

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Eighty-first Session
February 10, 2021**

The Senate Committee on Education was called to order by Chair Moises Denis at 1:01 p.m. on Wednesday, February 10, 2021, Online. [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

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Melody Rose, Chancellor, Nevada System of Higher Education
Jhone Ebert, Superintendent, Department of Education
Sarah Nick, Department of Education
Jessica Todtman, Chief Strategy Officer, Department of Education
Nathan Trenholm, Data Insight Partners
Brad Keating, Clark County School District
Leonardo Benavides, Clark County School District
Paul Moradkhan, Vegas Chamber
Bryan Wachter, Retail Association of Nevada
Carrie Cox, Teacher, Pinecrest Academy Sloan Canyon
Mary Pierczynski, Nevada Association of School Superintendents
Bradley Mayer, Southern Nevada Health District
Hawah Ahmad, Clark County Education Association

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Lea Cartwright, Academy for Career Education High School
Julie Ostrovsky, Nevada Commission on Autism Spectrum Disorders
Kelli Goatley-Seals, Health Educator Coordinator, Washoe County Health District
Chris Daly, Nevada State Education Association
Kelly Bumgarner, Director of Health Policy, Children's Advocacy Alliance
Stephanie Chen, Health Educator, Washoe County Health District
Bailey Bortolin, Legal Aid Providers
Joelle Gutman Dodson, Washoe County Health District
Stevey Markovich, Pinecrest Academy of Nevada
Doug Goodman, Vice Chair, Secretary of State's Advisory Committee on
Participatory Democracy; Board Treasurer, Alpine Academy; Executive
Director, Nevadans for Election Reform
Janine Hansen, President, Nevada Families for Freedom
Lynn Chapman, State Treasurer, Independent American Party
Jessica Jones
Kent Ervin, Nevada Faculty Alliance

CHAIR DENIS:

We will begin the meeting with the Nevada System of Higher Education (NSHE) Overview ([Exhibit B](#)).

MELODY ROSE (Chancellor, Nevada System of Higher Education):

[Exhibit B](#) will provide a high-level overview of our strategic goals and how we are performing on those goals. I will also share our approach to the Covid-19 pandemic. I will present information about our community colleges, their missions and how they are contributing to workforce development. Finally, I will present how NSHE is hoping to move forward and how we can partner with the Legislature.

Page 3 lists five strategic goals the NSHE Board of Regents approved in early 2018. They should be familiar. We are committed to expanding access for all students in Nevada. We are concerned with ensuring retention and degree completion. The Nevada System of Higher Education wants to close the achievement gap between various populations of students. I will share data on how NSHE is closing that gap by expressing a continued commitment to workforce and economic development and advancing the research agenda. This improves our communities and the student experience.

Page 4 lists enrollment over the past decade. Page 5 notes NSHE became a majority-minority system in 2015, meaning a higher percentage of minority students were enrolled in NSHE schools than white students. We expect that trend to continue. This is an opportunity for us to be a model to the Nation.

Page 6 shows student success measures in four-year institutions. Success is best measured by our graduation rates. This slide shows the improvement in graduation rates in 2019 compared to 2014. As indicated by this slide, all institutions are improving. It is hard to move this needle but to see these improvements over five years is impressive. Page 7 shows student success measures in two-year institutions from 2014 to 2019. As reflected in the previous slide, there is steady growth. I will note Great Basin College's success rates are above the national average. Pages 8 and 9 show that while NSHE is bringing in more underrepresented students, we still have much work to close the achievement gap. This needs to be an area of special focus and investment.

Page 10 indicates our workforce goals in community colleges by the number of certificates awarded in specific areas. The 2018-2019 cohort was heavily weighted in health professions and related programs. We know the State needs NSHE to close the gap in this area. If we had the data for the 2020-2021 school year, we would probably see similar results but with larger numbers.

Page 11 details NSHE's research expenditures. The amount of money devoted to research has increased. From speaking with research directors, this trend continues. Research is an important component for NSHE goals and contributions to the State. A multiplier effect exists for every dollar the State puts into our research agenda as it brings more money through federal grants and contracts. Something that is overlooked or misunderstood, research is not done for the sake of research. Research is done to improve our communities, our State's livability and to improve student success. We know when we include students in research, they are more likely to complete their degrees.

We are still managing our Covid-19 response. I will share with you our major activities. Our faculty presented their classes online about a year ago. Our faculty is devoted to our students and retaining them. We formed an all-system task force of subject-matter experts. They continue to meet to this day to monitor the numbers on our campuses and safety practices. The task force ensures we align with the directions of the Governor, Centers for Disease

Control and Prevention, local health authorities and others. They are now looking to open NSHE's institutions in fall 2021 and mix online and face-to-face instruction. Our campuses are incredible contributors to the Covid-19 response Statewide. We have real experts who support the Governor's efforts. We have a group of scientists who advise Director Caleb Cage of the Nevada Covid-19 Response to assess hospital utilization. We have many contact tracers. The Nevada System of Higher Education now has pods issuing vaccinations with health-related students getting real-time experience.

It has not been lost on us; this epidemic has been difficult for the mental health of students, staff and faculty. Last Friday, I launched a system-wide mental health task force. The task force will be approaching mental health with an equity perspective. It is populated by students, staff and faculty from across NSHE to provide me with direction and recommendations on how to attend to our communities' wellness. The impact of Covid-19 on mental health is real. This task force is also doubling up on other drivers of stress and anxiety due to institutionalized racism, concern around environmental and other issues. We are tackling the Covid-19 response head-on.

