

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Eighty-first Session
May 14, 2021**

The Senate Committee on Education was called to order by Chair Moises Denis at 2:32 p.m. on Friday, May 14, 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 Natha Anderson, Assembly District No. 30
Assemblywoman Brittney Miller, Assembly District No. 5

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Lindsay Anderson, Washoe County School District
Felicia Gonzales, Deputy Superintendent for Educator Effectiveness, Department of Education
Chris Daly, Nevada State Education Association
Emily Mimnaugh, Pacific Justice Institute
Brandi Hairston
Selena La Rue Hatch

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CHAIR DENIS:

I will open the work session on Assembly Bill (A.B.) 57.

ASSEMBLY BILL 57 (1st Reprint): Temporarily suspends certain requirements relating to certain teacher and administrator evaluations. (BDR 34-434)

JEN STURM (Policy Analyst):

The work session document ([Exhibit B](#)) has been submitted for A.B. 57. This bill was presented to the Committee by the Washoe County School District on April 21.

SENATOR HAMMOND:

I want to make sure I understand your amendments because the original was "hold harmless for two years," and then it would go to 15 percent. There were suggestions you could slide back into 15 percent. Is that what this amendment does?

LINDSAY ANDERSON (Washoe County School District):

We tried to incorporate the concerns we heard during the hearing into A.B. 57. Senator Hammond suggested going back to 7.5 percent in the third year. Based on conversations with other stakeholders, we eliminated that third year so it will go to zero percent in the next school year and then back to 15 percent in its entirety in the second year of the biennium, which is the 2022-2023 school year.

CHAIR DENIS:

As far as the current year, that was taken out?

MS. ANDERSON:

We heard the concern about teachers, but because evaluations are already complete, we did not want everyone to redo their evaluation. We do include language in A.B. 57 that would hold teachers in this school year harmless on their student learning goals if it was negatively impacting their overall evaluation.

SENATOR DONDERO LOOP MOVED TO AMEND AND DO PASS AS AMENDED A.B. 57.

SENATOR HAMMOND SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR BUCK VOTED NO.)

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CHAIR DENIS:

I will close the work session on A.B. 57 and open the work session on A.B. 231.

ASSEMBLY BILL 231 (1st Reprint): Revises provisions governing education on the Holocaust and other genocides. (BDR 34-97)

Ms. STURM:

The work session document ([Exhibit C](#)) has been submitted for A.B. 231. This bill was presented to the Committee by Assemblywoman Leslie Cohen and Assemblywoman Lisa Krasner on May 12.

SENATOR HARDY MOVED TO DO PASS A.B. 231.

SENATOR BUCK SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR DENIS:

I will close the work session on A.B. 231 and open the work session on A.B. 261.

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

Ms. STURM:

The work session document ([Exhibit D](#)) has been submitted for A.B. 261. This bill was presented to the Committee by Assemblywoman Natha Anderson on May 3.

SENATOR HARDY:

I read A.B. 261 as saying it prohibits—a broad prohibition—instructional materials over a large range of subjects. I will be voting no.

SENATOR DONATE:

As we talk about diversity and inclusion, we want to make sure our kids are taught accurately to understand the values of people who do not look like them. There is a large amount of history that several different groups provide to our State, and it is important they know their contributions and how we got here. I will be voting in support of A.B. 261.

SENATOR LANGE:

I am looking at the supporting documents and fiscal notes. Can you comment on those? I see there is almost a \$95,000 fiscal note from Lander County, something from Douglas County and an \$80,000 note from White Pine. That is a lot of money.

ASSEMBLYWOMAN NATHA ANDERSON (Assembly District No. 30):

Initially, the other counties were under the impression A.B. 261 was trying to make this change right away. That is where those fiscal notes came from. I tried to get the clarification this change would be in the current cycle. I have not received any information back yet to see if those fiscal notes have been removed. Clark County did have a fiscal note in the initial submission but once I clarified the intent, they removed their fiscal note.

SENATOR LANGE:

I thought that was the case. There is language in A.B. 261 about getting on the cycle. I believe those fiscal notes will be removed.

ASSEMBLYWOMAN ANDERSON:

I agree.

CHAIR DENIS:

Can you define what a cycle is for the record?

ASSEMBLYWOMAN ANDERSON:

The cycle is the review of our curriculum. The Department of Education (NDE) reviews the standards. Each year, it reviews a different subject in the curriculum so everything is reviewed but not at one time. Traditionally, the cycle is

seven years, at times, it is nine years depending on where the district and State are.

