece is that if you sent your child to summer school, you paid for it. You paid \$70 for a half credit in English 101 if that is what your student needed. This will be free of charge, K-12 summer school with transportation, with meals provided, for all students who apply.

Assemblywoman Torres:

I appreciate that. The summer bridge programs that exist with TRIO are held at the university systems and held at Nevada State College but serve under-resourced high school students. I think it would be great if there were permissive language for us to enable them to use funding for this. They have licensed teachers in classrooms providing the summer bridge program, they are providing transportation, they are providing breakfast and lunch. I think it very much meets within the model of this bill, but I think it would be very helpful to some of the programs that exist right now at Nevada State College, University of Nevada, Las Vegas, and University of Nevada, Reno.

Assemblywoman Anderson:

The programs you are speaking of, if there are agreements between the school districts, there are ways to be able to do that. One reason why we wanted to do this, though, is we do not want this money going to pay for a consultant. We do not want the money going to programs that are not directly related to helping our students learn. That is why this may not be a way to be able to enter into a partnership at the school district level with the programs you are speaking of. Those are awesome programs, based upon what you are telling me and also what some of our offline conversations have been as well. That is not in every single school district. There is possibly a way to have those conversations and have that be part of the plan in that fashion. That way, there is a much more school district-oriented area as opposed to it being just that the state will allow it no matter what.

Assemblywoman Miller:

I have two questions. The first is more of a technical nature and to follow up with what Assemblywoman Tolles brought up about section 1, subsection 4. The way the bill is actually written, saying "a sufficient number of persons," I understand that because not everyone working in this program would be a licensed teacher. We need food service, transportation, and support staff. It also says, ". . . the school district or charter school may hire retired public employees" Legally, retired public employees would include every single person who is a retired public employee in Nevada. We also still know that licensed teachers are obviously the majority of staff we would need. I know we had discussions about this early on. The way this language is written now, it literally just says any person or any retired employee. I know the question was asked earlier about substitute teachers, and I know the intent was retired teachers who would like to come back. Quite frankly, we know that many of our teachers right now are so burned out. It has been a very difficult and

challenging year. The technical language is completely permissive right now. What is the plan and where in the districts do we anticipate there will be enough licensed teachers interested in participating in the program? What would the plan be if there was not—if we had more students than teachers?

Senator Dondero Loop:

That would be a really good problem, but we would have an issue. I hope we have more students than we anticipate. With that being said, where it says, "retired public employees," I would have to ask the Superintendent if that is only retired teachers and if we need to modify that. We are hoping that we have enough teachers either through the need of wanting to make more money or through the love of teaching, which sometimes is both. In my case, as a retired teacher, when I first started, I worked every summer doing something. We are very hopeful that we will absolutely have enough people. If we are unable to hire a sufficient number, then we would move to retired teachers.

Assemblywoman Miller:

My next question is regarding section 2, subsection 1. It talks about the reporting and accountability piece and about the progress of the program. In section 2, subsection 2(g)(1), it says "One or more measures of pupil achievement, as determined by the Department of Education." My concerns remain consistent from the beginning. I do not feel it is appropriate to have standardized testing assessments or diagnostics, especially in a short-term summer program. Can you explain what those one or two measures of pupil achievement would be?

Senator Dondero Loop:

First of all, you need to go back to submit the plan because if you submit the plan, you are going to say what you are going to use. We, as teachers, those of us who are educators in the room, know 100 percent if I get a bunch of kindergarteners who show up for summer school, I have to do some kind of a diagnostic to know if they know their alphabet or their sounds. That could be my diagnostic. At the end of four weeks, they may know all 26 letters and all 26 sounds. That could be my achievement.

As an educator and as a community member, I want to know the achievements. I think our teachers are doing a great job. I think our educators who put out the time and effort to teach summer school should be applauded publicly for working with these kids. I do not know if achievement is talking about the Smarter Balanced Assessment Consortium. I think achievement is talking about where we started and where we finished. And by the way, applause, applause, because look what happened.

Assemblywoman Miller:

For clarity, you are saying this would be the typical teacher-driven assignments that happen in class. We are not using aimswebPlus, MAP Growth, and i-Ready Assessment, and all those other diagnostics and tests. This is just the teacher saying they did some assignments and quizzes, and the kids, because of their effort and attendance, moved forward.