Page 13 details what our community colleges do. It is a diverse mission. Community colleges are the front-line workers when it comes to workforce development. Attending to displaced workers continues to be a focus area for them. The College of Southern Nevada (CSN) is moving to add weekend certificate programs for displaced workers caring for families during the week. Community colleges are primarily conferring two-year associate degrees. We know 92.2 percent of our students intend to seek a degree. We, like 30 other states in the Nation, issue select Bachelor of Applied Science degrees on our campuses. The NSHE Board of Regents has guidelines around when community colleges can move into the four-year degree space to prevent the duplication of efforts.

Page 14 is a demographic about community college students. Page 15 shows NSHE is doing a good job with community college students transferring to four-year institutions without losing credits. Page 16 shows CSN received a \$6,900,000 grant from the U.S. Department of Commerce to build a workforce training facility.

NSHE is moving into a strategic planning process. We are adding metrics and targets to each of the five strategic goals. In addition to adding these metrics

and targets, page 18 indicates where NSHE needs strategic initiatives. Pages 19 and 20 show the major initiatives NSHE is focused on, allowing us to move the needle on the five strategic goals. Page 21 shows the focus on identifying, hiring and retaining diverse faculty.

SENATOR DONATE:

I am a recent alum from the University of Nevada, Las Vegas. Given what you have presented today, I share the sentiment with other students across all NSHE institutions. Even before this pandemic, previous administrators have not prioritized the health and safety of students, faculty and staff. I am glad you mentioned mental health counselors and advising. However, much work needs to be done. How is NSHE investing in public health faculty, students and research? What does the future of health and safety look like for your institutions beyond Covid-19?

Ms. ROSE:

Public health, faculty and research are focus areas. We know workforce gaps exist. I have had conversations about the gaps between the need and the supply. We need data to effectively align our production of experts with the State's needs. Those conversations are now well underway and we will see good momentum in this regard.

Regarding my administration's focus, it is my firm belief if our communities are not well, the five strategic goals do not matter. We have to elevate this conversation about healthy communities and make sure NSHE meets the mental health and wellness needs of everyone. That is the reason we launched the mental health task force. They are an eager bunch. They have met once and have already come to me with concepts for improvement. I will need to prioritize and vet those concepts with the Board of Regents. I plan to move into a full-blown strategic planning process in fall 2021 if the Board approves.

CHAIR DENIS:

We will now move to the presentation on the Statewide Plan for the Improvement of Pupils and 2020 Annual Report ([Exhibit C](#)).

JHONE EBERT (Superintendent, Department of Education):

The Department of Education (NDE) will be sharing a combined presentation of the 2020 Statewide Plan for Improvement of Pupils (STIP) and the Annual

Report required by statute in [Exhibit C](#). Senate Bill (S.B.) 76 proposes streamlining several efforts to maximize our time and work.

SENATE BILL 76: Revises provisions relating to education. (BDR 34-297)

One of the key recommendations is the STIP would replace the annual report requirement. The 2020 STIP results were informed by our Statewide Listening Tour done by NDE. We sat down with students, the superintendent, the superintendent's leadership team, board members and community members during these listening tours. Legislators also joined in during our listening tour.

During my time in the Clark County School District (CCSD), I realized people like to group the rural districts into one. They will say "Clark County School District, Washoe County School District and the rurals." After visiting each district, the fact of the matter is each district is unique in its own needs. It was great to have those conversations and make that distinction. When we provide support and make plans into the future, we need to have the flexibility for each district to meet the bars we set.

The students provided excellent comments ranging from ensuring access to a high-quality math teacher, cafeteria food quality and having more experiences with career and technical education courses. Parents wanted to be more informed, be involved in the education experience and have a voice. The school boards wanted transparency and predictability in school funding. Our teachers were candid about the pressures they face and how they are committed to supporting their community. All of those concepts you will see reflected in our STIP. Every staff member within the NDE and our State board members provided clear direction. We had listening tours with the superintendents before the goals were developed. As we were moving forward, we knew it was not just about writing goals; it was about grounding ourselves in values.

In March 2020, we were required to present our STIP to the NDE. The timing caused us to back up and determine what needed to be done right away. We stayed grounded in the values of equity, access to quality, success, inclusivity, community and transparency. What is important to know with all our goals is they are inclusive of every single staff member.

SARAH NICK Nevada Department of Education):

Slide 8 of [Exhibit C](#) shows how our values and goals come together to drive the Department's work. Where each goal intersects with a value, there is a strategy. The NDE developed inputs, outputs and outcomes, which represent our implementation plan for the STIP. In the spirit of transparency, the STIP publishes what NDE will be doing alongside our stakeholders to accomplish our strategies and goals. We will tour through each of the STIP goals with relevant data as required by the Annual Report.

Our first goal relates to early childhood learning, where our investment has the highest return. Investing in early care and education is important because the circumstances of the first 1,000 days of a child's life can change the course of their future. During the listening tour, we had the opportunity to observe high-quality early education and hear from families about pre-kindergarten access as a game-changer in their communities. Initiatives including full-day kindergarten, Read by Grade 3, and Silver State Stars Quality Reading and Improvement System have been instrumental to improving the quality of early education in Nevada.

