

**MINUTES OF THE  
SENATE COMMITTEE ON EDUCATION**

**Eighty-first Session  
April 28, 2021**

The Senate Committee on Education was called to order by Chair Moises Denis at 1:02 p.m. on Wednesday, April 28, 2021, Online and in Room 2134 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Moises Denis, Chair  
Senator Marilyn Dondero Loop, Vice Chair  
Senator Roberta Lange  
Senator Fabian Donate  
Senator Joseph P. Hardy  
Senator Scott Hammond  
Senator Carrie A. Buck

**GUEST LEGISLATORS PRESENT:**

Assemblywoman Venicia Considine, Assembly District No. 18  
Assemblyman Jason Frierson, Assembly District No. 8  
Assemblyman Howard Watts, Assembly District No. 15

**STAFF MEMBERS PRESENT:**

Jen Sturm, Policy Analyst  
Asher Killian, Counsel  
Ian Gahner, Committee Secretary

**OTHERS PRESENT:**

Karyna Armstrong, Student, University of Nevada, Las Vegas  
Sebastian Ross, Student, University of Nevada, Las Vegas; Editor-in-Chief,  
University of Nevada, Las Vegas, Gaming Law Journal  
Michael Flores, University of Nevada, Reno  
Sabra Newby, University of Nevada, Las Vegas  
Teresa Melendez

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Will Adler, Pyramid Lake Paiute Tribe  
Chris Daly, Nevada State Education Association  
Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada  
Marla McDade Williams, Reno Sparks Indian Colony  
Alyssa Gurule, Battle Born Progress  
Christi Cabrera, Nevada Conservation League  
Paige Barnes, Nevada Association of School Boards  
Sarah Park, Sierra Club  
Lindsay Anderson, Washoe County School District  
Andrew LePeilbet, Military Order of the Purple Heart; Disabled American Veterans; Chair, United Veterans Legislative Council  
Kelly Wuest, Administrator, Commission on Postsecondary Education  
Leilani Shive, Assistant Principal, Sunrise Mountain High School  
Erica Valdriz, Vegas Chamber  
Eric Gant, Executive Director of Adult Education and Corrections, Clark County School District  
Mary Pierczynski, Nevada Association of School Superintendents

CHAIR DENIS:

I will open the hearing on Assembly Bill (A.B.) 254.

**ASSEMBLY BILL 254 (1st Reprint)**: Revises provisions governing collegiate athletics. (BDR 34-879)

ASSEMBLYMAN JASON FRIERSON (Assembly District No. 8):

Assembly Bill 254 addresses a number of policy changes regarding compensation of student athletes at the postsecondary level.

College athletes earn billions of dollars annually for their schools, television networks, apparel companies and the National Collegiate Athletic Association (NCAA). According to the NCAA, more than 460,000 college students compete in collegiate sports. College athletics are a major revenue source for many athletic programs and schools, but how has that benefited the student athlete? The answer is very little.

A study released last October by the National Bureau of Economic Research found that less than 7 percent of the revenue generated by the NCAA—more than \$8 billion annually—makes its way to football and men's basketball players through scholarships and living stipends. Here is a direct quote from that study:

While intercollegiate sports are often described as student activities undertaken by amateurs, the economic reality is that athletic departments have developed into complex commercial enterprises that look far more like professional sports organizations.

This lack of fairness for the college athlete has been a contentious issue for many years. Although this is likely to change soon, the NCAA rules are still in place that prohibit these athletes from profiting from their names, images and likenesses. They cannot sign endorsement deals, sell autographs or memorabilia, earn money for appearances or strike business deals based on their participation in a college sports program while they are enrolled in school and on athletic scholarship.

A number of things are occurring at the National level which have bearing on this legislation. The first of these was the step California took with its Fair Pay to Play law, enacted in September 2019. The law lets student athletes endorse products and use their name, sport and school to identify themselves, but prevents them from using school logos or other trademarked property in the endorsements. This action launched a flurry of debate about what rights student athletes should have and the rules the NCAA has had in place for decades. Almost immediately, Colorado and Florida followed California by passing similar legislation, and by fall of last year, 33 other states introduced related bills. In response, the NCAA raised concerns about having to deal with a patchwork of state laws and asked the U.S. Congress to adopt federal legislation addressing this matter.

Congress did respond with the Senate Commerce and Judiciary committees holding hearings on student athlete compensation last July. In late December, a group of U.S. senators, led by Cory Booker and Richard Blumenthal introduced S.5062, the College Athletes Bill of Rights, which sponsors say will guarantee fair and equitable compensation, enforceable health and safety standards, and improved educational opportunities for all college athletes. The bill will give athletes revenue sharing rights and allow them to market their name, image or likeness with minimal restrictions. It also calls for lifetime scholarships and increased financial aid for current and former college athletes with medical bills and other expenses from sports-related injuries and illnesses from coronavirus. The bill will likely be reintroduced during the new 117th Congress and, if it becomes law, will transform the economics of college sports.

The next development is from the NCAA itself. After California's Fair Pay to Play law passed and other states began to take action, in April 2020, the NCAA announced it supports rule changes which allow athletes to be compensated for the use of their names, images and likenesses. However, its position is that any such deals would have to come from a third party. In that way, colleges and universities would still not be allowed to pay the athletes directly so athletes would not be considered employees of the institution. However, the NCAA's revised rules are not expected to formally take effect until the start of the 2021-2022 academic year.

The last development concerns the U.S. Supreme Court's recent decision to hear two cases during its 2020-2021 term. In *NCAA v. Alston* and *AAC v. Alston*, the Supreme Court will decide whether the NCAA eligibility rules for student athletes, which prohibit pay-to-play, violates antitrust law. While the NCAA disallows pay-to-play, it does allow schools to reimburse student athletes for their reasonable and necessary academic and athletic expenses. The student athletes in this case claim the NCAA student athlete payment limits are an anticompetitive restraint of trade in violation of federal antitrust law.