Senator Dondero Loop:

I cannot 100 percent confirm that. I can tell you in the Zoom schools, for example, we had 100 percent success by those elementary schools actually using i-Ready. If a middle school decides to use another program to have some sort of an assessment and work along so we can move kids on their diagnostic literacy level and keep moving them up on their reading, I would consider that maybe a program that has a diagnostic but is also achieving the achievement that we need.

Assemblywoman Miller:

The kids have already been on the computers all year. I do not want to bring them back and tell them they get to be on more computers. Can we have Superintendent Ebert respond to this?

Jhone Ebert:

We agree with you. There is no reason to bring children back to school just for an assessment. I have said that publicly and I have written it in memos. I think the Senator did a great job as being an educator of the student progress, and also being able to communicate to the parents the progress the child made during the time. That is the complete intent.

I think you were also asking specifically about certain tools that districts use. There are teachers who want to use those tools, so I would not want to exempt them from using those tools to measure progress, but I would say there is a plethora of tools we use as educators to make sure our students are moving forward.

Assemblywoman Miller:

The bill states that these are to be determined by the Department of Education. Can you tell us what the Department would accept? Right now, it sounds like everyone would have a choice, and we know that is not going to be the case. What will the Department accept as measures of pupil achievement?

Jhone Ebert:

I think everything that was stated prior—just thinking about the conversation that has been happening over the last couple of days in regard to how we have conversations as educators, teachers, and principals about student growth and progress—it is a professional responsibility that we all have and that we actually enjoy. I know you are an educator, so I do not mean to be in any way sharing publicly what we would accept, but through conversations—who is the group of students they have in front of them and how are they going to measure—that is what they will be reporting to the Department. It is not a specific list that is going to be provided, but the construct of the expectations that may include some of those tools that you mentioned.

Assemblywoman Miller:

What about for the teachers who do not want to employ those tools? Again, it is a short time, they have gone through testing. What about those teachers who just want to explore and work with the kids and instruct and coach? Will they have the ability to use other measurements to demonstrate growth for the kids?

Jhone Ebert:

Thank you for the last part of your statement. They will need to use some sort of diagnostic or tool to measure progress and be able to report that progress.

Assemblyman Miller:

That could be instructor-driven?

Jhone Ebert:

Correct. Teacher-driven.

Assemblywoman Marzola:

My question is regarding section 1, subsection 1(b)(1), where it states, "Pupils who are members of a household that lacks the financial resources necessary to access services to address loss of learning." Can you describe what students are included in the household? Is there some sort of standard?

Senator Dondero Loop:

All of the lists in the bill, for example, section 1, subsection 1(b)(2), "Pupils in grade 11 or 12 who are credit deficient." That does not mean a pupil in grade 9 or 10 could not be on that list. Section 1, subsection 1(b)(1), "Pupils who are members of a household that lacks the financial resources necessary to access services to address loss of learning" is because we are trying to target those most at-risk pupils who are within school districts.

Assemblywoman Marzola:

Could we better define that so we know exactly what types of students it is including?

Senator Dondero Loop:

We do not want to be exclusive, I think, which is why we left that broad. If we start to define, we are possibly going to exclude.

Chair Bilbray-Axelrod:

We are going to move on to testimony in support of S.B. 173 (R1). I know we have a couple of folks on Zoom. We will start with Ms. Gonzales.

Yesenia Serrato Gonzales, representing Azulblue United by Autism:

We support S.B. 173 (R1), along with a parent leadership team I am part of. I would like to thank you all for giving me the opportunity to give my testimony regarding the importance of S.B. 173 (R1), not only to me but my children and my community as well. I am a single

mother and an advocate to three amazing sons who are enrolled in the Clark County School District, which includes my special needs son in fifth grade, and my neurotypical sons in sixth and tenth grades.

As Senator Dondero Loop stated, we know that learning loss because of the pandemic is a crisis that threatens to set many of our kids back with the potential of leaving behind a widened achievement gap. If we do not work now to correct it, it will have implications for the educational development for years to come.