To support our efforts around equity and accountability, and by the federal Every Student Succeeds Act, Nevada reports student data disaggregated by race and ethnicity and special population status. This includes students with disabilities, or differently-abled students, students who are English learners and students eligible for free or reduced-price lunch. As of 2018-2019, we include data for students experiencing homelessness, foster youth and military-connected students.

Goal 2 reflects the importance of all students having access to effective educators. We need to create a supply pipeline to design resources for educators with preparation programs and our regional professional development programs. Research shows the single most important in-school determinate of student success is the quality of teaching. Student enrollment in K-12 public schools has grown by nearly a 15 percent increase in ten years. Our student population has been changing rapidly. Today, over 40 percent of Nevada's students identify as Hispanic. White students make up just over 30 percent. In addition, 14 percent of students are English learners and over 65 percent of students are eligible for free or reduced-price lunch. The self-reported race/ethnicity of Nevada's teachers does not reflect the demographics of our students. For example, while only 28 percent of Nevada's students identify as

white, 81 percent of Nevada's teachers identify as white. This problem is not unique to the State. Approximately 50 percent of K-12 students in the United States are people of color; approximately 80 percent of the current teaching force is white. Recruiting and retaining a diverse group of highly effective educators is essential to our efforts to ensure all students experience continued academic growth and graduate globally prepared.

Goal 3 articulates our commitment to support student achievement, with a focus on growth. The 2020 annual report of accountability looked very different than prior years. Due to the circumstances of Covid-19, NDE applied for and received approval for a federal accountability waiver and worked with the Governor to remove State assessment requirements for school year (SY) 2019-2020.

Smarter balance exams are taken each spring by all students in Grades 3 through 8 as a federal requirement to assess their acquisition of skills and knowledge in English language arts and mathematics. Statewide, students in all grades improved in mathematics proficiency during SY 2018-2019 compared to the previous year assessed, with the exception of third grade students. Grades 4, 6 and 7 made the largest percentage point gains in mathematics proficiency for this assessment year.

JESSICA TODTMAN (Chief Strategy Officer, Department of Education):

Based on the feedback gathered during our listening tour, the theme of the 2020 STIP is "battle-born, globally prepared." Globally prepared is represented in Goal 4. It encapsulates what our students need to be future-ready, whatever the next few decades hold. The strategies in Goal 4 ensure our students graduate with the tools they need to build a home, life and future. Graduation looked and felt different for the 2020 class. Based on the recommendations of a workgroup of stakeholders we convened and with the Governor's support, we issued a waiver of the civics assessment as a graduation requirement. The NDE worked to ensure no student face an undue burden in receiving the diploma they earned.

Slide 22 shows the top-level highlights of the 2020 class graduation rates. Nevada had a graduation rate of over 80 percent for the fourth year in a row. The rate fell slightly from the prior years, but we did have 13 districts with rates exceeding the State average and 5 districts with rates over 90 percent. The NDE is committed to addressing gaps between student groups as reflected in

our values and strategies. Slide 45 of this presentation's appendix shows how we hone in on disaggregated opportunity gap data. Expanding equitable access to high-quality learning opportunities and effective educators is key to putting all learners on a long-term path to success. Slide 24 shows graduation rates for students from special populations, including students eligible for free or reduced-price lunches, who are differently-abled, who are English learners, those who experience homelessness and foster youth.

The strategies of Goal 5 ensure the State's investment in education is efficient, effective and supports student success. These strategies focus on fully expending available funding, proactively managing funds for technical assistance, and monitoring and improving customer service. Nevada's public schools and districts are funded by the Nevada plan, which does not adequately account for the demographic and socioeconomic differences among our increasingly diverse student body. Senate Bill No. 543 of the 80th Session laid the groundwork for developing the people-centered funding plan to address the current and future needs of our children. The Commission on School Funding identified four concepts that are the basis for their work, closely aligning with the NDE's STIP values and lead with equity.

Slide 27 summarizes the people-centered funding plan as laid out in S.B. No. 543 of the 80th Session. Revenue sources that previously funded over 80 programs are now combined into the State education fund and distributed through the tiered progression listed on the right side of the slide. This approach advances equity and transparency and supports districts and schools by tailoring support to their student's unique needs.

Slide 28 shows the shifts in the pupil-centered funding plan included in the Governor's recommended budget. The phased implementation will ensure equity and transparency are at the core of this work while allowing flexibility given the circumstances caused by Covid-19. We will implement the pupil-centered funding plan during the 2021-2023 biennium for State revenues that are distributed through the NDE. This includes base funding and categorical grants. The second phase comes in the 2023-2025 biennium, when local revenues will be combined with the State as part of full implementation. This delay, combined with State and local revenues, will allow school districts to manage resources to meet their communities' needs as we continue to navigate our pandemic response and the resulting economic uncertainties.

Another aspect of our work that is key to Goal 5 is financial transparency. The Every Student Succeeds Act included a transparency requirement to convene a workgroup for the Nevada Report Card. The <nevadareportcard.com> was already reporting funding amounts for instruction, instructional support, operations and leadership. In response to federal requirements, these data are further broken down by personnel expenditures, including salary and benefits and nonpersonnel. This includes all other costs related to providing education to a student. Slides 88 through 94, Appendix I of the presentation offers step-by-step instructions on accessing these data on <nevadareportcard.com>.

