

**MINUTES OF THE  
SENATE COMMITTEE ON EDUCATION**

**Eighty-first Session  
February 17, 2021**

The Senate Committee on Education was called to order by Chair Moises Denis at 1:06 p.m. on Wednesday, February 17, 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:**

Jhone Ebert, Superintendent, Department of Education  
Hawah Ahmad, Clark County Education Association  
Karl Catarata, Youth Commissioner, Nevada Advisory Commission on Mentoring  
Marie Neisess, President, Clark County Education Association  
Chris Daly, Deputy Director, Nevada State Education Association  
Mary Pierczynski, Nevada Association of School Superintendents  
Lindsay Anderson, Washoe County School District  
Evan Gong  
David Dazlich, Vegas Chamber

CHAIR DENIS:

We will open the hearing on Senate Bill (S.B.) 76.

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

JHONE EBERT (Superintendent, Department of Education):

I am presenting S.B. 76, which in the Department of Education (NDE) we call the Education Agility Act. I will provide an overview of this bill in S.B. 76: Education Agility Act Presentation ([Exhibit B](#)). This bill was prefiled by Governor Steve Sisolak on behalf of NDE but was drafted on behalf of our educators, staff, stakeholders, districts and school partners.

The foundation of this bill is our commitment to future-proofing our work by ensuring NDE and educators across the State are nimble in response to changing circumstances. In light of the Covid-19 pandemic, the need is apparent. Valuing the Legislature's and the Governor's ongoing efforts is key to setting the course for the future of education in Nevada while allowing room for our partners and NDE to implement a vision in support of our students.

The Department of Education is submitting an amendment ([Exhibit C](#)) that restores language allowing districts to continue serving as fiscal agents to the Regional Professional Development Program (RPDP). This amendment preserves the local pay scales and employability of staff in those areas. It also keeps NDE as the authority for RPDPs. For the first time, RPDPs would be able to fulfill the intent of a Statewide network of professional development meant to lift up State teachers. Based on the work of the Blue Ribbon Commission for a Globally Prepared Nevada (BRC), we are recommending a shift in our work on competency-based education.

Our stakeholder engagement is reflected in amendments. The State Financial Literacy Advisory Council (FLAC) is in the amendment as restored language. This restoration allows the FLAC to continue filling its intent with a sunset proposal date of December 2023. In response to our education community, a repeal of End of Course exams is included in this statute. This change is a carryover moving from End of Course exams to college and career ready assessments due to an overlap in those two areas. We have also added language for dual-enrollment credits for universities outside the State. It clarifies if a Nevada high school student wants to enroll in a course unavailable in their high school or the Nevada System of Higher Education (NSHE), that student can enroll in a course outside of the State and receive credit. We shifted the approach of the Nevada Commission on Mentoring (NCOM) so their work remains in statute. This is the only place in statute we have the work of NCOM

listed. It repeals the Department providing the administrative support for NCOM. This change allows NCOM to operate independently.

The two key items of the proposal remaining in this bill are aimed at aligning reporting requirements and recommendations to maximize the intent of boards, councils and commissions. Section 1 of S.B. 76 updates the reporting of the State plan, which I define as the State Plan for Improvement of Pupils (STIP). This change moves the STIP from an annual report to every five years to align with best practices. Section 7 replaces the annual report with the STIP. We have compared the annual report with the STIP and the State accountability report. They are available on <nevadareportcard.com>. In the appendices listed in Exhibit B, the steps on how to access that information is listed. Section 6 of S.B. 76 updates the SafeVoice reports due to the Office for a Safe and Respectful Learning Environment on or before January 1 and July 1 of each year instead of quarterly. As conversations progress we welcome additional recommendations which support transparency and accountability while making our education system more agile.

We have made recommendations on maximizing the work of our councils. In an ideal world, every statutory council would have appointees within a month of being established, and a meeting within a month of that with a robust agenda and a quorum to act on the work. Unfortunately, we are far from that ideal world. The Covid-19 pandemic has made the importance of this change more apparent.

The key purpose of boards, commissions, and councils is to engage a group of stakeholders with expertise on the subject at hand. This supports our efforts to improve student achievement and educator effectiveness. We need to identify people who are champions of the work and those who have doubts. We also need people who are new to this work so these groups can plan policies with a shared lens to move forward. We need to have productive meetings and only meet when required, not because of a minimum or set number of required meetings. These issues have risen to the Legislature's attention. A sense of urgency exists in the need to act on behalf of students and educators. The NDE has experience with advancing work in this collaborative and timely way.