I have seen firsthand my sons immensely impacted by the regression that virtual learning has caused them. From connectivity problems that caused absenteeism and truancy letters to be mailed to my home that threaten the possibility of being defined as a habitual truant, per *Nevada Revised Statutes* (NRS) 392.140; being retained, denial of credit, suspension of driver's license if 14 or older, cited/court action taken per NRS 62E.270 and 62E.430, to grading errors, extreme anguish, and mental distress, particularly my special needs son.

My oldest son went from being an honor roll A and B student to a failing student. My sixth grader cried because he was failing subjects he worked so hard on and even attended tutoring weekly. The type of instruction my sons needed was in-person instruction. This particularly affected my special needs son most, who has an Individualized Education Plan tailored to his educational needs. Virtual education did not meet or comply with his needs as well as many others.

I believe there is no education like having a face-to-face interaction with instruction with a teacher. Senator Dondero Loop stated she knows there is no substitute for one-on-one instruction time with students at any grade level in any subject. Our teachers are essential to the success of our kids. The fact is, there is simply no way to replicate the in-person instruction and the one-on-one time we spend with our students.

Senate Bill 173 (1st Reprint) would allow many children in my community to catch up, especially those with special needs and those with limited English proficiency or English as a second language to also feel full support, both academically and mentally, as a huge burden would be lifted off their shoulders. That would give parents a sense of peace knowing they will be able to take advantage of this bill. Assemblywoman Anderson said we are asking districts to specifically address our students who are most at risk, students who have experienced chronic absenteeism, students with financial needs, students who are not quite reading at their grade level, our pre-K or special needs students. The list is long.

As concerned parents, knowing that our children's education would financially be covered and help provide programs that would offer the children in our communities: (1) free summer school to pre-K to twelfth graders, whether in-person or virtual learning; (2) free transportation; (3) free school meals to our children who attend; (4) provide counselors to help with mental well-being; and (5) any educators or staff who participate would receive supplemental pay equal to their regular contract pay rate.

I fully support the Back on Track Act and the intent behind it to give every child the key opportunity to be successful academically. I believe it would also help boost many students' self-esteem, which is vital for their mental health and well-being. This will help our children get back on track. We cannot allow any more children to fall behind and become part of another statistic. Our children are the future of our great state. [Written testimony was also submitted, [Exhibit K](#).]

Joanna Bieda, Private Citizen, Las Vegas, Nevada:

I am a senior at the Advanced Technologies Academy in Las Vegas. As a Youth Legislator in the Nevada Youth Legislature, I hold an active interest in serving not only my own district's thousands of students, but Nevada in its entirety. As a lifelong Nevada student who has experienced nearly an entire school year online, I know that S.B. 173 (R1) is a way to get our kids back on track.

I came into the school year with the understanding that it would be tough, but I did not expect to have my education time cut in half, not to see friends I grew up with at all since last December, or even witness my own grades drop. Unfortunately, these issues are further reaching than just my school—they reverberate all throughout Nevada. When 38 percent of students are receiving at least one failing grade in the Clark County School District, we desperately need a summer learning option. When 50 percent of high school students are chronically absent in the Washoe County School District, we desperately need redeeming credit and attendance options. When it seems that nearly 100 percent of students feel behind in some capacity, it is our responsibility to change that.

Passing this bill is the first step in recognizing a solution that goes beyond any of us. Namely, Senate Bill 173 (1st Reprint) provides employees with a steady stream of income, allays several financial concerns of parents like my own, and beyond all else, encourages and educates those who have already lost so much. But it is also more than that. The populations we see consistently bearing the worst of the pandemic financially, educationally, and emotionally, will be prioritized the most, as this bill effectively establishes mental health services, lunch services, and more, all at no additional charge.

This year does not have to be defined by thousands falling behind, but in passing this bill, we have the opportunity to equip our students and educators with the tools necessary to forge ahead and fight back.

Chair Bilbray-Axelrod:

Thank you for being a part of our student Legislature. It is always nice to see young folks involved. Thank you for your testimony. We will move to testimony in support for those in the room.