Goal 6 focuses on providing a safe learning and working environment where identities and relationships are valued and celebrated. In 2015, the Office for a Safe and Respectful Learning Environment was established at the NDE. The safety and wellbeing of our students and adults are a paramount concern. We know if students do not feel safe, they will struggle to grow and succeed academically. Promoting safety for our educators means we are more likely to retain them. In 2018, the school safety task force was convened and tasked with making recommendations captured in S.B. No. 89 of the 80th Session. One of those recommendations is disaggregating discipline data. The results listed on Slide 32 represent the first time student groups have reported these data. The rates of expulsion and suspension are not proportional to enrollment for many of our groups. The disproportionality is most drastic for students who identify as Black.

Slide 33 presents data as disaggregated by special populations. Most stark in this group is the disproportionality for students who receive special education services. The passage of A.B. No. 490 of the 80th Session requires regular updates on this discipline data. It also requires the NDE to support schools through training and professional development, generating and interpreting these reports, and developing response plans for addressing disproportionality.

Another lens we use to assess learning environments is the school climate survey, which has been administered since 2015. We work with stakeholders to develop resources and tools to make them available and useful. Some links allow users to explore and compare detailed results. Because the State's school climate survey includes items from the national survey, we benchmark our results. The results listed on Slide 35 have improved in all categories over the past five years. There is a large difference between a student's perception of

emotional and physical safety. This shows the need to continue to invest in mental health, and social and emotional supports.

Our Covid-19 response has been significantly affecting our students, schools and communities for the past 11 months. When the NDE began to organize a response to the public health crisis, we worked with the State school boards to identify priorities that have guided our work. The Governor's responsiveness during the uncertainty allowed the NDE, schools and districts to provide necessary guidance and support to students, staff and families. The six emergency directives listed on Slide 38 address the phases of our response.

We are committed to providing guidance, flexibility and resources to districts, schools and families to navigate this challenging time. All of our guidance was seen through the lens of what would best support success for students and educators. Our path forward plan and other resources were developed with considerable feedback from community partners and public health experts. In addition to accountability and distance learning guidance, we provided support to districts and schools to continue to serve students most in need of support, including those who are differently-abled or are English learners. Additional data can be found in the appendices of this presentation.

SENATOR HARDY:

We are planning on opening schools in the fall. March, April and May are months we will lose educational success. I feel bad when I see plans for opening in the fall but not next month. We talk about mental health and education, and we see how trends are showing the negative impacts. I am frustrated with plans for the fall. Why are we not planning for a reopening in March?

MS. EBERT:

The State Public Charter School Authority and 16 of our 17 school districts have children in a face-to-face environment. The CCSD has been educating children at a distance since last March. They have plans to open in March for their pre-kindergarten through Grade 3 students. We want to make sure we have a proper learning environment for our children. Some families and children have great experiences learning from a distance. They did not realize they could. Other families are finding distance learning difficult. The Governor has provided millions of dollars in personal protective equipment to make sure our school buildings are open during this pandemic. The NDE has been providing support on

how to teach at a distance. The information Ms. Todtman provided is indicative of this support. The Interim Finance Committee on Monday approved an acceptance of \$477 million in federal monies for K-12 schools. The expectation is school districts will use that money for extended days and years. We need to think differently about this time and supporting our children.

SENATOR HAMMOND:

What is the intent in the fall regarding reopening? I hear hybrid plans will be used. I am less thrilled about hybrid. It seems to take away instructional time. Kids will be in front of teachers less. Is your plan to go back in the fall full-time?

MS. EBERT:

At this point in time, all school districts will be offering face-to-face instruction based on the health and safety of students and staff. When the pandemic started, we thought by September 2020 we would be back into school buildings. That is not what occurred. The goal is to have the opportunity for children to be face-to-face.

SENATOR HAMMOND:

Face-to-face has been used interchangeably with hybrid. To ensure I understand, the goal is to be face-to-face full-time?

MS. EBERT:

Yes. We continue to work with the superintendents on this goal. Our rural school districts have very few students learning at a distance. Most of them are learning full-time, not in a hybrid environment.

CHAIR DENIS:

We will now move to the Nevada Class Sizes: A Comprehensive Review ([Exhibit D](#)) presentation.

NATHAN TRENHOLM (Data Insight Partners):

[Exhibit D](#) is a summary of over two decades of data. These data come from sources as vast as the U.S. Department of Education (DOED), the NDE, the local school districts and local charter schools. In summation, recent investments in education over the past seven years have resulted in Nevada meeting the national average of fourth grade reading for the first time ever in 2019. Nevada faces an issue of overlarge student-to-teacher class size ratios. Nevada exceeds the national average of 1 teacher to every 15 students. To meet the national

student-teacher ratio, Nevada would need almost 10,000 more teachers and almost 24,000 more teachers to become the best in the Country.

Minority students have less access to experienced teachers in Nevada. Students in one or two-star rated schools also have less access to experienced teachers, which affects student outcomes. Lower star rated schools, on average, possess smaller class size ratios, but the lack of access to experienced teachers means student outcomes are not improved.

The obstacles we face in improving the situation are fourfold. For this presentation, I will only cover two of them; all four obstacles are in [Exhibit D](#). First, an educator pipeline shortage is occurring in the Nation. Educator pipeline refers to people who complete programs which make them eligible for a teaching license. Nevada is under the national average for completion and relies on over 60 percent of new teachers to come from programs outside of Nevada. While this need exists, the national pipeline has dropped by over 30 percent in the last decade. Nevada is relying on a shrinking source of teachers.