An example that does not have a statutory mandate but was critical during the pandemic is the BRC. The BRC's charge was grown out of needs identified from the pandemic's response and recovery. It built upon the work of the

competency-based education network noted in section 19 of S.B. 76. The network is one of our councils that has struggled to advance its agenda because it could not meet quorum. The BRC demonstrates work can successfully move forward for the betterment of student outcomes. Therefore, NDE's amendments include a repeal of the competency-based education network.

Listed on Slide 12, the BRC brought together a high-caliber roster of K-12 and higher education professionals, including superintendents, principals, teachers, business partners, parents, legislators, education advocates and students. The group proposed more than a dozen recommendations on how to update statute for our student's needs. They did so over just four meetings, which lasted less than eight hours.

CHAIR DENIS:

I was a member of the BRC. It was an effective way to discuss important issues in a quick manner and bring communities together.

MS. EBERT:

The NDE supports more than two dozen statutory boards, councils, and commissions. These advisory groups are listed on Slide 13 and have more members among them than the NDE has staff. Despite our best efforts, the NDE continues to encounter significant delays and obstacles to support these groups. We have a challenge identifying individuals who are eligible to meet the narrow specifications in statute and are qualified, interested and available. We face delays in appointing authorities and are concerned the need for formal appointments limit the pool of eligible individuals. Our most critical concern is the need to focus on the outcome of student achievement and educator effectiveness.

Our system bases the success of a council on how they meet quorum, how many legislative appointments they have secured, and how well they are staffed. It takes hundreds of hours of staff time to organize and facilitate these meetings, create minutes, manage appointments, process travel expenses, calculate per diems and prepare content for meetings. We spend tens of thousands of dollars each year to staff and report on these groups. None of these tasks guarantee progress on student outcomes. It simply increases the number of advisory groups we have to staff. What S.B. 76 aims to do is allow us to be nimble and responsive, so we can lead with outcomes in mind. We

want to judge our success on whether we move the dial on student outcomes, not whether we have filled vacancies or filed reports that may sit on a shelf.

We also have a number of councils that regularly cancel meetings and are unable to take action for months at a time due to the inability to have a quorum. As an example, when we engaged with stakeholders regarding S.B. 76, two of them were unable to establish a quorum. Therefore, they did not have the opportunity to review this bill.

Of the past seven meetings called by the Council to Establish Academic Standards, two were cancelled due to lack of a quorum. To highlight why we want to eliminate this specific council, Slide 15 presents an overview of the work our stakeholders engage in and contribute to the development of our standards. To the right of the slide, there are two bolded items referencing the Council. These items include approval to review standards and approval of recommended revisions. If NDE experts in consultation with the education community feel the need to review standards, we should not need to seek another council's permission to review them. The Council to Establish Academic Standards is an additional layer in the approval process.

SENATOR DONDERO LOOP:

The FLAC was formed in 2019. There has not been much time to see its performance. We purposely put business people in the Council so there was input. What is the thought process for the FLAC to be retained?

MS. EBERT:

This change is reflected in section 9. Initially looking across the board to create efficiency for the State, the NDE looked at all the councils. Then through conversations with staff and community members, we examined each council individually. The FLAC was one of the councils the NDE decided to retain because they were established in 2019. Due to how long it took for appointments to be made and their first meeting to occur, it was almost seven months before the first meetings occurred. We still need the FLAC's expertise. In our amendment to S.B. 76, we are asking to sunset the FLAC in 2023.

SENATOR DONDERO LOOP:

Can you adjust the sunset date? Will you need a bill or something else?

MS. EBERT:

Adjusting the date can occur in a couple of ways. First, we can continue the FLAC in statute. Second, the work could be continued in the NDE with our own staff and the expertise of the business community. I want to emphasize the work of these councils will continue; they will just not be in the structure where the backlog occurs.

SENATOR BUCK:

On Slide 13 of [Exhibit B](#), is that the comprehensive list of the councils? If not, could you send me a list of all councils and their purpose? How do you guarantee you are getting input from all these stakeholder groups so they have a voice?

MS. EBERT:

Slide 13 does list all the councils we support; however, we are not requesting to sunset all of them. Councils such as the Teachers and Leaders Council and the Committee of Practitioners are either still in statute or are a United States Department of Education (DOED) requirement. Other councils have been successful and timely and therefore will not be sunsetted.