Chris Daly, representing Nevada State Education Association:

The Nevada State Education Association (NSEA) supports S.B. 173 (R1) to create meaningful summer school programs to address the missed opportunities as a result of the COVID-19 pandemic and for its focus on education equity. The NSEA is also resubmitting a technical amendment for the Committee's consideration related to retirement accrual for 9-, 10-, and 11-month education support professionals [[Exhibit L](#)].

Educators understand distance education is not an ideal replacement for in-person classroom learning for most students, and educators have been concerned about the impact the COVID-19 crisis is having on education equity. In a nationwide survey of educators conducted by the National Education Association last year, educators' top concerns with distance learning were providing the same level of education for all students, the complexity of teaching students with disabilities, and absenteeism among students. Educators who work in schools with a higher percentage of students receiving free or reduced lunch reported lower class attendance and felt distance learning was less effective for their students.

As Nevada students are now able to access some form of in-person education, this summer is an important opportunity for learning and enrichment, especially for students with disabilities, students who are credit deficient, low-income students, our youngest students, and those who have been chronically absent. The NSEA would like to acknowledge our parent organization, the National Education Association, for their role in helping to secure funding to address this issue in the American Rescue Plan.

The NSEA applauds provisions in this legislation providing compensation for working in summer school based upon the contract rate, as lower summer school rates fail to attract enough experienced educators. We would ask school districts who run extended school years or extended studies this summer to consider parity in compensation for educators working in those other summer programs. We are also submitting an amendment for the Committee's consideration related to retirement benefit accrual for education support professionals who, unlike their licensed counterparts, would otherwise not accrue retirement service credits during the summer months this upcoming summer.

Chair Bilbray-Axelrod:

Mr. Daly, I know you know that is technically opposition testimony, but I know you do support the bill. Technically, it should be in opposition. The amendment I believe we all have on our desks is also on the Nevada Electronic Legislative Information System, if members would like to look at it. Thank you for your testimony in "support-ish."

Christopher Daly:

According to my members, it is in support.

Chair Bilbray-Axelrod:

Seeing no further testimony from those in the room, we will move to those waiting on the phone to provide testimony in support. I know we have a number of callers waiting to testify in support. I know we are excited about this bill, but if you could try to keep the testimony brief and if someone else says exactly what you wanted to say, feel free to say "ditto" or "I agree."

Tiffany Tyler-Garner, Executive Director, Children's Advocacy Alliance:

I am calling in support of this important legislation. We are encouraged to see the commitment to addressing learning loss resulting from the pandemic. We want to note, as stated in section 1, subsection 1(b)(3), that we hope strong consideration be given to ensuring that it addresses the full learning continuum, including pre-K. It is important to note that during the course of the last school year, there was a 14 percent decrease in the participation during pre-kindergarten. As we look toward the support in coming years, particularly if we look at the per-pupil funding, there may be a loss of opportunity or slots for pre-kindergarten as a result of changes to the formula and/or are pushed to stabilize the funding base there. We hope that this opportunity can be leveraged to ensure that it will include some form of remediation or initial learning for children who will be entering the school in hopes that we can ensure that they are school-ready when the fall begins.

We thank you for your consideration today and leadership on this issue, and we hope there will be a firm commitment to ensuring that all plans include a focus or support for participation in pre-kindergarten for children in Nevada. [Written testimony was also submitted, [Exhibit M.](#)]

Chair Bilbray-Axelrod:

Once again, I am going to say "support-ish." Unfortunately, the bill as written does not include pre-kindergarten, but we understand where you are coming from. We will go to the next caller in support.

David Cherry, Government Affairs Manager, City of Henderson:

Thank you for the opportunity to provide a statement of support for S.B. 173 (R1). We applaud the work of the Clark County School District to reopen our schools safely, and we look forward to all students returning to the classroom. While we acknowledge the efforts of the Clark County School District and the many community partners who helped to make distance education possible this year, the reported increase in failing grades alone indicates that many children have suffered a loss of learning during this time and achievement gaps have widened.

In these extraordinary times and with the unique opportunity of available funding, we must take bold and immediate action to provide the additional supports our students urgently need. Since 2015, the City of Henderson has invested more than \$6 million in Henderson schools

with revenue from marijuana business license fees and redevelopment area set-aside funds. We have committed \$200,000 to ensure that every Henderson student has access to a Chromebook for distance education this year, and have designated almost \$700,000 to continue sports and distance education into the next school year.