The second obstacle is teacher retention and attrition. Three categories of teachers exist: stayer, mover or leaver. Stayers are teachers who stay in the same position and school they were in the previous year. Movers are teachers who move schools each year, but stay a teacher. Leavers are teachers who leave teaching the next year for another career. Nevada's leaver rates have consistently been higher than the national average. As teachers age, the chances of them leaving the profession is higher. The percentage of Nevada teachers in a higher age bracket is increasing. In contrast, the percentage of teachers under 30 in Nevada has been shrinking. During recessions, current teachers are retained but new teachers are not added, resulting in an overall older workforce. The older workforce in Nevada will likely result in a higher leaver rate.

SENATOR BUCK:

When talking about class sizes, we saw Nevada meeting the literacy standard in 2019, while also having higher class sizes. Programs like Read by Grade 3 impacted those results because it forced schools to focus on students not achieving. I was sad to see that program go away. Class size does matter. We have many schools sitting at 25-to-1 in those primary grades and they are still achieving. To fix the ratio, should we incentivize experienced teachers to go into those schools through Title I? Title I schools receive extra funding.

The Covid-19 pandemic has affected school format through distance learning and hybrid models. Some schools do not have instruction on Wednesdays. Have you looked into how instructional time is affecting student outcomes during this pandemic?

MR. TRENHOLM:

No. We did not have access to instructional time and data for the current school year. The work presented started about a year ago before the pandemic began. We have not had a chance to see this year's data.

SENATOR LANGE:

You were able to give us Statewide averages for class size. I would be interested if you had those data broken down by district. Are there districts with class sizes in line with national averages? If so, are their results different? Are there other districts with much larger averages? If so, are those districts causing overall results to be lower?

MR. TRENHOLM:

For this analysis, it was kept at a Statewide level. We have not looked at the district levels. We hope this work will be the first step. The Illinois State Board of Education recently launched a set of dashboards around their teacher preparation pipeline. That dashboard was a culmination of four years of work.

SENATOR LANGE:

It seems kids are having less instructional time and more test time. Can you address that?

MS. EBERT:

We are in the process of releasing a memo which will address the requirements of testing at a State level. At the State level, we have the Read by Grade 3 program. In Grades 3 through 8, we test once a year for mathematics and English Learning Arts. Those tests are federally required. We also have a science assessment at Grades 5, 8 and 10. We have one test for high school, which is the ACT. All other assessments are at the district level or at the principal building level.

SENATOR LANGE:

Can you provide us with that memo?

MS. EBERT:
Yes.

CHAIR DENIS:

It is good to hear investment in our kids will give us results. We have been saying this but no one would believe us. We now have the data which proves it. We will now open the hearing on S.B. 2.

SENATE BILL 2: Revises provisions relating to education. (BDR 34-429)

BRAD KEATING (Clark County School District):

This bill focuses on efficiencies in education. We tried to focus on processes that could be eliminated or adjusted to reduce our educators' load. We are looking at removing unfunded bills, redundant reports and other tasks that take away from classroom time.

A few friendly amendments from the NDE and the Southern Nevada Health District (SNHD) will slightly change the presentation ([Exhibit E](#)). We will point out those changes when they appear. Both of those amendments relate to the Brigance exam and body mass index (BMI) testing. We have seen a number of emails come in regarding the civics exam. We will discuss this further in the presentation. There will be no changes to the civics exam. We believe it is an important test for our students.

In addition to the previously mentioned goals, S.B. 2 adjusts the timing for tentative budgets and moves them into the final budget timeline. These changes promote efficiency and reduce redundancy. This legislation is important to the CCSD for a number of reasons.

Senate Bill 2 removes a report dealing with student information relating to student Individualized Education Programs and 504 plans. These are already included in the State validation report. In working with a number of stakeholders, we wanted to make sure this report does not affect any of our special education community. The two reports are identical. In relation to the Brigance and BMI tests, two friendly amendments will be provided by the Health District and NDE.

LEONARDO BENAVIDES (Clark County School District):

I will now present pages 6 through 10 of [Exhibit E](#), beginning with a walkthrough of S.B. 2. Section 1 removes the kindergarten proficiency exam requirement. Instead, S.B. 2 requires pupils to take an assessment at each grade level when necessary. In an amendment to be proposed by NDE, we will allow teachers to have an additional 15-day period to assess kindergarten readiness and work with the State Board of Education to determine the most appropriate screener to be used in the future. Students entering kindergarten after 45 days will not have to complete this screener, as the math test is given Statewide in the winter and spring.

Section 2 removes reporting requirements regarding information concerning pupils with disabilities. This is redundant because these data are already captured as part of the State validation report and are given to the NDE and shared with the Aging and Disabilities Services Division of the Department of Health and Human Services (DHHS).

Section 3 removes the directive for employees to measure the BMI of a sample of students in certain grades. Instead, an amendment with the health departments will cause us to administer these screenings for Grades 4 and 7. Grade 10 will be removed. These screenings will be done with the already scheduled scoliosis screening to minimize removing students from the classroom.

Section 4 requires a school district to submit a tentative budget to the Department of Taxation and the NDE on or before June 8 each year. This section also requires the board of trustees hold a public hearing on the tentative budget after the third Monday in July and before the end of July. Section 5 requires the board to adopt a final budget by December 31 of each year. Section 6 removes the requirement to adopt an amendment to the final budget as the timelines have already been adjusted. In addition, we have been asked by the charter schools to follow the same budget timeline. We are working with them to see if this can be accomplished.