There are a significant number of actions taking place at the national level within the next year that will have an impact on student athletes. For that reason, A.B. 254 requires a study to review these matters during the interim period.

Assembly Bill 254 contains three major components to address the next steps. Section 5 provides that a public or private postsecondary institution, or the NCAA, may not prevent a student athlete from being compensated for the use of the student's name, image or likeness, or prevent the student from obtaining professional services. Second, a public or private postsecondary institution, or the NCAA, may not compensate the student athlete for the use of their name, image or likeness.

Section 5 prohibits any related impact on the student athlete's scholarship. It also prohibits the NCAA from disallowing the student's participation in intercollegiate sports for such compensation or use of services and further prohibits the organization from preventing the institution itself from participating in the NCAA for the same reason. Additionally, an institution may adopt reasonable restrictions to ensure student athletes entering contracts are not contrary to the mission of the institution.

The second significant portion of the bill is contained in Section 6. This section contains three major components. First, a student athlete is authorized to enter into a contract with an organization that provides for the compensation of the athlete for the use of the athlete's name, image or likeness. Such an organization may not be either the institution they attend or the NCAA. Second, the contract itself may not conflict with any contract between the institution itself and the student athlete. Third, any such contract must be disclosed to the institution, and a procedure is specified when there is an alleged conflict between the contracts.

Section 6.3 and section 6.7 provide that a student athlete may be required by an institution to receive education or training in contracts, financial literacy or similar education. Prospective student athletes will be required to disclose any previous existing contracts before signing a letter of intent with an institution.

Finally, section 8 of the bill requires the Legislative Committee on Education to appoint a committee to study the use of the name, image and likeness of a student athlete. Membership of that study committee includes representatives of the Nevada System of Higher Education, student athletes, athletic coaches and program administrators. The Committee is charged with studying existing bylaws of State collegiate athletic associations and those of the NCAA. It must review State and federal laws relating to compensating student athletes and report its findings to the Legislative Committee on Education for transmittal to the 2023 session of the Nevada Legislature.

The discussion about the economic exploitation of our college and university student athletes has been around for as long as I can remember. I commend California for taking the first legislative steps that sparked this national debate. It is past time we deal with this matter, and A.B. 254 is the vehicle Nevada needs to ensure our student athletes are treated fairly.

On a personal note, I understand what these student athletes go through. I attended the University of Nevada, Reno, in 1983 and was a student athlete. I jokingly note that I can still run if a dog is chasing me, but that is as far as it is goes. These student athletes sacrifice their bodies. They do it at the detriment of themselves but at the significant benefit of institutions. Assembly Bill 254 intends to ensure these student athletes are not compensated for playing but are compensated for use of their name and likeness and taken care of down the road long after they are no longer participating in athletics.

KARYNA ARMSTRONG (Student, University of Nevada, Las Vegas):

What started off as a writing competition in our Law School has turned into A.B. 254. This bill is important to me because I am a former collegiate athlete. I saw firsthand how much money colleges make off their athletes. I saw how much my teammates and other athletes struggled financially while athletes.

When people see or learn of A.B. 254, they think of the big sports such as men's basketball or football. They are the big revenue-generating sports. I think about the smaller sports because I was a part of them. I was on the track-and-field team. The NCAA likes to call these sports equivalency sports, which means student athletes on these teams can get anywhere from 1 percent to 100 percent of a full-ride scholarship. However, they are still required to do everything a full-ride scholarship athlete is to do.

These sports include track-and-field, swim-and-dive, gymnastics, tennis and softball. Athletes of these sports cannot get paid for even giving lessons to young kids. Many of these athletes are not on full-ride scholarships. They are participating and cannot hold a job due to obligations of their sport. Many of them send money back home to help their families. People like to think that does not happen, but it occurs frequently.

Making money for something as simple as a lesson to a kid or attending a local business opening is important and beneficial in the long run when they do not have time to work. Athletes in these smaller sports do everything that athletes do in big sports, but they often peak in college. Assembly Bill 254 allows these students to make money off their name, image and likeness when they are at their peak. It provides opportunity for all college athletes.

SEBASTIAN ROSS (Student, University of Nevada, Las Vegas; Editor-in-Chief, University of Nevada, Las Vegas, Gaming Law Journal):

Karyna and I were presented with an opportunity during our first semester of law school to participate in a competition sponsored by the Boyd Policy and Legislation Society. Given the countless hours we spent on our own athletic careers, crafting legislation geared toward student athlete equity made sense. I am a former Division III player, and although my experience differs from my two colleague and copresenters, my brief playing stint enlightened me about business principles regarding institutional profit at the collegiate level.

Another imperative lesson I learned came from my teammates. It becomes easy to characterize your teammates as family. I remember seeing my brother's struggle financially and exercise financial illiteracy. For example, ordering a Big Mac instead of something off the dollar menu was not only viewed as a delicacy, but perhaps it was exercising financial illiteracy.

This happened simultaneously as the university we played at approved plans for expanding athletic facilities while collecting consistently inflating tuition from inner-city youth. In candor, there are few examples of our brothers having the same financial gain paralleling the financial growth of our own institution. A number of them were in the same dire financial situation upon which they entered school. I am fortunate with an opportunity in furthering my education, but a number of my brothers do not share that same fortune.

One thing many, if not all, of us share is waking up with various physical ailments as a result of our sacrifice. My brothers and I signed up for the Division III pay-to-play model. We assumed the risk of our sacrifice. Unfortunately, I do not know if we would say the reward came with the risk we paid. There is no doubt in my mind that hosting a camp or promoting a local business through social media and receiving pay for the work would have made the notion of financial comfort more plausible.

Assembly Bill 254 benefits the quality of life for athletes contributing to Nevada's economic development. Historically, a number of Nevadans are proud in believing that Libertarian values have empowered residents in their success in the economic marketplace. Adoption of this bill gives athletes the opportunity to enter into the marketplace, enabling one to find her or his own value. For some athletes, this might be the only time in their life where they have an opportunity to make money off their athletic ability. If they want to go out and work, go out and earn money legally, the question then shifts to "why would we restrict their autonomy?"