It is incumbent on us as a State to make sure that diversity is represented and starts with the NDE and Legislature. If we develop processes and expectations, the voice of every constituent will be heard as part of that process. Transparency is part of our values. Information needs to be publicly available in advance. Senate Bill 76 was posted over two months ago to allow for the opportunity for conversation with our constituents.

SENATOR HAMMOND:

Many groups may believe all these advisory groups will be put under the NDE, as I did when I first read the bill, and think this action is too much. To be clear, my understanding is the FLAC or any other council could be brought back if the need is there? We have many councils; perhaps too many. The Office of the Governor and the NDE must have a difficult time staffing all these groups.

MS. EBERT:

The work to staff all these councils has already been completed. The intent is not to make the work go away, but to do it differently. I brought up the BRC earlier as an example of how we can gather a group of constituents, look at the problem and bring solutions to the Legislature.

SENATOR HAMMOND:

A member of these advisory groups cannot serve on another group. With these changes, is that rule no longer in effect? When you say differently, do you mean a person can serve in more than one advisory group? If so, how do we maintain diversity if we are using the same people?

MS. EBERT:

That is not the intent. Referring to our value of transparency, we will make sure all voices are heard. If someone says they are not at the table and they want to be, we will ensure that happens.

SENATOR HAMMOND:

How often does the member list of these advisory groups come out?

MS. EBERT:

Those reports are posted on our website. As members change, they are updated almost instantaneously.

SENATOR HAMMOND:

I want to ensure that information is available. To confirm, if a person serves on a council he or she can only serve on one at a time? Will that change under the NDE's direction?

MS. EBERT:

I am not aware if the restriction you mention is in statute. I will confirm.

ASHER KILLIAN (Counsel):

*Nevada Revised Statutes* 232A.020 limits gubernatorial limits to only serving on one board, commission, body, etc. at a time.

CHAIR DENIS:

The bill says abolishing a number of commissions. However, you are not abolishing what those commissions are doing?

MS. EBERT:

Yes.

CHAIR DENIS:

The Department of Education is still charged with ensuring the work continues and finding a way to undertake it more efficiently?

MS. EBERT:

Yes. The work still continues and evolves under the NDE.

CHAIR DENIS:

Who will appoint the members to these newly created groups?

MS. EBERT:

The Department of Education has started a new application process for all our committees and commissions. It asks a wide range of questions to ensure we can find diverse individuals for these groups. I have a stakeholder I work with that is inclusive of many groups. We also turn to the RPDPs. These efforts ensure invitations are open for those who wish to serve.

CHAIR DENIS:

How do we ensure your successor will continue the work you are describing? The process as set in statute has specific steps that must occur. How do you address that issue?

MS. EBERT:

It is exactly what we are doing now. The legislative body sets the expectations for the State as a whole. Through the Committee on Education in the State, and the DOED, many layers exist for accountability and enactment of legislation.

SENATOR DONDERO LOOP:

Can a new superintendent bring back all these committees if they saw fit?

MS. EBERT:

Yes.

SENATOR DONDERO LOOP:

We should have a RPDP discussion on the amendment listed in [Exhibit C](#) to know more about the changes, what will happen, and where our school districts will be.



MS. EBERT:

We had conversations in the past week with our constituents who want to revisit the proposal. Those conversations will continue.

CHAIR DENIS:

There will be recommendations made from these conversations, and the RPDP will be one of those topics.

SENATOR LANGE:

I am not willing to give up on these commissions. I agree we could reduce how many exist, but removing them entirely is not the right way. These commissions represent people in Nevada who have a stake in education. Bringing everything into the NDE potentially mutes other voices. As an example, getting rid of the safety committee is not a good idea. Safety in schools is a huge concern. We should have a conversation regarding which committees to keep and which are not relevant.

MS. EBERT:

In section 5 of S.B. 76, we have the safety committee listed as an advisory group. That work would continue. If it is the will of this Committee to revisit which committees should be abolished, we can do that.

SENATOR HAMMOND:

Regarding Slide 9 of [Exhibit B](#), we have seen changes to reporting requirements many times in the past. Why was the SafeVoice reporting requirement changed from a quarterly report to every six months? What advantages will be gained?