Sections 7 and 8, as shown in this presentation, will be replaced with the proposed amendments. The civics exam requirement will remain for high school students and A.B. No. 316 of the 76th Session will be retained. In the present national climate, it is important to ensure students continue to get instruction in civics. Removing sections 7 and 8 restores the A.B. No. 316 of the

76th Session report. While the State validation day report does identify students who have autism as primary eligibility, it does not determine the number of students with autism as secondary eligibility. We want to ensure no students are left out of these reports and the exchange of data continues. We will continue to disclose information to the DHHS to paint a complete picture of students with autism in Nevada.

CHAIR DENIS:

Do we have the ability to hear from those who suggested the amendments to S.B. 2?

MR. KEATING:

Yes.

MS. NICK:

I will now present the proposed amendment to S.B. 2 ([Exhibit F](#)). For the record, if a kindergartener enrolls after the 45 days, he or she would be exempt from screening.

SENATOR BUCK:

What tests are you using to replace the ones removed?

MS. NICK:

The amendment allows the Department to proscribe a screener that is reflective of early learning domains. It may be the Brigance test, but it is not guaranteed. Whatever the test, it must be a unified screener used across the State. This helps maintain a longitudinal data set.

CHAIR DENIS:

My understanding is the testing is done within a specific timeline. For example, if a school gets a student later in the year, they would not be tested?

MS. NICK:

Yes, the window is 45 days. It offers teachers flexibility. Should students enroll after the 45-day window, they would not participate in the screener. This is noted in the amendment.

SENATOR DONDERO LOOP:

Can the number of amendments to this bill be listed?

MR. KEATING:

There are three amendments to S.B. 2.

SENATOR HARDY:

I like this bill. I would like it even better if we started school this year for everyone face-to-face.

PAUL MORADKHAN (Vegas Chamber):

We are in support of S.B. 2. We believe sections 4 and 5 of this bill will allow for better budgeting numbers and projections from the CCSD to the State.

BRYAN WACHTER (Retail Association of Nevada):

We support S.B. 2. If the school districts were run more efficiently, we would get a better education result. We do think sections 4 and 5 do not go far enough. I served on the CCSD budget advisory committee; one of the suggestions from that committee was to move the fiscal year from July 1 to October 1. It is sometimes frustrating to create our budget without information we need because the Legislature has not completed its work.

CARRIE COX (Teacher, Pinecrest Academy Sloan Canyon):

I support S.B. 2. Regarding the Brigance test, it is becoming somewhat outdated. Many teachers feel the test does not go far enough. I have used Brigance for years, and last year I used Educational Software of Guiding Instruction (ESGI) instead. I found ESGI valuable as it can be used in a remote setting via Zoom, unlike Brigance.

MARY PIERCZYNSKI (Nevada Association of School Superintendents):

We support S.B. 2. We think sections 4 and 5 may not be perfect, but they are an improvement.

BRADLEY MAYER (Southern Nevada Health District):

The SNHD supports the collection of height and weight data to determine BMI in a sample of students in Clark and Washoe County. Obesity continues to be a problem in our communities. According to the most recent behavioral risk factor survey system and youth risk behavior survey system data, 58 percent of Clark County adults are overweight or obese, as are 29 percent of high school students. This percentage will likely accelerate due to the pandemic.

We support S.B. 2 with the amendment mentioned earlier. The proposed amendment will add the requirement that height and weight be collected in Clark and Washoe Counties every other year from students screened for hearing, vision and scoliosis. These data are the only measured data source for BMI available for children, and elementary and middle schools, in Nevada. It is essential from a public health standpoint to collect these data to increase our ability to identify trends and disparities and secure and direct resources to where they are most needed. The importance of these data is particularly relevant considering the Covid-19 pandemic. We anticipate the pandemic having a negative impact on childhood obesity due to increased food insecurity, increased sedentary time and fewer opportunities for physical activity and organized sports.

The health districts have used the BMI data collected to support applications for federal funding in the past. Between 2010 and 2012, over \$250,000 in federal funding received by the health district was allocated specifically to develop BMI data collection protocols, train staff responsible for collecting height and weight data, and purchase standardized equipment necessary to collect data. These data must be made regularly available in the future and are used to secure grant funding to address childhood obesity.

SENATOR LANGE:

I have a problem with this language. Collecting these data is the wrong approach. It is an opportunity for these children to be bullied by their classmates. I had conversations about kids being weighed and measured without parental permission. I do not agree with those occurrences. I also think collecting data next to a child's name could be a HIPAA violation. How many grants have been applied for? Has it been every year? How much have we received based on those grants?

MR. MAYER:

From the 2015-2017 biennium, there was no data collected. In 2017, these practices were put back into place. The most recent year where grants were brought forth was in 2015. They totaled roughly \$5 million. Those grants were, in part, due to the collected data. The bill was put forth in 2017, making 2018 the first year new data was collected, which was made available recently. My understanding is the grants are intermittent. I do know Washoe County uses these data every year for other grants they apply for. My understanding is these

data are collected anonymously. They are aggregated data, not tied to a specific student.

SENATOR LANGE:

This information should be between the child and their doctor or the parent and their doctor. It should not be done at school.

CHAIR DENIS:

This is the bill I brought forward because we needed these data. We have a huge problem of childhood obesity, especially in the Hispanic community. We were not able to obtain this information without having to collect it some way. By doing it anonymously and aggregated, there should not be any issues. Teachers should not collect these data in a classroom since it is supposed to be anonymous. Under this proposal, it will be easier because it will be combined with other tests at the same time. It is important we have these data to work on solutions.