SENATOR DONDERO LOOP:

The cycle is seven years, and Assemblywoman Anderson is correct. It cycles through each curriculum area so as to not overload school districts. On top of that, a school district can put off purchasing for a year or two. When the textbook is decided upon and the purchases are made, they have four years to get that textbook. For example, if a school had purchased new textbooks the year before the change as part of a cycle, it is not mandated to purchase the updated textbook selected as part of the cycle. It has four years to roll into the newly adopted textbook.

Section 2, subsection 3 is already in *Nevada Revised Statutes* (NRS). This subsection is so we have accurate information. It would be no different if we had an English textbook that accurately portrayed English grammar.

ASHER KILLIAN (Counsel):

If you look at A.B. 261, section 2 amends NRS 389.850 to add the new subsection 3 about instructional materials. Subsections 1 and 2 of the existing law prohibit the State Board from selecting a textbook unless it determines the textbook adequately supports standards for the subject area and adequately portrays the cultural and racial diversity of our society.

SENATOR LANGE MOVED TO DO PASS A.B. 261.

SENATOR DONDERO LOOP SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS BUCK, HAMMOND AND HARDY VOTED NO.)

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CHAIR DENIS:

I will close the work session on A.B. 261 and open the work session on A.B. 266.

ASSEMBLY BILL 266 (1st Reprint): Revises provisions governing class size.
(BDR 34-704)

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MS. STURM:

The work session document ([Exhibit E](#)) has been submitted for A.B. 266. This bill was presented to the Committee by Assemblywoman Brittney Miller on May 5.

SENATOR BUCK:

If we have two teachers who teach the same class size but one of them has a higher student growth percentile than the other, we are saying class size will rule evaluations. I will be voting no.

SENATOR DONDERO LOOP:

It would be helpful for our sponsor to clarify. There is some misunderstanding what A.B. 266 does and what was changed with the amendment.

ASSEMBLYWOMAN BRITTNEY MILLER (Assembly District No. 5):

To clarify the amendment to A.B. 266, nothing about student learning goals or student achievement data is being changed. This bill is regarding certain indicators within their Nevada Educator Performance Framework. The amendment will be the same value-based formula as before. The difference now is it will only apply to teachers who are off probation and those who are already performing at an effective or highly effective level. These changes only affect the specific three indicators within the instructional category and the two standards within the professional category. The two different formulas impacting instructional and professional standards are now streamlined so if you are over the class-size ratio, you will receive the extra weight.

CHAIR DENIS:

We need clarification on the fiscal note to A.B. 266.

FELICIA GONZALES (Deputy Superintendent for Educator Effectiveness, Department of Education):

This amendment will still require the same fiscal note. The amendment requires a calculation based on the percentage over ratio, which will require work to imbed the calculation into the evaluation tool to ensure accuracy. It will also require NDE staff to revise the evaluation tool to capture the original calculation and the weighted score. In addition, it will require NDE staff to review previously approved alternate tools used by some districts to ensure those tools are in compliance and accurately calculating the weighted score. Finally, the

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NDE will need to revise protocols and provide professional development before the start of the next school year.

SENATOR DONDERO LOOP MOVED TO AMEND AND DO PASS AS AMENDED A.B. 266.

SENATOR DONATE SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS BUCK, HAMMOND AND HARDY VOTED NO.)

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CHAIR DENIS:

I will close the hearing on A.B. 266 and open the work session on A.B. 362.

ASSEMBLY BILL 362: Revises provisions relating to the Nevada Higher Education Prepaid Tuition Trust Fund. (BDR 31-980)

MS. STURM:

The work session document ([Exhibit F](#)) has been submitted for A.B. 362. This bill was presented by Assemblywoman Teresa Benitez-Thompson to the Committee on May 3.

SENATOR DONATE MOVED TO DO PASS A.B. 362.

SENATOR LANGE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR DENIS:

I will close the work session on A.B. 362 and move to public comment.

CHRIS DALY (Nevada State Education Association):

Tomorrow morning, the K-12 education budget will be deliberated by the Senate Committee on Finance and the Assembly Committee on Ways and Means, also known as the money committees. A few of the members on this Committee serve on the Senate Finance Committee. After all of your education policy

discussions this Session, each of you appreciate the significant intersection of education policy and education funding. Kindergarten through twelfth-grade public education has been woefully underfunded for decades, ranking forty-eight among the states in per pupil funding. Nevada also has the largest student-to-teacher ratio in the Country.