The City of Henderson will continue to be a partner in supporting our schools with supplemental learning, and we look forward to the passage of this bill and approval of a plan to address student learning losses and to move forward in Clark County. Thank you for the opportunity to share this opinion with members of the Committee.

Jennifer Loescher, Regional Math Trainer, Southern Nevada Regional Professional Development Program; and Senior Policy Fellow, Teach Plus Nevada:

Today, I offer the perspective of an educator who has worked within the Clark County School District for 21 years. As a Teach Plus Nevada Senior Policy Fellow, I support S.B. 173 (R1).

I support S.B. 173 (R1) for its intention to address the equity gaps that our students have experienced during school closures and remote learning as a result of the pandemic. There has been a decrease in meaningful student engagement during remote learning while our students and families had difficulties in securing the technology and connectivity. Our families continue to face hard financial circumstances, including secure housing. While we did all we could as educators, we were not in a position to ensure all challenges were addressed. Our students need additional opportunities to assess targeted academic and social-emotional supports in order to accelerate their learning.

I hope S.B. 173 (R1) will be passed to help students recover, maintain, and accelerate their knowledge and skills. Ensuring students have this opportunity is necessary to serve our students during this critical time of crisis. Thank you for this opportunity to speak in support of S.B. 173 (R1).

Jeffrey Horn, Deputy Executive Director, Clark County Association of School Administrators and Professional Technical Employees:

Our organization represents approximately 1,300 Clark County School District administrators, with 98 percent of those eligible to join our association being current members. We would like to voice our support for S.B. 173 (R1). With the loss of in-person learning that has occurred as a result of the COVID-19 pandemic, it is imperative that extra measures and wraparound services outlined in this bill are provided to our students, who have received limited in-person instruction due to mandated distance learning over the past school year.

Summer school sessions offered free of charge, specifically targeting students who are most at risk, will provide much-needed relief and support to school-age children and their families who are desperately in need of help. If passed, this bill will enhance student achievement and provide stabilization as well as a pathway back to traditional in-person learning while still allowing opportunities for students to connect online.

In closing, we would like to give a special thank-you to Senator Dondero Loop for bringing this bill forward and for always being a champion of kids. Thank you for your time and consideration on S.B. 173 (R1).

Emily Espinosa, representing Nevada Association of School Administrators:

The Nevada Association of School Administrators is the professional organization that represents school administrators throughout the state of Nevada. As stated in our mission statement, our first primary function is to promote legislation that improves education within the state.

Senate Bill 173 (1st Reprint) addresses the need for a plan to combat the loss of learning during the COVID-19 pandemic response, falling in line exactly with our goal as an organization. We appreciate the sponsors for bringing forward this important legislation and urge your support in passage.

Mary Beth Sewald, President and CEO, Vegas Chamber:

The Vegas Chamber is in support of S.B. 173 (R1). We believe this bill will help Nevada students across the state address the months of lost learning due to the COVID-19 pandemic. The harsh reality is that the pandemic has set back learning for all of Nevada students, as we all know. Reports show that the pandemic has caused further losses among students as it relates to the achievement gap.

The investment in our students by funding summer school across the state is an investment in their future, as well as Nevada's future. We believe these investments of federal dollars from the American Rescue Plan Act are essential to helping students achieve the goal of being either career-ready or college-ready when they graduate. It is simply a good education policy to invest in this type of program and help close the achievement gap for our students. The optional summer school for Nevada students will help address their educational needs, and the bill also provides funding for important services like transportation, meals, and lessons to students who want to participate.

Also, by providing those services during summer school, educators and educational support staff will have the opportunity to work. This reality is that home learning could never fully replace in-person classroom teaching. The optional summer school will provide aid in that transition back to classroom teaching with significant supplemental support for our students when it is time to go back in person completely. Recovery cannot happen in a single summer, but we can start taking the next vital step by ensuring each student can achieve their potential despite their grade levels and background.

Thank you, members of the Committee, for your time. On behalf of the Vegas Chamber, we urge you to support this bill.