SENATOR LANGE:

The NCAA is the ruling body of sports. Will A.B. 254 supersede or complement their laws?

ASSEMBLYMAN FRIERSON:

Assembly Bill 254 would be State law. The spirit of this bill is saying that the NCAA will be making changes like this, and we need to step out of the way.

The NCAA is a professional structure, but it is not a legislature. They would have to abide by the laws of any state where they exist.

SENATOR LANGE:

The NCAA could not sanction us if we allow our athletes to get compensation for the use of their name?

ASSEMBLYMAN FRIERSON:

The NCAA has already indicated support for this idea. We are in a transition period. What we want to do is prohibit higher education institutions from having rules that would conflict with the direction the Country is going.

SENATOR DONDERO LOOP:

There are many times where an athlete will go to schools and do things with kids. I love these events because kids look up to the athletes. It is a great way to endorse education and activity. Will those events be certain times when student athletes need to be paid under A.B. 254, or will those still be gratis-type activities?

ASSEMBLYMAN FRIERSON:

Nothing in this bill requires that a student athlete be paid or mandates a school pay them. Assembly Bill 254 allows him or her to be paid if there is a special event or circumstance where the incentive is for him or her to be paid and there is a motivation for the event organizer to have that athlete.

MR. ROSS:

Ditto on Assemblyman Frierson's remarks. I will add that perhaps we can give the players the benefit of the doubt in thinking they will still want to do events out of the kindness of their heart for free.

SENATOR DONDERO LOOP:

Thank you. The only reason why I brought it up is I am afraid of the university system passing this financial expectation to the schools running these events. I want to ensure that is not passed along.

ASSEMBLYMAN FRIERSON:

Assembly Bill 254 is specifically designed to protect the player, not the institution. It does not provide the institution an opportunity other than getting out of the way of this trend we are seeing across the County.



SENATOR DONDERO LOOP:

As a nod to Ms. Armstrong and other female athletes, I hope they get as much respect, honor and pay that our male counterparts do.

SENATOR HAMMOND:

I am in favor of A.B. 254. I like the material, it reminds me of a movie I watched called *One on One* with Robby Benson. There were problems with collegiate athletes back then the movie highlighted. Many people make the argument that you all get a scholarship in exchange for your athletic service. Meanwhile, the institution and NCAA are making a lot more money on your likeness and athletic prowess.

I like that we are pushing the NCAA to look at how we can be fair to student athletes. Many of them, especially in Division III, will not get the same sort of medical attention you will get in a Division I school. In junior college for example, sometimes athletes are used up and then discarded when they cannot play anymore.

I noticed A.B. 254 concentrates on athletes. The reality is we are seeing students from different fields get into the public eye quickly. You have things like Esports coming into campuses recently. We have to start looking at how you help other students.

ASSEMBLYMAN FRIERSON:

The distinction is the other students you are talking about are not contractually limited whereas a student athlete on scholarship are expressly limited. Part of A.B. 254 refers the matter to the Legislative Committee on Education to examine it further. I agree with you. Especially in this digital age where if there is an entrepreneurial student famous on TikTok who is unable to reap the benefits if the university policy prohibits it, the Legislative Committee on Education can look into that issue.

Miss Armstrong was articulate in giving examples. Those examples are real; they happened to her and to me. I am familiar with northern Nevada because I could not afford to go home on certain holidays. When school ended I had to find an apartment, which means I had to have a deposit. I did not have any source of income to do so. At the same time, I was sending money home to families. Those were unexpected consequences of getting a scholarship these athletes find themselves in by wanting to teach a summer camp or something

similar and are unable to due to institution restrictions. Assembly Bill 254 seeks to address a problem through contractual limitations.

SENATOR HAMMOND:

I agree. The study during the Interim has to determine if there are other things we can do. To your point about the current situation, there are athletes who not only have financial limitations, but there are certain times of the day they have to be at a practice. For some, it is for several hours of the day, and you do not have time for a job.

I did notice in the makeup of the Committee that we are appointing one person who is selected by the Majority Leader. I have been seeing this more often lately. I would hope that we expand that criteria to allow the minority party to have a say.

ASSEMBLYMAN FRIERSON:

I do not disagree; there is a certain level of accountability with the ability to appoint. There should be collaboration between leaders to make sure there are worthwhile appointments.

SENATOR HARDY:

This bill is wonderful. However, I am concerned about the transfer to another state that does not have this benefit. Will A.B. 254 put a crimp into the transfer process to another state? Will this affect the Olympics? Will it prevent the athlete who knows what he or she is doing from teaching a high school student or something else?

ASSEMBLYMAN FRIERSON:

I can address the first part of the question. You are absolutely right, and that is why Congress is concerned. They believe there should be a consistent policy across the Country, and they will take this concern up in the next Session. The NCAA is also looking at having a single rule throughout the Country. We cannot control what other states do, but we can certainly be a leader and an example. There are 33 states looking at similar legislation. As this movement continues to develop, you will see fewer states that are not consistent with what will ultimately be the policy for Congress and the NCAA.

SENATOR HARDY:

Your university alumnus just came out saying they do not like transfer students, but they want to get them. If we pass A.B. 254, maybe it will keep students here and not transfer elsewhere. I asked the question about the Olympics as well.

I heard the plea from our athletes to do something with their prowess in coaching ability. Is that addressed in this bill?

ASSEMBLYMAN FRIERSON:

I do not want to speak to the Olympics because that is an entirely different governing body. To your coaching question, those are the activities expressly covered in A.B. 254. Right now, it is difficult for an athlete to be compensated at all, not just for use of their name or likeness. They are frequently prohibited from working during the school year anywhere. This bill intends to allow them to take advantage of the notoriety they have developed in their community and be compensated for it.