MS. EBERT:

We made this change due to feedback. It was determined quarterly reports were not necessary. Reporting every six months still provides us the needed information. Internally, the NDE monitors reports like SafeVoice on a daily basis. If we see an uptick in certain areas, we are involved with the Department of Health and Human Resources and other constituents. This is a report, not a tracking system.

SENATOR HAMMOND:

Can you give us a sampling of the stakeholders involved in that feedback?

MS. EBERT:

We had the larger school districts in the State, the Nevada Association of School Superintendents and other groups in that decision.

SENATOR BUCK:

With my previous professional experience, I understand why your constituency would want lesser amounts of reporting. What I am hearing in these conversations is that the work will go on. In my opinion, all 25 committees listed on Slide 13 of [Exhibit B](#) were good intentions at the time but overburden the work. Simplifying is good.

SENATOR HARDY:

One of the challenges people have in volunteering is they have to fill out financial disclosures and be subject to ethics laws and open meeting laws. When a shift to these advisory groups occurs, do they have an obligation in those areas?

MS. EBERT:

We would not have the same ethics requirements. That was not contemplated in this work.

SENATOR HARDY:

That is good to hear. You will find people are more apt to be involved when they do not have to share as much personal information. This is a good idea, I support S.B. 76.

HAWAH AHMAD (Clark County Education Association):

We support S.B. 76. We have a proposed amendment ([Exhibit D](#)). From our discussions with the NDE, this is a friendly amendment.

KARL CATARATA (Youth Commissioner, Nevada Advisory Commission on Mentoring):

We support S.B. 76 with the proposed wording listed in [Exhibit C](#) on stakeholder improvements to keep the NCOM. Our goal is to remain an independent commission supporting Statewide mentoring objectives. [Exhibit B](#), Slide 6, states "Restores language related to the Nevada Commission on Mentoring (NCOM) and relieves the Department of administrative support for the Commission."

During this ongoing pandemic, the outcomes of young people in Nevada have been a great concern. As a youth commissioner, I have the privilege to be nimble collecting stories, collaborating with partners, partnering on mentorship outcomes across our State, and hearing and making sure we find hope through mentorship during this time. While we were challenged without funding, those committed to the NCOM got by delivering for students in different ways. For example, during our partnership with the University of Nevada, Las Vegas College of Liberal Arts, I had the opportunity to work with the Director of Student and Community Engagement. We opened up new pathways for students to get more internship and mentoring opportunities in local governments. This change helped them in their academic studies and for college credit. Please consider keeping this entity, which regularly brings together mentoring leaders across our State. The Commission is always willing to work with the Legislature and the NDE to continue successful mentoring outcomes while being frugal and efficient with resources for our youth in the State.

MARIE NEISESS (President, Clark County Education Association):

We support S.B. 76. As citizens of Nevada have witnessed over the last year, it is important our educational system is responsive to emerging needs and efficient in making needed adjustments to our K-12 public education system. The Clark County Education Association (CCEA) believes the removal of duplicative committees will increase the NDE's responsiveness to address the needs of our students and teachers.

Though we support this bill, the CCEA cautions the NDE that removing committees may lead to an absence of educators' voices in the decision-making process. This will lead to misinformed decisions impacting educators and students across the State. For that reason, CCEA has worked with the NDE to propose a friendly amendment which acknowledges the importance of educator representation of the largest employee organization in the State. This inclusion of the CCEA in S.B. 76 further aligns equity interests of Clark County educators to promote fair representation at the State level.

CHRIS DALY (Deputy Director, Nevada State Education Association):

The Nevada State Education Association opposes S.B. 76. I have presented my testimony in ([Exhibit E](#)). Finally, we oppose the amendment introduced by the CCEA unless a balance is struck with other education associations that are district-based across Nevada.

MARY PIERCZYNSKI (Nevada Association of School Superintendents):

We oppose S.B. 76 as it is written. The bill eliminates the regional governing boards of RPDPs. Regional Professional Development Programs were created in the early 2000s to provide professional development for teachers throughout the State. Nevada needed professional development to meet the new requirements of No Child Left Behind. Districts, especially smaller ones, did not have the money to support large training programs. Governor Kenny Guinn instituted RPDPs to provide professional development. Districts came together to create the regional programs. Three districts exist, each with a governing board. The governing boards consist of a superintendent from each district involved in that region, a teacher from each district, a representative from NSHE and a representative from the NDE.