Jared Luke, Director, Government Affairs, City of North Las Vegas:

I want to echo the testimony of those in support of S.B. 173 (R1) and add, when it was clear and evident that in-person schooling was going to be canceled, it was evidently very reactionary during the pandemic. We had never seen anything like this in the past. We did not know what we were looking at going forward. We started a micro school academy called SNUMA [Southern Nevada Urban Micro Academy] in August. Fast forward to when it looked like school was not going to get started again in January, we admitted additional kids into that program.

When you talk about learning loss and you read the statistics and numbers of what we should or could possibly expect, I will tell you right now that just looking at the difference in the kids who were there from August through December and then those kids who came in January, the learning loss was staggering.

I applaud the sponsors of this bill, Senator Dondero Loop, Assemblywoman Anderson, and Superintendent Ebert, for bringing this bill forward because it is needed. I think we probably do not know the extent of what we are going to be seeing regarding the long-term loss and the long-term effect of the learning loss from this pandemic. It is going to cost these kids for their future, future education, job creation, and the like. I applaud this bill and I hope that it passes.

[Written testimony in support was submitted but not discussed and is a part of the record [Exhibit N.](#)]

Chair Bilbray-Axelrod:

Are there any other callers waiting to testify in support of S.B. 173 (R1)? [There were none.] I will close testimony in support. Are there any callers waiting to testify in opposition? [There were none.] I see no one here in the room or on Zoom waiting to testify in opposition. I will close testimony in opposition. I will open the hearing for neutral testimony. There is no one here in the room or on Zoom. Are there any callers waiting to provide neutral testimony?

Marie Neisess, President, Clark County Education Association:

The Clark County Education Association (CCEA) is testifying in neutral on S.B. 173 (R1). This is a much-needed opportunity to reduce learning loss attributed to the disparities of access and equity exacerbated by the pandemic.

The learning loss experienced by students across Nevada is largely unknown, and the path toward reducing this loss will not be fully realized for years to come. Clark County Education Association educators know firsthand the instructional loss our students experienced as a result of the pandemic. This is why CCEA is in agreement with the Clark County School District to provide a robust and tailored approach for summer learning opportunities to a broad sector of students. Plans have already been made and are ready to implement.

We believe this is the right approach and respectfully stand in neutral to S.B. 173 (R1), which requires a role of the Department of Education that is not necessary. As this Committee knows, only a portion of students across Nevada will access the summer learning opportunities outlined in this bill, leaving many students behind, resulting in the widening of Nevada's achievement gap. Nevada must fully fund the K-12 education system so consistent and stable support and interventions are afforded to Nevada students so they can make the academic gains necessary.

For this reason, this legislative committee needs a designated revenue stream to fund education. During the 2019 Legislative Session, Senate Bill 543 of the 80th Session was passed with the intent of funding the Pupil-Centered Funding Plan in 2021. We are now halfway through the session without a discussion about additional revenue. The CCEA understands that to pass new revenue, we need a bipartisan effort led by the Governor. Any decision short of passing new revenue this session communicates that being ranked at the bottom of the nation in academic achievement is acceptable. You, as legislators, have the choice to lead on new revenue that students cannot wait for. [Written testimony was also submitted, Exhibit O.]

Jessica Ferrato, representing Nevada Association of School Boards:

The Nevada Association of School Boards includes all school board members in the state. We are testifying in neutral on S.B. 173 (R1).

As school board trustees, we have seen the negative impacts of the worldwide pandemic and have taken action to mitigate learning loss while keeping our students safe. All school districts have some in-person learning options, and the majority have been open since August. The needs across the state are not uniform and must be considered at a local level. Summer school has been used for years to provide continuous learning and bridge gaps for all students, including low-performing and minority students. All school districts are preparing to provide summer school and have started the planning process. School board members will review and approve the plans.

We all want to provide a robust program this summer to provide services to all students who want it. To best meet the needs of all students, decisions should be made at the local level. Our school board members and school districts understand the gaps in learning and can identify where to target resources and funding. We acknowledge and plan to use summer school as a tool to address the needs of our students, including for learning loss. In addition, we will continue leveraging the federal funding for other targeted resources to help our most vulnerable students and students impacted by the pandemic. We appreciate your time.