SENATOR HARDY:

That was my question; I did not see anything in A.B. 254 that allowed a student athlete on the collegiate level to coach on a lower level and be paid.

ASSEMBLYMAN FRIERSON:

The crux of the issue is that the language in the contracts that students sign expressly prohibits them from making money. It is not focusing on what the money is for as much as they are not allowed to make money at all.

SENATOR LANGE:

We have high school athletes who are great. Once a high school athlete has signed with a college, is that when they could start earning money?

ASSEMBLYMAN FRIERSON:

I cannot speak to the high school nature of it and to a student who is underage because there are legal issues concerning signing a contract. However, when you sign a contract, that is when A.B. 254 would kick in.

SENATOR LANGE:

When kids sign to go to a college, that is when A.B. 254 would make a big difference. This would change everything for them.

MICHAEL FLORES (University of Nevada, Reno):

We are monitoring bills at the federal level and working with the NCAA on all the action happening in this area. We look forward to working with Speaker Frierson on the Legislative Committee on Education to do what is best for our student athletes and our State. We are in full support of A.B. 254.

SABRA NEWBY (University of Nevada, Las Vegas):

We support A.B. 254. We have worked with Speaker Frierson on a number of amendments on the Assembly side. The University of Nevada, Las Vegas (UNLV), is a student-centered institution. We view this legislation and legislation at the federal level as supportive of our student athletes.

CHAIR DENIS:

I will close the hearing on A.B. 254 and open the hearing on A.B. 88.

**ASSEMBLY BILL 88 (1st Reprint)**: Makes various changes relating to governmental entities. (BDR 34-147)

ASSEMBLYMAN HOWARD WATTS (Assembly District No. 15):

I'd like to start by recognizing that we are gathered on the occupied territory of the Washoe people, who served as stewards of this land since time immemorial. It comes as no surprise that Nevada and our Nation have a complicated and conflict-filled racial history. From slavery and genocide to discrimination, the actions of the past ripple into the present and require us to recognize and address the lingering effects. One of the legacies that periodically needs to be addressed is the language and symbolism that we use, as we look back and realize the things that were once acceptable and commonplace are not any longer.

Assembly Bill 88 looks at this language in two areas—our school identities and our place names. Additionally, after consultation with Native leaders in the State, I have submitted a proposed amendment (Exhibit B) that would address a third area—so-called “sundowner sirens.”

These are issues whose time has come. When we look at school and team identities, we are seeing changes in professional sports, including the Washington football team and Cleveland baseball team. Here at home, Hey Reb was recently retired at UNLV, my alma mater. When it comes to place names, recently a peak at Great Basin National Park which had been named for

Jefferson Davis, the president of the Confederacy, was restored to its traditional Shoshone name Doso Doyabi. Research conducted in 2015 by a group called Vocativ cross-referenced every term in a database of racial slurs against the 2.2 million official names tracked by the United States Geological Survey and found more than 1,400 places containing racial slurs in their names, including 60 here in Nevada.

TERESA MELENDEZ:

We have a sordid history with Indigenous people on this continent. It is uplifting to see states like Nevada are recognizing that history. Assembly Bill 88 is a great step forward in acknowledging racist practices in Nevada history and finding solutions.

There is a national trend recognizing that Indian mascots are a racist, outdated process. We have excellent research on the topic. An organization called IllumiNative works to uplift indigenous voice, narratives and making our truth visible to the larger population. They have done research on the Indian mascot phenomena, which needs to be retired.

IllumiNative shares that racist mascots increase negative stereotypes of Native people and creates the false perception of native people as aggressive. Native mascots and fan behavior associated with the use of these mascots impacts native youth by lowering self-esteem, increasing rates of depression, self-harm, substance abuse and discrimination in schools.

In Indigenous communities, we are used to being told our perceptions are not reality. Our histories are often whitewashed or not told at all. When A.B. 88 was heard in the Assembly, there were several passionate callers who gave personal testimony what this bill meant to them and how native mascots affected them. These callers were subject to racial slurs and actions while growing up as young people.

I remember during my time growing up in Michigan, during homecoming week all through downtown in Tecumseh there would be signs everywhere saying things like "scalp the Indians," "massacre the Indians" and "kill the Indians." People who have not lived that history do not realize those words are directed towards them and are a reality of their ancestors' history. They are harmful.

The argument against this is that schools are honoring Indigenous people when they use Indian mascots. We know the majority of Indigenous peoples in the U.S. say they do not feel like they are being honored, and the actions of fans are often discriminatory and seen as racist. Indigenous people, for decades, have been asking Indian mascots be prohibited in the K-12, collegiate and professional athletics system. There is a trend across the U.S. that this conversation is being recognized as a legitimate need to remedy race relations.

Assemblyman Watts talked about the renaming of a place name in Nevada. To remind everyone, the Washoe, Shoshone and Paiute people have named all the lakes, rivers, mountains and valleys of this State. Each one of those places has been renamed by the settlers who stole their ancestral homeland. The practice of restoring those places to their original name would be a beautiful gesture. At the least, if those places would be renamed to something which is not racist, that would be a great move forward as well.

Finally, I want to discuss the sundown sirens. There are several sirens in Nevada. One specifically I want to draw your attention to is the Minden siren in Douglas County. The tribe on those traditional homelands are the Washoe Tribe of Nevada and California. The tribal chairman of that community has sent a letter to Douglas County and Minden asking them to stop ringing the siren. The response was the siren no longer signals that communities of color need to return of their home before the sun goes down. The siren now honors first responders.

When messages are expressed, the communities who have been oppressed by those practices know their concerns are not being taken seriously and are being dismissed. Everyone who comes from communities that have been oppressed by sundown sirens know what those sirens mean and what they have historically meant. It is hurtful. Twice a day you hear this siren that reminds you of the oppression your ancestors experienced.

A lot of the practices in Nevada are recent. We talk about discriminatory practices, and we think about our great- and great-great-grandparents' generations. However, Indian boarding schools were not shut down until 1980 in Nevada.

