

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Eighty-first Session
March 22, 2021**

The Senate Committee on Education was called to order by Chair Moises Denis at 1:03 p.m. on Monday, March 22, 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

COMMITTEE MEMBERS ABSENT:

Senator Carrie A. Buck (Excused)

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Cari Herington, Executive Director, Nevada Cancer Coalition
Hawah Ahmad, Clark County Education Association
Hugh Anderson, Managing Director, HighTower Las Vegas; Vegas Chamber
Joshua Leavitt
Brooke DeVoge, Secretary, Power2Parent
Brian Reeder, Nevada Contractors Association
Sarah Nick, Department of Education
Mary Pierczynski, Nevada Association of School Superintendents
Bob DeRuse, Director, ACE High School
Brad Keating, Clark County School District

CHAIR DENIS:

I will open the hearing on Senate Bill (S.B.) 182.

SENATE BILL 182: Revises provisions relating to physical education.
(BDR 34-616)

SENATOR JOSEPH P. HARDY (Senatorial District No. 12):

This bill focusses on participation in an activity that has been scientifically shown to be consistent with reducing obesity. We talk about obesity in terms of prevention and treatments. There are five important things for preventing obesity. First, choose the right parents. Second, get breast fed. Third, have good nutrition. Fourth, get physical activity. Fifth, decrease screen time. Those things are what I look at whenever I read literature written on this subject. The Harvard School of Public Health stated, "Weight lifting, push-ups, and other muscle strengthening activities build muscle mass, increasing the energy that the body burns throughout the day even when it is at rest, making it easier to control weight." People talk about weight lifting and strengthening, but the bottom line for weight control is to increase daily activities. Research talks about moderate intensity activities, which results in a 50 percent to 60 percent increase in resting heart rate.

Obese children become obese adults. The Childhood Obesity National Action Kit is referenced in the Harvard School of Public Health. It has good ideas, references and studies. It references <<http://www.choicesproject.org>>, which talks about active physical education (PE). The website references a policy requiring a provision of 50 percent moderate to vigorous physical activity and PE classes. There are many things we can do to address this problem, and I think we are missing out on some of them. Particularly during the Covid-19 pandemic, where people talked about the "Covid 5" six months ago, the "Covid 10" two months ago, and now the "Covid 20," we have more screen time that is not healthy for children without the complement of going outside and exercising.

There is a study done with preschool kids by William H. Brown, professor of College Education at the University of Southern California. The statement was made:

Teachers very rarely encourage the children to be physically active.
When balls and other items were made available, especially

outside, and when they have open spaces in which to play, the children were more likely to be active. The low levels of children's activity and the lack of adult encouragement point to a need for teachers to organize, model and encourage physical activity.

We know there are some things you cannot change. One of the problems is the daunting nature of obesity and how it is discouraging when you start looking at all the things that interface with childhood obesity. I deliberately did not want to scare people by giving graphs that make the solution sound harder than it is.

We cannot change our parents. We cannot change that we have not been breast fed. Some of us cannot change the fact we do not get the right food in the right way. Some of us cannot decrease our screen time in the face of Covid-19. We can change our activity. We can look at the studies and ask if we can make a change to activity levels in our school districts. The bottom line is we need to do something on the school level to combat childhood obesity. We need to look at weight-bearing, weight-lifting and moderate type exercise where we get our heart rate up.

CHAIR DENIS:

In my own study of obesity, one of biggest factors is nutrition. Even with all the exercise, if a child does not have proper nutrition avoiding obesity is difficult. Is there a way nutrition could be tied into this bill?

SENATOR HARDY:

Yes. As you have been the champion of collecting weight data, if we are going to make any progress we have to know where we are at and where we are going. Good nutrition such as vegetables, fruits, foods low in fat and decreased sugary foods are a critical part of managing obesity. If you take every calorie in and have to get it out with physical activity, eventually your more calories in will overwhelm calories out. We have to look at the things we can change, which is nutrition, physical activity and screen time.