A \$156 million cut to class-size reduction over the next biennium would mean a loss of about 1,000 teachers across the State, meaning even more students packed into Nevada classrooms. Cuts proposed to early-literacy supports threaten gains we have made in the achievement of fourth graders. You have heard me talk about this all Session, but today I will read comments from Erica Nungaray, who is working as a special education paraprofessional in Clark County:

What is unique about my position is not only do I have the pleasure of working with wonderful students in the special education department, I see students when they are placed in the general education class setting. It is difficult to express the dire urgency. Our classrooms are so overcrowded they become standing room only, making instructional time nearly impossible and unfair to our students. I work with teachers who walk into classrooms on their first day with no curriculum. I have waited for my students on many occasions before and after school for over an hour to receive transportation. Funding affects every sector of education down to the basic fundamentals of having a pencil or paper for our students, which is surprising even those items are scarce in our district. My school site alone this year will lose several fantastic teachers to different states or other professions. The staffing losses include phenomenal support professionals who help run our schools. I urge you to please, please fund our schools and not only make Nevada No. 1 in tourism but No. 1 in education.

Education policy and all the efforts of this Committee since the Interim are subject to the budget decisions made in the other hearing rooms. As the Senate's resident experts in education, I ask each of you to be advocates and lobbyists on behalf of public schools over the next two weeks. Please engage your colleagues in Finance in the hallways and the caucus rooms on the importance of education funding and the interconnectedness of the work you have done here and their work on the budget.

EMILY MIMNAUGH (Pacific Justice Institute):

I would like to comment briefly on A.B. 261 before it becomes Nevada law. We believe this bill is both unnecessary and underinclusive. We fully support Nevada's education commitment to an education that portrays the cultural and racial diversity of our society. As you noted, however, that is already incorporated into the law, so this bill is unnecessary.

Assembly Bill 261 is underinclusive because it selects only seven groups and does not explain why other groups are being excluded. We therefore propose A.B. 261 not be turned into law unless additional language is added to prevent discrimination. To do that, we propose including language from the Civil Rights Act of 1964 that prevents discrimination for the inclusion of material on the basis of an individual's race, color, religion, sex, national origin or membership in any of the previously specified seven groups of people. We urge you not to turn A.B. 261 into law unless it is truly inclusive.

BRANDI HAIRSTON:

I ask that A.B. 231 be amended to include the genocide of U.S. American slavery. I noticed that A.B. 231 had been amended to include certain genocides, such as Darfur, Rwanda and Armenia, but the enslavement of Black U.S. Americans has yet to be included in this list of genocides. The American slavery system was the longest-lasting genocide in modern history where millions of Black people lost their lives due to murder, neglect, sickness, lynching, massacres and more. It is imperative this part of history be taught to our children so they are not ignorant of the genocide of the U.S. Black American slavery system.

I would also like to offer the book *From Here to Equality* by Dr. William Darity and the book *The New Jim Crow* by Michelle Alexander as teaching tools to assist teachers in their classrooms while teaching this subject. The book *From Here to Equality* is a bestselling book that contains details of events regarding slavery and American life. *The New Jim Crow* talks about the genocide of the war on drugs and how it impacted the lives of Black Americans. We hope to see the bill amended to add the genocide of Black American slaves.

SELENA LA RUE HATCH:

I am calling for a dual purpose today. I implore you to increase funding and advocate for funding with your colleagues for education. I am also calling in

support of A.B. 261. As a high school social studies teacher, I think this bill is a critical change to the law and something we need to see in our classrooms.

I have a devastating story from my first year teaching of World War I, World War II and much about European history. I had a Black student ask me "Ms. La Rue, when are we going to get to learn about people who look like me?" As a first-year teacher using the prescribed curriculum, I had to say slavery and imperialism when Europeans take over Africa. That was it. That was the only time we talked about any history dealing with Black individuals. We did not even talk about Asian individuals or Pacific Islanders. It was European history throughout. Since then, I have worked to make my practice more inclusive by essentially ignoring our textbook and finding other resources. I hope when it comes to a final vote, many of you will support a more inclusive law which better represents our students.

I would also like to say my geography textbook lists 9/11 as a current event, and we have to draw in borders of countries that did not exist in 2002 when it was printed. My world history textbook talks about this new thing called the internet. Our materials are outdated, and we do not have the money to replace them. My class sizes are over 40 in each class. I have about six minutes of instructional time per student per week. This is unsustainable. It is harmful for our children, and we need something to change. I urge the members of this committee to work with your colleagues to please fund education adequately so we can do our jobs and help the children of this community.

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CHAIR DENIS:

Seeing no further public comment, the meeting is adjourned at 3:09 p.m.

RESPECTFULLY SUBMITTED:

Ian Gahner,
Committee Secretary

APPROVED BY:

Senator Moises Denis, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Begins on Page	Witness / Entity	Description
	A	1		Agenda
A.B. 57	B	1	Jen Sturm	Work Session Document
A.B. 231	C	1	Jen Sturm	Work Session Document
A.B. 261	D	1	Jen Sturm	Work Session Document
A.B. 266	E	1	Jen Sturm	Work Session Document
A.B. 362	F	1	Jen Sturm	Work Session Document