ASSEMBLYMAN WATTS:

Some may be concerned that we are erasing history, but I disagree. What A.B. 88 does is create processes and dialogue, all of which will be meticulously recorded and become public record. Assembly Bill 88 is making history and promoting necessary conversations for us to have. It brings History forward and educates our community on these issues. We can find words that honor the stories of these places and institutions while also honoring the diverse cultures and communities that call Nevada home. By moving this bill forward, we set a strong moral example to others by creating a process where we can all come together publically to discuss and address these historical inequities.

A local anecdote I want to mention is the Squaw Valley Ski Resort, which is just over the border in California. A couple months ago they decided to change their Squaw Valley name after talking with Indigenous community members and leaders. We are looking to continue that work as the term is used repeatedly in Nevada's landscape.

Section 1 of A.B. 88 requires that the board of trustees for each school district and governing board of each charter school in the State adopt a policy that prohibits the usage of names, logos, mascots, songs or other identifiers that are racially discriminatory. Should a school choose to use an identifier associated with a federally recognized Indian tribe, the board must obtain permission for the use of this identifier from that tribe.

This is a difficult topic. We know there are schools located on tribal land which primarily serve Indigenous students. In some cases, there are schools that have received permission from a local tribal government for the use of that imagery. We are trying to create a process that engages tribal government, have them involved and provide approval if they do not find the imagery derogatory or discriminatory. Section 3 establishes a policy mandate for the Nevada State Board on Geographic Names to recommend new names for landmarks containing racially derogatory language. The proposed amendment would require that "sundowner sirens" no longer be sounded.

CHAIR DENIS:

Is the amendment to A.B. 88 new? Was it heard on the Assembly side?

ASSEMBLYMAN WATTS:

That is correct. We ran out of time before the deadline and wanted to make sure the amendment was legally germane to A.B. 88.

SENATOR HARDY:

There is a lot of merit to what you are saying. I do not know enough to give you a list of derogatory names, but I am sure someone has compiled a list of names that some of us have used innocently. Regardless, that does not excuse the fact that someone else can perceive that term as offensive. If there is a list of those names, I would appreciate getting a copy of that for my reference.

The siren piece of this A.B. 88 is interesting. If there is a use for a siren that exists, that would make better sense than misuse of it. Section 3, subsection 1, paragraph (f) states "Legislative Commission." I would be more comfortable if it was the entire Legislature instead making decisions on geographical names to be changed due to the impact of that decision. I had a thought regarding Carson City. Obviously, Kit Carson has a history. That has got to be on somebody's list.

ASSEMBLYMAN WATTS:

I can send a comprehensive database of racial slurs that has been compiled by independent researchers. There have been policies or legislation that have taken specific terms, related to Indigenous people and sought to blanket outlaw their use. That is not how A.B. 88 operates. Instead, it tasks school governing bodies to put a process in place. Once that process is in place, it would clearly lay out how if somebody feels a mascot, term, song or something else is offensive, they could bring that complaint forward. The governing body would then go through an open process to evaluate that complaint. We are not providing explicit proscription. We are not trying to get rid of any particular thing. I want to ensure we have a process in place where these types of issues can be brought forward and discussed in an open way.

Regarding your comment on sirens, I agree. The language in A.B. 88 is tailored quite narrowly to address sirens that were created for the sole purpose of racial discrimination. That is separate from any sort of siren that has a utility. Even if the claim is the purpose of a particular siren has changed from discriminatory practices, if there is something which had a deeply discriminatory history, you can understand why others would have a problem with that practice.



To your last question on geographic name changes, we already have an existing process in place. It is a board which has a variety of appointees and representatives from different governmental entities. The process is when naming or suggesting a rename, it should go through that State body. It then goes to the U.S. Board on Geographic Names. All we can do is make a recommendation. The U.S. Board must make the change.

SENATOR HARDY:

The way the bill reads, it would be the Legislature or Legislative Commission.

ASSEMBLYMAN WATTS:

In section 3, we would have the board submit a report on an ongoing basis to the Legislature about any deliberations in this area. It is just to provide information on what is going on.

SENATOR HARDY:

Can you speak regarding my Kit Carson question?

ASSEMBLYMAN WATTS:

The original bill did include language to add people with a racially discriminatory history. That opens a lot of doors and debate. The debate is needed at certain points, but I wanted to start by getting a policy in place to address the most egregious discriminatory examples. There are many things named after people who have complicated histories. There are positives and negatives to many people. Particularly in Clark County, we have schools named after people and upon closer review I am sure you could find questionable or problematic aspects to their history. We took that section out of the bill. Assembly Bill 88 is focusing on language or symbols that are themselves derogatory or discriminatory, not addressing things that are named after people.

SENATOR DONATE:

I am glad A.B. 88 came forward. What happens if a school refuses to change a mascot if it is determined it is offensive?

ASSEMBLYMAN WATTS:

The mandate within A.B. 88 is to create a process where the discussion and decision can happen. We are setting up a public policy position from the State that these things should be addressed. I do not think it makes sense for the Legislature to try and decide every individual case in statute. Ultimately we are

asking those governing bodies of the schools create those processes so they can have the discussion and make a decision in an open and transparent way. After that decision is made, any existing policies can be challenged. A decision can always be revisited in the future.

WILL ADLER (Pyramid Lake Paiute Tribe):

Assembly Bill 88 will look to stimulate a conversation about these landmarks and names to try and educate folks. The way I see it, this bill meets people halfway as far as bringing racial conversations forward.

CHRIS DALY:

I have a supporting testimony letter ([Exhibit C](#)).

CHRISTINE SAUNDERS (Policy Director, Progressive Leadership Alliance of Nevada): We support A.B. 88. 2020 was a year of reckoning like never before where hundreds of thousands of people across the Nation took to the streets to demand action to address systemic racism. There are many terms still used in the State which retain a connection to overt systems of racism and oppression. Mascots and Confederate generals have been symbolic of White supremacy culture as they serve as a reminder of the Civil War and the slaveholding South. Indigenous mascots are a form of cultural appropriation. The unacknowledged or inappropriate adoption of the customs, practices and ideas of one or more marginalized societies often present stereotypical images that desecrate tradition.