SENATOR LANGE:

Can we get information on the kinds of grants the school district has received and what they have done with that money?

CHAIR DENIS:

I do not think it is the districts that receive the grants. The health departments receive them. We could talk with them about the acquisition process.

SENATOR BUCK:

I share the concerns Senator Lange voiced. Are parents notified and given the opportunity to say no? Weight is a sensitive issue, especially for children. I agree this issue should be between the pediatrician and the family. Also, it does not seem like a good longitudinal study if you test random kids in Grades 4, 7 and 10. How are these data consistent? Is there a potential for a blind study with pediatricians or other groups?

CHAIR DENIS:

This bill was passed twice in the Seventy-seventh and Seventy-ninth Sessions and those concerns were discussed. I recommend you review that information.

HAWAH AHMAD (Clark County Education Association):

We support S.B. 2. Schools across Nevada provide budgets multiple times during the school year, consequently impacting their ability to plan appropriately for resources and staffing. Planning and preparation is key to delivering high-quality education to students across Nevada. We believe the proposed timeline adjustment will result in an improved alignment of fiscal and enrollment data.

LEA CARTWRIGHT (Academy for Career Education High School):

I am glad that section 4, subsection 7 can relate to charter schools if need be.

JULIE OSTROVSKY (Nevada Commission on Autism Spectrum Disorders):

We originally were in opposition to S.B. 2, but with the proposed amendments to sections 7 and 8, we are now in support. Sharing information about those with an autism diagnosis is important to ensure those in need of services get the help and intervention they deserve to lead a productive life.

KELLI GOATLEY-SEALS (Health Educator Coordinator, Washoe County Health District):

I have information relating to height and weight collection. Since this legislation was passed, the Washoe County Health District (WCHD) has been partnering with our school district. We obtain data they collect, analyze it, and provide reports to the school district and the larger community. The WCHD depends on this data to help keep our community healthy. It allows us to determine overweight and obesity rates, make recommendations, or implement interventions based on the data.

Significant findings from the Washoe County data show that while 63 percent of Washoe County students fall in the healthy weight range, 34 percent are overweight or obese. Data shows students attending Title I schools and those with a high percentage of low-income families have significantly higher rates of obesity compared to other schools. That percentage is 29 percent versus 17 percent of non-Title I schools. These data also show us in Washoe County Hispanic and Black children have higher obesity rates than those who are White.

Continuing to collect these data is important for Washoe County and other Nevada communities. It is used to provide direction for prevention efforts. It can be included in grant applications. It can help measure program effectiveness. These data are important when we have limited funding and resources. It helps

us know what groups need the resources the most. We support S.B. 2 with the proposed amendments.

Regarding using information from healthcare providers, in Washoe County we have explored that option. We discovered disparities. There are children not accessing healthcare. The school district data gives us a great sample, as most of our kids are in school.

CHRIS DALY (Nevada State Education Association):
We are in support of S.B. 2.

KELLY BUMGARNER (Director of Health Policy, Children's Advocacy Alliance):
We support S.B. 2 with the amendment introduced by CCSD regarding BMI data collection. These data are essential for advocates. At the Children's Advocacy Alliance, we use these data as an indicator to shape policy regarding childcare, school nutrition and allocation of health-related resources. Data informs policy. Without sound scholarly information, we work in a vacuum and potentially waste government resources. If we make sweeping changes with the intention of positively impacting childhood obesity rates in our State, how will we know they helped without proper quantification? The loss of BMI data from CCSD would decrease our efficacy as children's health advocates and could negatively impact our ability to acquire funding to improve conditions for our school districts and children. We are grateful for the proposed compromise that would allow for the creation and maintenance of a valuable and robust data set.

STEPHANIE CHEN (Health Educator, Washoe County Health District):
The Health District has applied for and received funding for activities promoting physical activity and nutrition in elementary schools. These data help us find out where the greatest need is, which is in Title I schools. Additionally, these data are shared and used in the following ways. It is shared with the WCHD, which is then distributed to healthcare providers, childcare providers and others in the community. They are included in the Washoe County Chronic Disease Report Card, which was published in 2014 and 2018. We are working on an updated report. These data are included in the Washoe County Community Health Needs Assessment, which is associated with the WCHD's accreditation and Renown Health system's IRS requirements. Finally, data were used to inform the Washoe County Community Health Improvement Plan, which is tied to the WCHD's accreditation. Nutrition and physical activity are one of the three priority areas

of the Community Health Improvement Plan and data like these helps indicate that focus.

BAILEY BORTOLIN (Legal Aid Providers):

We support the amendment to S.B. 2. It is important to recognize this information as critical to helping children access services for autism. The school districts do a great job to identify students with those needs, but getting the medical diagnosis for these children is a barrier. Having the information communicated between the school districts and DHHS increases outreach in connecting families with the treatments and services they need and are entitled to.

JOELLE GUTMAN DODSON (Washoe County Health District):

We support S.B. 2.

STEVEY MARKOVICH (Pinecrest Academy of Nevada):

Our kindergarten teams feel the Brigance assessment is not a true evaluation that shows the readiness of our students. The test takes approximately 20 to 30 minutes per student to complete. It is a one-on-one assessment. This is a considerable time constraint, not only for our teachers but staff as well. Due to the amount of time for this assessment, teachers come in during the summer, which is not part of their contracted time, to make sure the assessment is completed before the given window and not taking up key instructional time. We feel these data are not effective or a true reflection of a student's ability when it comes to planning for instruction. It does not determine if students are truly ready for kindergarten.