CHAIR DENIS:

How will the bill specifically change things so children are participating in these scientifically-identified physical activities?

SENATOR HARDY:

Instead of doing low-impact exercises in PE, we start doing more endurance and weight lifting, and we will have better success at using calories we consume. It basically comes down to a math equation: calories in and calories out. We prefer to have the calories go out. As we exercise, many times our appetite is not as great as we think it would be, and we end up having more calories out than we take in. If you marry nutrition, physical activity and screen time, we will make inroads. If we do not have those three areas together, we are losing the battle. Obesity has tripled in United States children over the last three decades. The United States is one of the highest nations in the world for the rate of obesity. If we do nothing, we are going to get less "skinny" over time.

SENATOR DONDERO LOOP:

We know kids need physical activity for many reasons. I do not think it is fair to include some of the things in the list you brought up. Breast feeding is one of those things. Many adopted parents do not breast feed their kids. Many natural parents do not either. While we may have some testimony which points to better success when breast fed, I know a lot of people who have successful families that did not breast feed.

You cannot legislate these things. While we wish all parents would send their kids outside, we have to be careful telling parents they may be bad parents. Most parents are trying to do the best they can. Living in an apartment is different than living in a half-acre home. We know there are disparities within our education world.

As a teacher, I took my kids outside to read to them. I took them outside to recess. I did lots of things outside. I think most teachers try to do this. With the advent of Covid-19, that may be something we do more of. What I would like to know is how this will affect our PE and health units in a post-pandemic world. I think the outside will become our friend again.

SENATOR HARDY:

I deliberately did not put anything in the bill aside from physical activity for those same reasons. This bill is not to make people feel guilty. It is meant to recognize if we focus on those things we can do something about, such as physical activities, we can make headway. Your point about the urban child unable to get outside is accurate. There are people who for various reasons do

not want to get outside. It does not change the fact that if we can get children outside, in the gym, or some other safe place, exercise will get better. It has also been shown that exercise gets endorphins going and helps depression. There are a lot of positives that occur with exercise. It is not just obesity we are concerned about but the overall well-being of a person.

If you look at teachers, most of them are aware if you get a student to exercise they probably focus better in the schoolroom. If you get students involved in activities such as soccer, basketball, playing tag and running around, it does help. They are all legitimate activities; they are all good.

SENATOR LANGE:

I am a former PE teacher. I taught my whole career with K-12 students. In teaching PE, everyone is aware of the obesity issue. Health classes teach the science while the PE classes provide the activities. We talk to our students about obesity all the time. There has to be a certain level of commitment from the student to change things. It is difficult in high schools because you have candy and soda machines all over the campus. They raise a lot of money from them. Kids empty those machines every day. In my PE classes, I tried to teach my kids to find a lifetime activity they could do that will keep them healthy throughout their life.

I love the weight rooms. Kids love to go into the weight room. They like the various activities and partnering. The problem with weight rooms in junior high and high schools is there is no class size limit in PE. When you have an environment where you have kids doing lots of various activities and you are trying to keep them all safe, you can have as many as 60 to 70 students in your classroom. There is no way to fit all of those kids into a weight room. To make weight rooms work well for a PE class, you will have to look at class sizes.

I agree we do need to teach kids about obesity from an early age, but there are so many factors that are outside the control of the education establishment which contribute to student life-long wellness. What we can do in PE and health classes is teach kids what it means to be healthy. We cannot control the choices they make, we can only give them the information. I like the premise of this bill, but I think there is more involved that is outside the control of educators.

SENATOR HARDY:
I agree.