Mary Pierczynski, representing Nevada Association of School Superintendents:

We are in the neutral position on this bill. Our districts are planning summer school and have been working on those plans. We appreciate the fact that this bill is permissive and those districts that want to present their plans and apply for the funds will be able to do so. That is

important to our districts. There are still a few questions regarding the mechanics of carrying out mandates that are outlined in the bill, and that is why we are still in the neutral position. However, we certainly appreciate the work that has been done on this bill.

Leonardo Benavides, Coordinator, Government Relations, Clark County School District:

We are testifying in neutral to S.B. 173 (R1), as summer school plans are already underway. Summer learning opportunities will be provided for all pre-kindergarten through grade 12 students in the district. All schools will provide summer acceleration five days a week to support students' learning and social-emotional well-being, and offer instructional opportunities that accelerate students' learning, provide intervention and services for social-emotional support, facilitate study centers, and offer extracurricular activities for students.

Extended school year (ESY) services will take place and provide continued instruction for students with disabilities to retain learning over the long summer break. The ESY services will operate five days a week at designated schools within the district.

Approximately ten high schools geographically located throughout the district will also host secondary summer school for middle school and high school students for credit retrieval options and first-time course enrollment for high school students only. This secondary summer school will be provided five days per week. Also, Nevada Learning Academy, a district online school, will provide credit retrieval options and first-time course enrollment for students in middle school and high school.

We are testifying in neutral today as we do feel it is essential to provide summer school opportunities to students over the upcoming summer. We want the Committee to know that we already have this plan in place.

Chair Bilbray-Axelrod:

Are there any other callers waiting to provide neutral testimony? [There were none.] I will close testimony in neutral. Are there any closing comments?

Senator Dondero Loop:

I have just a couple of things in closing. One is a correction. This does include pre-kindergarten. You will notice that under section 1, subsection 1(b)(3). Once again, this is not a complete list; this is a broad list so we can include all, just as we did not include English 101 in the bill.

We would all like to thank you so much for your time, your questions, and your participation. We all want to do what is best for the children in our state. All of us want them to prepare for the future. As a former 30-year educator and a grandmother of five school-aged children, I have been living this last year with my kids. I believe the Back on Track Act is the logical glue that will help Nevada students who have fallen behind catch up, and ensure a return to normalcy in the fall under a new school year.

With this legislation, we will be able to restore the relationship between teachers and their students and empower children to learn in a setting where they can thrive. This past year has been tough on our kids, not just because of the educational disadvantages of distant learning, but also the mental toll of being away from teachers and their friends. Many of our students have felt isolated, and by allowing them to return to school this summer, we not only allow them to catch up on their school year work, but we allow them the opportunity to return to a day-to-day life that more resembles their lives before the pandemic. We will be able to alleviate the mental and educational burdens that many have faced as a result of this virtual learning. While we are looking forward to the day when this pandemic is behind us, the Back on Track Act will ensure, when it is all over, our kids have the ability to transition more seamlessly into a brighter future.

We have the resources we need to fund this initiative, the educators to execute it, and the students who are ready to learn. All we need now is for the Legislature to empower our school districts to establish these programs to the long-term health and benefit of not just our students, but our communities as a whole. Assemblywoman Anderson has just a few words to close.

Chair Bilbray-Axelrod:

Thank you for bringing up the pre-kindergarten issue. That is immensely important to me, so I do not know how my eyes skipped over that, but I am very happy, and thank you for all your hard work.

Assemblywoman Anderson:

I just want to say thank you. I appreciate the questions and the dialogue. I think the Back on Track Act will give our schools, our students, and our communities an opportunity to recover. Thank you again for this opportunity, and I am looking forward to further discussions.

Chair Bilbray-Axelrod:

I will close the hearing for Senate Bill 173 (1st Reprint). That brings us to the last item on our agenda, which is public comment. Before we go to public comment, I would like to remind folks to please state and spell your name. You are limited to two minutes. Public comment is for general items in the purview of this Committee. Are there any callers waiting to provide public comment?

Cyrus Hojjaty, Private Citizen, Las Vegas, Nevada:

I guess the real question is, are kids really learning in these public schools? They go to school, they attend class, but is there true learning? You talk about learning and education, but is it true education or is it just schooling?