In addition, there have been real impacts of racial stereotyping and inaccurate racial portrayals, particularly in places of learning. They have been found to be harmful to the self-esteem and development of communities. The American Psychological Association called for an end to using indigenous mascots over 15 years ago. In the past year, we have seen brands like Aunt Jemima, Uncle Ben's, Cream of Wheat, Land O'Lakes, and Disneyland make changes to their racist imagery. It is long past due for Nevada to acknowledge our past and make amends to the diverse populations who call our State home.

MARLA MCDADE WILLIAMS (Reno Sparks Indian Colony):

We support A.B. 88. In 2014, Chairman Arlan Melendez joined other leaders throughout Indian Country to speak out against racially offensive mascot names. At that time, the National Congress of American Indians adopted a resolution noting that:

The limited and sparse representations of Native Americans in media and popular culture comprise a significant portion of what children learn about Native people, and thereby impact their identity formation by reinforcing stereotypes about Native cultures from the past and present.

On a personal note, I went to Elko High School whose mascot is the Indians. There has been awareness in that community because at some point the caricature Indian head was changed to be a more respectful representation of a Native headdress. However, today there are competing online petitions advocating for and against keeping the mascot. I was a Native student athlete, and I had to compartmentalize and separate myself from my school's mascot. As a student, you are powerless to do anything else, and you have a mixed sense of pride for your school.

Further, you may have seen the comments this week where someone on a national platform said, "Yes we have Native Americans. But candidly there isn't much Native American culture in American culture." Until our institutions and law start recognizing that Natives are more than a mascot, this view will continue to be expressed in our State and in this Country.

We support the proposed amendment to A.B. 88 as well.

ALYSSA GURULE (Battle Born Progress):

We support A.B. 88. It is past time that we prohibit the use of these racially derogatory identifiers in school. Racism has been deeply ingrained in the fabric of our society. This has made it difficult for communities to confront the racism that exists within our system. Nevada can become a State which will lead on this issue and confront it by passing this bill. We have recently seen UNLV retire its mascot. While it was a decision that took a while, it was necessary. We cannot allow this to happen again in Nevada. The use of racially discriminatory identifiers can perpetuate racial stereotypes and have harmful effects. There are studies that show exposure to Native stereotypes and racist mascots can become damaging to self-esteem. It is crucial we create a welcoming environment for everyone in our State. Passing A.B. 88 would ensure we are finding a way to honor different communities rather than continue to use them in ways that are dehumanizing.

CHRISTI CABRERA (Policy and Advocacy Director, Nevada Conservation League):  
We support A.B. 88. We are especially supportive of section 3, which requires the Nevada State Board of Geographic Names to recommend changes to the names of geographic features and places that are racially discriminatory. Broken and racist systems must be addressed before we can truly have a healthy and just environment. It is past time to change the offensive names of public lands and places. Our public lands and sites tell a unique story about Nevada's history and should reflect the narrative that is inclusive of communities who have made a positive and lasting contribution to our State. While our Country continues to reckon with our racist and bigoted past, this is an important step Nevada can take to rightfully reclaim and retell our history in a manner that honors those who came before us and allow our Country to heal from the hurtful and dangerous narratives of the past.

PAIGE BARNES (Nevada Association of School Boards):  
We support A.B. 88.

SARAH PARK (Sierra Club):  
We support A.B. 88. I am a female of color in public high school, and this bill is important. I have faced racism in this system; it is inevitable, but I could not fathom a racial slur about me being celebrated to fill school spirit. However, that situation is status quo for many minorities. Many mascots' names, identifiers and more are appropriated from a culture, especially Native American culture. Too often in the past, names have disrespected indigenous cultures or insulted other races. Not only is this harmful to the group effect, it reinforces false and harmful stereotypes. This virulent racist practice should be prohibited. The U.S. was founded on tenants of equality, and permitting these racist identifiers is harmful to individuals and entire communities in our Country.

The Sierra Club is working hard to make changes so everyone of all ages, ethnicities, genders, religions, LGBTQ and others are included, welcome and comfortable. We hope this will be adopted by others so that schools and other public buildings will be included. Thanks to this legislation, Nevada can be a model for its Country. Every entity should actively seek to promote equality and create equitable safe spaces.

MS. NEWBY:  
We support A.B. 88. The University of Nevada, Las Vegas officially retired their mascot, Hey Reb, in January 2021. We believe this action was an important

step toward achieving social justice. U.S. News and World Report ranks UNLV as the second most diverse university in the U.S. Actionably working towards anti-racism and equity is not just the right thing to do; it is part of our student-centered approach for our diverse community of students, faculty and staff.

LINDSAY ANDERSON (Washoe County School District):

We support A.B. 88. This policy is in line with our adopted anti-racism policy, and our school committee takes this seriously.

ASSEMBLYMAN WATTS:

These are often difficult conversations, but they are important for us to have. Assembly Bill 88 is a smart next step towards having these conversations and addressing some of the issues as a result of our history in this State.

CHAIR DENIS:

I will close the hearing on A.B. 88 and open the hearing on A.B. 169.

**ASSEMBLY BILL 169 (1st Reprint)**: Revises provisions governing higher education. (BDR 34-745)

ASSEMBLYWOMAN VENICIA CONSIDINE (Assembly District No. 18):

Assembly Bill 169 originated as a consumer protection bill, which it still is, but it was a journey for me to learn the depth and breadth of the private postsecondary education system in the State. Speaking with the Commission on Postsecondary Education and other stakeholders, we came up with consumer protections for students who want to attend a private postsecondary institution in this State. This bill is timely because whenever there is an economic downturn you have more people who are either out of work or readjusting what they want to do in the future. As a result, they are looking to educational institutions to help them bridge from where they are to where they want to be. While this is going on, there is a high propensity for new schools to pop up that do not necessarily have the education of the student at the forefront.