SENATOR DONATE:

We need to think of the health curriculum holistically from starting in kindergarten, graduating from high school and beyond. As you graduate, you can start to develop the good health behaviors that will influence the rest of your life. When I think back to the activities I did in PE, I remember running the mile but not knowing why. Eventually when I went to a Career and Technical Education (CTE) school that had a magnet program, learning about anatomy and sports medicine helped me understand why those health behaviors were important. It would benefit the students if they understood concretely how their body responds to the actions they are doing. Would you be open to creating an amendment that would require PE courses to not just teach about nutrition but things like caloric requirements and making healthy food choices? Specifically in sports medicine, that might be something that can help reduce obesity. It is all tied into the same conversation.

SENATOR HARDY:

I do not envision the class of PE to be just exercising but educating overall. There is a time where students are amenable to discussing the details of health and being invested in their own health. You can give students a sense of self-worth and accomplishment, which is invaluable when you start looking at the confidence they need to learn in addition to learning about calories, exercise methods and the things that go along with the physical. If we try to separate physical, mental and emotional, we probably will not succeed.

SENATOR LANGE:

Have you looked at the health curriculum to see if there is any correlation between teaching about obesity and how much activity occurs in PE?

SENATOR HARDY:

No. My concern from a medical standpoint is the increased rise in obesity. Whatever we are doing is not enough. This bill is one small piece of correcting that issue. If we can find a curriculum that works to actually decrease our rate of obesity, that is the kind of thing I would like to see.

SENATOR LANGE:

Would you be interested in amending this bill to creating a lifetime activity for a student? Even if a student gets an activity through high school, they may not continue it after and could experience obesity. I think educators will want to create an opportunity for kids to have a lifetime activity. That should always be our goal.

SENATOR HARDY:

I fully agree with you.

CARI HERINGTON (Executive Director, Nevada Cancer Coalition):

I support S.B. 182. Obesity in children and adults is defined as abnormal or excessive fat accumulation that presents a risk to health. Obesity continues to be a significant health concern nationwide and is associated with multiple poor health outcomes, including an increased risk of heart disease, cancer, stroke, and Type 2 diabetes. Overweight and obesity also contribute to poor mental health outcomes. Approximately 24.5 percent of Nevada children are overweight or obese. Schools provide an ideal environment for learning and practicing healthy habits to carry on through adulthood. Washing hands, safely crossing the streets, eating healthy foods, even wearing hats and sunscreen while outside, are healthy habits schools are teaching our children and allowing them to practice.

From the Centers for Disease Control and Prevention:

When students do get physical education, it not only increases their level of physical activity, it also improves their grades and standardized test scores, and it helps them stay on task in the classroom.

Increased time spent in PE does not negatively affect students' academic achievement; it enhances it. We know physical activity affects mental health. On average, young people who exercise more have lower levels of depression, stress, psychological distress and higher levels of positive self-image, like satisfaction and positive well-being.

As a mom of twins who are now seniors in high school, I can share that physical activity in our school system has sadly been under-supported and often nonexistent. A few key teachers along the way did fight to ensure their

students had physical activity during the week, even just getting outside for a walk or a run. For the most part, PE—the type we grew up with—did not exist. Teachers were not taking their kids outside, nor did our elementary school have a dedicated PE teacher. My daughters are lucky as their parents do exercise regularly, and we can afford to provide them with extracurricular sports and activities, but we are the exception. It is time to change this disparity in Nevada for the health and well-being of our children.

HAWAH AHMAD (Clark County Education Association):

The Clark County Education Association (CCEA) is testifying in neutral on S.B. 182. The CCEA appreciates the intent of this bill. All of Nevada's K-12 PE courses should include activities scientifically shown to be consistent with reducing obesity. However, we caution we must approach obesity education delicately, and ensure healthy eating habits and body positivity are expressed to help give students the confidence they need to take on their education. In addition to the current curriculum supporting mindfulness and wellness, we feel education intended to reduce obesity rates will help teach students coping mechanisms to better handle the negative effects and impacts of the Covid-19 pandemic. The CCEA is excited to continue discussions on this legislation and is supportive of all initiatives that promote a healthy lifestyle for youth.