We oppose S.B. 76 because it eliminates the three regional governing boards. The boards facilitate the decision making necessary to respond to local professional development needs of the districts they serve. Each district is unique. The regional approach has worked well rather than a Statewide approach. The governing boards coordinate their efforts and allow for teacher and administrator input. All of this will be lost if this approach is moved to a State level.

LINDSAY ANDERSON (Washoe County School District):

We oppose S.B. 76. We do want to clarify we are in support of items 4 and 5 from the NDE's amendment, [Exhibit C](#). As you heard from Ms. Pierczynski, the Washoe County School District Board of Trustees adopted a board platform that included full support for the RPDP governing boards. We believe they are nimble and teacher-driven to meet student needs. We are concerned the shared governance between the fiscal agent and the programming director could lead to conflicting messages to our RPDP staff.

You have heard issues regarding the Council to Establish Academic Standards. That was also included in our work platform. Those meetings should be public. We do have many educators who want to watch and listen to those meetings. We know it has worked in the past; we have seen it. With the technology we are using, perhaps it will be easier to reach a quorum. We would like additional discussion relating to RPDPs and the Council to Establish Academic Standards.

EVAN GONG:

I present my neutral testimony ([Exhibit F](#)).

DAVID DAZLICH (Vegas Chamber):

We are in neutral for S.B. 76. The Chamber has been engaged with improving K-12 education in Nevada for many years. We initially opposed S.B. 76, but after hearing Ms. Ebert's presentation today and understanding the difficulty filling these commission seats, we are now neutral. It is important this work proceed forward in a timely manner. Without commission seats filled and the ability to have a quorum, it is important the NDE move forward with S.B. 76. For the record, we offer the Chamber's assistance in recruiting qualified individuals to fill seats on these boards and commissions.

CHAIR DENIS:

Do we have any closing comments or questions from the Committee?

SENATOR DONATE:

I would reiterate Senator Buck's comments regarding getting us a list of which groups are staying and which are going. That way we can compare what the various amendments are proposing. I understand the sentiment of reducing the number of boards and why that is an impediment, but I also recognize the need for diversity in making sure all voices are heard.

CHAIR DENIS:

I agree. A complete breakdown is necessary.

SENATOR LANGE:

When we take away committees and move the burden to a single organization, we lose the voices of people who are doing the work in schools. I am having a hard time losing that voice because it is important. In section 1, subsection 2 of S.B. 76, it says "On or before March 31 of each year". We are changing the report to be every five years. Things change a lot in five years, if not in a single year. Five years seems like a long time between reporting.

MS. EBERT:

We looked at several different resources in terms of best practices for establishing long-term goals. Ten years is too long. One year is too short. As an example, we pulled business practices from the Harvard Business School. This is just the overarching plan. The accountability and reporting to the legislative body and the Governor would still remain in place on an annual basis.

SENATOR LANGE:

Chair Denis, now that we have heard testimony I would like time to digest the information.

CHAIR DENIS:

That was the intent of this meeting. If S.B. 76 was about taking away voices, I would not support this. The same voices will continue to be heard, perhaps better because in certain cases we are not better due to the inability to reach a quorum.

MS. EBERT:

We will continue to hear the concerns raised and work collaboratively with everyone on S.B. 76.

CHAIR DENIS:

I will close the hearing on S.B. 76 and move to public comment.

MS. EBERT:

The Department of Education had a national awardee in the Association for Career Technical Education Hall of Fame. Director Craig Statucki is being recognized for his lifelong work to support career and technical education. He was recognized for his work at the local, State and national level.

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CHAIR DENIS:

With no further public comment, we are adjourned at 2:35 p.m.

RESPECTFULLY SUBMITTED:

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Ian Gahner,  
Committee Secretary

APPROVED BY:

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Senator Moises Denis, Chair

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

<b>EXHIBIT SUMMARY</b>				
<b>Bill</b>	<b>Exhibit Letter</b>	<b>Begins on Page</b>	<b>Witness / Entity</b>	<b>Description</b>
	A	1		Agenda
S.B. 76	B	1	Jhone Ebert / Department of Education	SB76: Education Agility Act Presentation
S.B. 76	C	1	Jhone Ebert / Department of Education	Amendment
S.B. 76	D	1	Hawah Ahmed / Clark County Education Association	Amendment
S.B. 76	E	1	Chris Daly / Nevada State Education Association	Opposition Testimony
S.B. 76	F	1	Evan Gong	Neutral Testimony