Section 1, subsection 1 and subsection 2 require that a postsecondary educational institution does not engage in recruiting activities where prospective students cannot reasonably be expected to make informed decisions. This does not mean they cannot engage in recruiting activities at a center for employment opportunities operated with the support of local, State or federal government

and with the permission of that center. These provisions are for schools that are making promises or reaching out to people in the homeless corridor or in areas where it is clear that these persons may not be able to afford to go to a private postsecondary institution.

We added the words "current and complete catalog" in section 1.3, subsection 1, paragraph (a). This was done with the input of the Commission on Postsecondary Education to ensure the catalog or brochure has all the information someone would need to make an educated decision as to whether or not they want to attend this institution. That paragraph also states "the information must be provided before signing an agreement to enroll." One of the things I learned during this process was there were issues on agreements to enroll and whether the signing was done in an informed manner. Having someone go through an enrollment agreement with the potential student and ensure they understand is important.

Contracts are complicated in many situations and starting a relationship with a student by explaining all the provisions of an enrollment contract is respectful. It is the first step in educating that student who wants to make a better life. It is for this reason that section 1.3, subsection 1, paragraph (d), subparagraphs (1) and (2) state:

Include a statement that the student or the student's guardian and the office of the institution have reviewed each section of the agreement and had the opportunity to ask questions; be printed in at least 10-point font ... .

It may seem strange to establish a specific point font in this bill. The reason for this was I ran across enrollment agreements with text as small as six- or eight-point font. The 10-point font is a minimum.

Section 1.3, subsection 1, paragraph (d), subparagraph 3, sub-subparagraphs (I) and (II) state these institutions must include a cancellation policy that "provides that an agreement to enroll may be cancelled not later than 3 days after signing the agreement; and contains clear language explaining the process to cancel an agreement to enroll."

This provision is designed to protect the student and offer them a way to back out of an agreement if they decide later the decision they made was not what is

best for them. Having a three day cancellation policy is fairly standard across many contractual obligation types across many areas.

Section 1.3, subsection 1, paragraph (g) states the enrollment also must "include a disclosure page or prominent link to the disclosure page on the main page of the Internet website of the postsecondary institution." This has been included so if someone has questions, any disclosures are easy to find.

Section 1.3, subsection 1, paragraph (h) states the enrollment agreement:

Include a statement indicating where a person can access the complaint policy or the postsecondary educational institution in the catalog or brochure of the institution or on the main page of the Internet website of the postsecondary educational institution.

These are for consumer protections. If someone has a complaint and does not know where to go, you want to ensure those tools are easy to find. Finally, section 1.3, subsection 2 allows the Commission on Postsecondary Education to adopt regulations to impose fines on a postsecondary educational institution that fails to comply with the provisions I have explained.

Section 1.6, subsection 5 defines the term "substantially failed to furnish the proper education." This term is used in section 1.6, subsection 1, paragraph (a). This term includes cancelling or changing a training program agreed upon in the enrollment agreement without:

Offering the student a fair chance to complete the same program or another program with a demonstrated possibility of placement equal to or higher than the possibility of placement of the program in which the student is enrolled within approximately the same period at no additional cost; or obtaining the written agreement of the student to the specified changes and a statement that the student is not being coerced or forced into accepting these changes, unless the cancellation or change of a program is in response to a change in the requirements to enter an occupation.

Overall, A.B. 169 is a consumer protection bill for students who are trying to better their economic prospects in our community.

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SENATOR DONDERO LOOP:

Is this directed mostly at universities and community colleges or at private institutions?

ASSEMBLYWOMAN CONSIDINE:

Assembly Bill 169 is for private postsecondary institutions. It does not cover any of the Nevada System of Higher Education schools. The schools identified in this bill are overseen by the Commission on Postsecondary Education. It does cover for some private medical schools and all the way across to occupational schools. It does not include cosmetology schools. Some of these changes will not affect any schools.

SENATOR DONDERO LOOP:

Would that include HVAC, electrical and other trades schools we may have?

ASSEMBLYWOMAN CONSIDINE:

Those schools would be included, but I will double check with the Commission on Postsecondary Education to get a specific list.

SENATOR HARDY:

Eventually, one of our goals is to have a school for the blind. Assembly Bill 169 does not preclude them from starting a school for the blind and having their information in braille with the 10-point font requirement?

ASSEMBLYWOMAN CONSIDINE:

No it will not. Assembly Bill 169 is designed to be a floor for the institutions. It does not stop any institution from doing anything additional such as providing more appropriate tools for their students or an appropriate way for a student to obtain this information. Ideally, websites will also be accessible to the blind.

SENATOR DONDERO LOOP:

Would A.B. 169 impact when a school closes? We had schools that closed midway through a program and students were left in a lurch.

ASSEMBLYWOMAN CONSIDINE:

The Commission on Postsecondary Education already has laws on the process involving schools that close without refunding money and other necessary actions.



CHAIR DENIS:

In section 1, subsection 1 where A.B. 169 discusses prohibiting recruiting activities during certain times, who defines what that is?

ASSEMBLYWOMAN CONSIDINE:

This was language we found in best practices across the County. In some locations they did have a defined list of areas, although the areas that qualified differed among states. This definition would be defined through regulation or could be defined by the Commission on Postsecondary Education. At this moment, we do not have a defined list.

ASHER KILLIAN (Counsel):

This is language that would be implemented by the Commission on Postsecondary Education. To the extent the plain language is not sufficient, the Commission would have the authority to adopt any regulations necessary to further define this and make the language operational.

ANDREW LEPEILBET (Military Order of the Purple Heart; Disabled American Veterans; Chair, United Veterans Legislative Council):

We support A.B. 169. We have many veterans who are in these postsecondary education programs. This is a good ethical and moral change to law to protect our veterans.