SENATOR HARDY:

I appreciate the input I am getting from the Committee. I have not only an open mind but an open bill that will hopefully serve as a vehicle to help our students be life-long lifestyle learners.

CHAIR DENIS:

I will close the hearing on S.B. 182 and open the hearing on S.B. 226.

SENATE BILL 226: Expands career and technical education opportunities for pupils. (BDR 34-75)

SENATOR SCOTT HAMMOND (Senatorial District No. 18):

Senate Bill 226 seeks to make our CTE programs more relevant to Nevada's workforce climate. For many years while I have served in the Legislature, one area of continued strong bipartisan support has been workforce development opportunities. Even within the last several years through four sessions, this body has made huge strides in our Statewide workforce development goals including our focus on Science, Technology and Innovation.

Many of us in the Legislature, especially in this Committee, recognize that workforce development starts in our schools. Our CTE programs have been very successful. They have helped students find exciting, high-paying careers. The programs have also been beneficial for those in our business community who seek highly skilled graduates. These programs support students and businesses not just in our most populated counties but in our rural areas as well. We already know students who participate in CTE are more engaged in learning and are more likely to graduate high school and earn industry-recognized credentials.

While we have made great progress in our CTE programs over the years, there is still work to be done. Just last month, the Association for Career and Technical Education outlined Nevada's status with CTE and indicated Nevada still experiences a skill gap. While 51 percent of jobs in Nevada require skills and training outside of high school, only 40 percent of workers are trained at this level. The bill before you today presents an opportunity to strengthen and expand CTE programs and better align training with business needs.

Senate Bill 226 does several things. I will walk through the bill and then address some of the concerns that have come to me from the Department of Education (NDE) and others. In consultation with various workforce development partners, section 2 requires the NDE to identify industry sectors and occupations in each sector that have the highest need for additional skilled labor, required license, certificate or credential and have an average wage of 65 percent or more of the median wage for all employment in this State. The wage portion will probably be moved around. We want to make sure we are looking at a wage that is going to help somebody right out of high school.

Section 8 authorizes the NDE to establish corresponding regulations or plans that promote subjects related to those identified industries, sectors or occupations. This section also directs the State Superintendent to study and investigate CTE program funding. That is one of the biggest areas we need to work on, and I will go back and address this area later in this presentation.

I want to emphasize the forward-thinking nature of the way section 2 would work. Nevada's workforce climate is dynamic and may shift more rapidly in the future as technology and our continued workforce development initiatives take root. That is why in this language we ask on a yearly basis we talk about what industries and jobs are in demand. Where we will probably make a change is we are not going to demand the programs and schools change on a yearly basis,

but they have a list of those sectors that are changing yearly. A lot of programs are designed around a four-year program, so we do not want to affect students who have already began a program. We want to make sure we are cognizant of yearly changes.

To the extent money is available, section 3 authorizes the School Board of Trustees of a school district or charter school governing board to apply to the NDE for a grant up to \$1,000. The NDE had some concerns I spoke with them about yesterday. I did not articulate this properly to the writer of the bill, but this bill is designed to be a stand-alone grant program. It is not connected in any way to the Perkins Grant. There should have been no crossover. This bill is not designed to direct how to spend the Perkins money.

What we want to do is add to the Perkins money. The biggest problem we have is we get a certain amount from the federal government in Perkins funds. We cannot increase that amount we get from Perkins because it is based on population, which only changes every ten years because of the census. To add to the amount and be a more robust program, we have to come up with ways that augment those funds on the State level. This bill is an effort to do that.

The \$1,000 listed is to help students who need help testing, getting their credentials and meeting the goals we designed in this bill. It is reimbursable to the school if they pay for it or in some cases to the student if they pay for it, giving priorities to those who are in the categories of 200 percent of the federal poverty level or those qualified for free or reduced-price lunch. We want to ensure we are helping those students. If they do not use the full \$1,000, then we want to ensure schools develop programs that do a good job meeting those requirements to make their programs more robust.