Before I begin, I want to point out that when the kids were placed at home, was this really necessary? Did it reduce the number of deaths? How many individuals under the age of 18 experienced death?

The other issue is, when kids are going to school, they are memorizing, being obedient to teachers, doing massive amounts of homework, but are they really learning or are they just doing it because they are being pushed around and trained to do so? The issue is a lot of people seem to believe that grade and credential levels are true education. I do not buy into that. I switched high schools and my last high school I graduated in south Orange County, California, which was among the highest-ranking schools in the United States. However, when I moved, my grades plummeted. We often think that high-ranking schools means that kids are really learning, but in a lot of cases, it just proves obedience. The real education, the real learning aspect, is not just whether the student really understood the concepts, but are they going to apply it in the real world? If they are learning about a certain architectural style, and if they design a building with a certain style in the real world, then that is real learning. If they are just cramming for Scholastic Assessment Tests, Advanced Placement, and all these kinds of things, and all the content is gone in the next few days, then what is the point. We are spending all this money. It is time we measure real education by real-world contribution. It is time to really discover if these students are doing this because they want to, or it is just being shoved down their throats. We need to focus on real learning and not just schooling. Thank you so much, and I hope I opened your minds quite a bit.

Chair Bilbray-Axelrod:

Are there any other callers waiting to provide public comment? [There were none.] I will close public comment.

At this time, this Committee has 15 bills that were sent over and have been reported. I believe the second committee passage is May 14, in just a couple of weeks. We will get this done. We will be meeting on Tuesday, April 27, 2021, at 1:30 p.m. I will get the agenda out soon.

This meeting is adjourned [at 3:28 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 written testimony submitted by Doug Unger, Southern Nevada Government Affairs Representative for College of Southern Nevada, Nevada State College, and University of Nevada, Las Vegas; and University of Nevada, Las Vegas Chapter President, Nevada Faculty Alliance, in opposition to Assembly Bill 450.

[Exhibit D](#) is written testimony submitted by Kent Ervin, representing Nevada Faculty Alliance, in opposition to Assembly Bill 450.

[Exhibit E](#) is written testimony dated April 9, 2021, submitted by Staci Walters, Faculty Member, College of Southern Nevada, in opposition to Assembly Bill 450.

[Exhibit F](#) is written testimony dated April 22, 2021, submitted by Melody Rose, Ph.D., Chancellor, Nevada System of Higher Education, in neutral to Assembly Bill 450.

[Exhibit G](#) is a letter dated March 15, 2021, submitted by Catherine Cortez Masto, United States Senator, in support of Senate Bill 173 (1st Reprint).

[Exhibit H](#) is a letter dated March 16, 2021, submitted by Jacky Rosen, United States Senator, in support of Senate Bill 173 (1st Reprint).

[Exhibit I](#) is a letter dated March 17, 2021, submitted by Dina Titus, Representative, United States Congress, in support of Senate Bill 173 (1st Reprint).

[Exhibit J](#) is a letter dated March 17, 2021, submitted by Susie Lee, Representative, United States Congress, in support of Senate Bill 173 (1st Reprint).

[Exhibit K](#) is written testimony, submitted by Yesenia Serrato Gonzales, representing Azulblue United by Autism, in support of Senate Bill 173 (1st Reprint).

[Exhibit L](#) is a proposed amendment and written testimony, submitted by Chris Daly, representing Nevada State Education Association, regarding Senate Bill 173 (1st Reprint).

[Exhibit M](#) is written testimony dated April 22, 2021, submitted by Tiffany Tyler-Garner, Executive Director, Children's Advocacy Alliance, in support of Senate Bill 173 (1st Reprint).

[Exhibit N](#) is written testimony dated April 22, 2021, submitted by Tami-Hance Lehr, CEO and State Director, Communities in Schools; and Alex Bybee, Director, Strategic Partnerships, Communities in Schools, in support of Senate Bill 173 (1st Reprint).

[Exhibit O](#) is written testimony dated April 22, 2021, submitted by Marie Neisess, President, Clark County Education Association, in neutral to Senate Bill 173 (1st Reprint).