KELLY WUEST (Administrator, Commission on Postsecondary Education):

The Commission on Postsecondary Education licenses 148 institutions, from relicensing and insurance up to a doctoral degree. This number includes 25 colleges and universities, 23 prelicensing programs and 100 institutions offering nondegree vocational training programs. Last year, we had 29,000 students enroll in private postsecondary institutions as a new student. All of them were required to sign an enrollment agreement and read through the catalog. Assembly Bill 169 will have a significant impact on future enrollees and their understanding of enrollment contracts. The expansion of the "substantially failed to furnish" language in section 1.6, subsection 5 will provide additional protections to students attending institutions that are at risk of closure. This bill is specifically for private, postsecondary institutions, barring cosmetology, barbering and the Department of Motor Vehicles.

CHAIR DENIS:

I will close the hearing on A.B. 169 and open the hearing on A.B. 215.

**ASSEMBLY BILL 215 (1st Reprint)**: Revises provisions governing the eligibility requirements for participation in courses for an adult to earn a high school diploma. (BDR 34-653)

ASSEMBLYWOMAN VENICIA CONSIDINE (Assembly District No. 18):

The conception of A.B. 215 came to me from a constituent. We believe it will have a big impact on the lives of some young adults in our community.

LEILANI SHIVE (Assistant Principal, Sunrise Mountain High School):

I brought this concern to Assemblywoman Considine because it has been an issue every year for a small group of students. The problem is every year we have students who contact us to find out what they need to do to finish their diploma. We look at their transcripts to find out how much they have to accomplish, and then we look at the age and birthday. Every year, there are roughly a dozen students who only need a few credits to complete their diploma, but they are only 17 years old. In some cases they will not turn age 18 until as late as September 30, based on when they started kindergarten.

The way the law reads, a student needs to be age 18 to go into the adult diploma program to finish their credits and diploma. At age 17, they can only go into the high school equivalency program. There is nothing wrong with these programs, but I would not recommend it when they just need a few credits to get an actual high school diploma. As a result, a waiting period occurs before these student can enroll into the diploma program, just because of an arbitrary birthday cutoff date.

Assembly Bill 215 would remedy this problem. It changes the wording to allow students who are age 17 but have already attended four years of high school without graduating the opportunity to complete their diploma through adult education learning. The reality is, we want to strike when the iron hot. We want to get these students enrolled to finish right away when they are ready, willing and asking for our help. We do not want to tell these students they have to wait a few months until they turn age 18.

We are not trying to allow 17-year-olds to just quit school and go into an adult diploma program. This bill is only to assist those 17-year-olds who attended four years of high school but did not graduate to allow them the same opportunity. For example, if you have two students—one is age 18 and the other is age 17—four years have gone by and neither of them graduated. The

law as written means the 18-year-old will go right into the diploma program, finish his or her diploma and graduate. The 17-year-old would have to wait to turn 18 years old before he or she can go into the diploma program or go into the high school equivalency program. That is a silly option, they only need a few more credits.

ASSEMBLYWOMAN CONSIDINE:

This is another option for a student. A student in this situation, if 17 years old, has attended high school for four years but is credit deficient can choose to go to the equivalency program, summer school or under this bill to adult education if it works. This bill is timely because we have many students through the pandemic who are working full time. If they do not complete all their credits, they will likely continue to work full time even if they do not graduate. Assembly Bill 215 gives them the option, if they do want to graduate and do not want to wait, to strike while the iron is hot. This does affect a narrow group of students because of the birthdate for them to go into kindergarten. Each year, it would be around a dozen of students who would be eligible. The more options we can provide students who want to get their diploma the better.

SENATOR DONDERO LOOP:

The adult education program is important. Assembly Bill 215 may only impact a few students, but right now it is more than a few. We have students who cannot go on to do something like a trade school because they need those diplomas and credits. Thank you for bringing this bill forward; it is important to the adult education program, which services an important population in our communities.

SENATOR HARDY:

Does A.B. 215 apply to credit deficient students, not the student who graduates from high school when they are 14, graduates from college when they are 17 and then graduates from medical school when they are 21?

ASSEMBLYWOMAN CONSIDINE:

If a student has already graduated from high school, A.B. 215 would not apply at all.

ERICA VALDRIZ (Vegas Chamber):

We support A.B. 215. We believe this bill addresses the nexus between education and the growing hiring needs in our State. Finishing high school

education will lead to higher earning potentials, more job options and better opportunities for a community and families. Hardships impact an entire family, not only the student, and can lead to underemployment, unemployment or limited opportunities for economic advancement. Completing education not only improves finances and confidence but will also set an example to a student's children.

ERIC GANT (Executive Director of Adult Education and Corrections, Clark County School District):

I support A.B. 215. Our job as educators is to eliminate barriers for student success. That is exactly what this bill does. It will help a handful of students to get exactly where they need to be, so they do not have a delay between finishing school and having to enroll into an adult program when they are 18 years old.

MARY PIERCZYNSKI (Nevada Association of School Superintendents):

We support A.B. 215. It gives students another opportunity to meet the goal of a high school diploma. We think it is a great idea. It may only impact a few students, but every student is important.

ASSEMBLYWOMAN CONSIDINE:

Education is the gateway to opportunity and to build a better life. I want to make sure that opportunity is available for all.

CHAIR DENIS:

I will close the hearing on A.B. 215.

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CHAIR DENIS:

With no further items on the agenda, the meeting is adjourned at 3:09 p.m.

RESPECTFULLY SUBMITTED:

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Ian Gahner,  
Committee Secretary

APPROVED BY:

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Senator Moises Denis, Chair

DATE: \_\_\_\_\_

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Begins on Page	Witness / Entity	Description
	A	1		Agenda
A.B. 88	B	1	Assemblyman Howard Watts	Proposed Amendment
A.B. 88	C	1	Chris Daly / Nevada State Education Association	Supporting Testimony