For sections 5 and 6, after speaking with the NDE, we realized these sections are not necessary and most of it is already happening. We would propose to eliminate those sections in an amendment. Section 10 outlines the prioritization order of which funds would be distributed. In section 7, there are parts which are necessary. Section 7, subsection 1, paragraph (a) is not needed. We do need to reword section 7, subsection 1, paragraph (b). We are working with NDE, but our goal after this hearing is to sit down with other stakeholders and go through S.B. 226. There are many things that need to be worked out. For example, we mentioned the need for high-skill, high-pay jobs. We need to work

out a definition for that and figure out if we need to put that definition in statute.

We are trying to make our CTE programs around the State more robust, get input from stakeholders, try to bolster the number of students involved in CTE and make sure they have access to testing, licensing, credentialing and anything that gives them the ability to get a job after high school that meets a certain requirement. The requirement we are changing is instead of median income we are going to say mean income of 75 percent, which gets these students into about a \$32,000 per year job at the beginning.

SENATOR LANGE:

Is there going to be a fiscal note attached to this bill?

SENATOR HAMMOND:

The Clark County School District put a fiscal note on this bill, but it is tied to the fact that the bill mentions NRS 388.392, which goes into the Perkins grant. Once there is clarification, that fiscal note should go away and clarify the intent of the bill is to not tell the State how to spend Perkins money.

When analyzing the bill as it is written, people are looking at it thinking every student in a CTE program will get \$1,000. That is not the intent of the bill. Right now, 70 percent of the Perkins money that comes in is tied to per pupil expenditures and the other 30 percent is spent helping students with testing, credentialing and so forth. To repeat, S.B. 226 is not trying to tell schools what to do with the Perkins money that comes into the State. That money is already tied up and has a certain usage assigned to it.

What we are saying is we need extra money. If we are going to grow the program, add students to the program and make it successful, we have to make sure we are helping students not only learn but take the knowledge they are learning and apply it so potential employers understand the students know how to do it through credentials. The biggest task we have is to determine what credentials align with the jobs that are needed.

CHAIR DENIS:

Does the bill determine how the money we put in from the State is to be spent?

SENATOR HAMMOND:

Yes, it tries to reward programs that are having success. We are basically saying "here is what we want you to achieve." There are accountability measures, and are you measuring up to those accountability measures? If so, then we are rewarding you so you can continue to grow that program. What we want to do is make sure students who are trying to get employed after high school are employed, or if they are trying to go to college, we are helping them too. In some cases, these programs or credentials may require students to get another year of schooling. We want to make sure we are putting these students along the right path.

CHAIR DENIS:

The bill does not specifically ask for more money?

SENATOR HAMMOND:

No, it does not. We will create a program, and if we want to talk about putting money into the program, that is fine. I would allow people to gift money into the program via an amendment. We want to make sure every student has some of the money, even if they cannot get up to \$1,000 in the first few years. It just depends on how much money we put into the program.

HUGH ANDERSON (Managing Director, HighTower Las Vegas; Vegas Chamber):

We support S.B. 226. This bill will help increase CTE initiatives for the benefit of Nevada students. One of the primary challenges relating to workforce training is the need for better alignment with training programs for workers and the skillsets needed by employers.

We believe this bill will help those efforts by identifying industry sectors that need additional skilled labor. This legislation has the potential to support efforts coordinated by the private sector through public-private partnerships. The coordinated approach between education stakeholders is another important piece of this legislation as we look to addressing workforce needs.

The Vegas Chamber believes that CTE is essential to students who want to enter the workforce after graduating high school. That is why the Chamber is working in conjunction with workforce connections on a new initiative called Southern Nevada Workforce Solutions. Legislation like this will help students achieve their potential and be ready for career or college.