On our campus, we give supplemental assessments we feel are more relevant to guide our instruction and placement. We also provide a kindergarten readiness boot camp where 10 to 15 students come to campus for 2 to 3 hours. During this time, teachers work with students in small groups where they can observe and assess their fine motor skills, growth skills, student interactions and how they follow directions.

Another concern our kindergarten team has regarding the Brigance assessment is when a student misses three questions in a section, the assessment is concluded. This does not allow us to see a full representation of each student. Our kindergarten team feels their time will be better served using other comprehensive assessments that are indicative to determine the kindergarten

student's ability level, placement and help guide our teacher's instruction for overall learning success.

DOUG GOODMAN (Vice Chair, Secretary of State's Advisory Committee on Participatory Democracy; Board Treasurer, Alpine Academy; Executive Director, Nevadans for Election Reform):

We support S.B. 2 with the changes to section 8.

JANINE HANSEN (President, Nevada Families for Freedom):

We no longer oppose S.B. 2. We were concerned about section 8 and the removal of the civics exam. We feel this issue is critical. Our children need to be prepared if they are to participate in our democratic republic. They need to understand how our government works. We support S.B. 2.

LYNN CHAPMAN (State Treasurer, Independent American Party):

We were concerned about section 8 and the removal of the civics testing. It is a good thing it will not be taken out. We believe our children should have at least as much information and knowledge as people who want to become American citizens. Our children have the right to learn about their own Country, how it came to be, how our government was formed and how it all works together. We do not want to shortchange our children. The civics test helps our children become better informed citizens. To achieve that goal, we need civics testing. With the new amendments, we now support S.B. 2.

JESSICA JONES:

I am testifying in neutral to the original bill before the proposed amendments. I want to speak to a part in section 1. The section applies to the Brigance test administered within the first 30 days of kindergarten. The Brigance test is administered once a year, resulting in no growth comparison. The test is administered individually and can take 30 minutes or longer, which causes educators to lose up to 2 weeks of instruction, sometimes more. Educators do not use this data to drive instruction. The tests are kept in folders until the end of the school year and are rarely, if ever, looked at.

Removing the requirement is welcome; however, the reason I am testifying in neutral is I have concerns about what will happen at the local level once this requirement is removed. My main concern is the district will require another assessment in its place, which would cause more loss of instructional time. This would also undo the intent of the Legislature. I have seen this occur in the past.

CHAIR DENIS:

We will now close the hearing on S.B. 2. We will now open the floor for public comment.

MR. DALY:

In reference to the class size presentation, we have a couple observations. We are encouraged with the improvement in student reading in fourth grade. However, we are facing a \$33 million budget cut to early literacy supports in the Governor's proposed budget. With the transition to the new funding plan, items like Read by Grade 3, Zoom and Victory Schools end up getting merged with State funds. In addition, we are looking at a \$156 million cut to their class size reduction efforts in the next biennium. This would affect approximately 375,000 students.

KENT ERVIN (Nevada Faculty Alliance):

Statewide, our academic and administrative faculty members are working hard every day through the pandemic to maintain a positive learning environment for our students, whether in person or remotely. We hope a more rapid rollout of the vaccines will let us get back to normal classroom and laboratory settings. Higher education is a common good, not only for workforce and economic development but for the upward social mobility and promotion of positive civic engagement.

A diverse faculty and staff promote equity and inclusion and success for students of all backgrounds. Therefore, we applaud NSHE and Chancellor Rose for the task force on hiring and retention for equity and diversity. Hiring diverse faculty members is easier than retention, which is a difficult multidimensional issue. Retention requires a welcoming environment that fosters excellence for every faculty member and student. In campus climate surveys, too many students and faculty report they do not feel completely comfortable on campus. Retention of faculty members depends on positive feedback and reward.

A roadblock is the absence of salary advancement based on performance over the past decade at NSHE. Higher education faculty are the only large group of public workers in Nevada without a merit pay system. High performers can easily be snatched away with better offers from other institutions. This is particularly true for faculty representing diverse groups in the highly competitive higher education employment market. The broken compensation system at NSHE needs to be addressed. For the past two years, NSHE has been working

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on a compensation system with its performance-based task force. The Nevada Faculty Alliance looks forward to working with NSHE and the Legislature on solutions this Session.

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CHAIR DENIS:

With no further public comment, the meeting is adjourned at 3:35 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
	B	1	Melody Rose / Nevada System of Higher Education	Nevada System of Higher Education Overview
	C	1	Jhone Ebert / Department of Education	Statewide Plan for the Improvement of Pupils and Annual Report
	C	8	Sarah Nick / Department of Education	Statewide Plan for the Improvement of Pupils and Annual Report
	C	20	Jessica Todtman / Department of Education	Statewide Plan for the Improvement of Pupils and Annual Report
	D	1	Nathan Trenholm / Data Insight Partners	Nevada Class Sizes Comprehensive Review Presentation
S.B. 2	E	1	Brad Keating / Clark County School District	Presentation
S.B. 2	E	6	Leonardo Benavides / Clark County School District	Presentation
S.B. 2	F	1	Sarah Nick / Department of Education	Amendment