JOSHUA LEAVITT:

I support S.B. 226. I believe this bill provides Nevada's education system more opportunities to discover, support, promote and prepare our youth for in-demand and high-paying careers. It also adds information sharing, measurements for accountability, coordination and equity that ensures Nevada is moving in the right direction and that every student has an opportunity to participate.

BROOKE DEVOGE (Secretary, Power2Parent):

I support S.B. 226. Along with the necessity to have school choice, it is imperative we bring back and support CTE. We are grateful for the Legislators who are working hard to bring back these vital programs that will not only benefit our youth with new skills but will stimulate our economy in the long run.

BRIAN REEDER (Nevada Contractors Association):

One of our biggest challenges is we do not have enough young people entering skills trades and the industry in general. Our industry offers well-paying, high-skilled careers at many levels but the interest is not quite there. This bill will help provide students with the technical education to point them down a very successful career path.

MS. AHMAD:

The CCEA believes the K-20 education delivery system is the foundation of workforce development and a key component to economic diversification in Nevada. We are testifying in neutral on S.B. 226. We believe this bill is an essential component to bridging the divide that exists between the northern and southern ends of our State, and will help us to ensure our CTE curriculum is catering to jobs that are open.

The only thing we would change to this bill is add a focus on the industry clusters discussed in the Anderson Economic Group economic evaluation commissioned by the CCEA. By forecasting existing industry clusters expected to grow, we can ensure the studies and investigations on funding for programs of career and technical are impactful. We support the intent of this bill and look forward to working with the sponsor and all stakeholders to ensure there is alignment between our K-20 education system and the industry.

SARAH NICK (Department of Education):

We are neutral on S.B. 226. The NDE supports the implied intent to provide students with more opportunities to take industry-recognized credentials and

reward schools for encouraging students to participate in high-skilled, high-wage in-demand career pathways and to fund S.B. 226 outside of State and Perkins funding. The Department looks forward to seeing and providing technical assistance on new language provided by Senator Hammond to move S.B. 226 to benefit students and schools by focusing on industry-recognized credentials.

MARY PIERCZYNSKI (Nevada Association of School Superintendents):

The importance of CTE cannot be overstated. It is important in both our rural and urban districts.

BOB DERUSE (Director, ACE High School):

ACE High School supports S.B. 226. Career and Technical Education is the lifeblood of ACE High School, and preparing students to achieve industry certifications in our core CTE programs is the basis of our schools mission. In last year's graduating class, 16 students out of our 52 graduates earned industry-level certifications of achievement through Truckee Meadows Community College in diesel technology; machining and manufacturing; welding; industrial maintenance; and heating, ventilation and air conditioning. Senate Bill 226 further validates, supports and encourages the missions of all schools to prepare students to be career ready in industry-demanded fields. The creation of an annual list of industry sectors with a high need of additional skilled labor will allow high schools to better prepare and educate our students to meet the labor force needs in Nevada

ACE High School would like to suggest an amendment to the language in section 3, subsection 1, paragraph (b). This section relates to the ability of a school to apply for grant money if a student completes an identified program need after graduation. The language states within six months of graduating from high school and earning a license, certificate or credential, the school can apply for available grant funds.

We suggest this timeframe be extended to 12 months instead of 6 months. This is based upon our own experience of graduates who came to ACE High School after their sophomore year. These students completed two-thirds of the CTE certificate program required to earn an industry certification. Each year we have approximately two to three graduates who need an additional year at community college to earn this certificate. These students are usually between 9 to 12 credits short of the industry-level certificate, and the six month timeframe is too short for this to occur. Although many of these students go on

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and complete the courses needed for the certificate, the six month timeframe would not include these students.

BRAD KEATING (Clark County School District):
We are testifying in neutral for S.B. 226.

SENATOR HAMMOND:

The intent of this bill is to strengthen our CTE programs. A lot of this bill came from a conversation I had with a principal in Las Vegas. Year after year, that principal saw students off to college. The emphasis for many years was to make sure everyone went to college. It was soon realized as some students came back, college was not for them. A lot of these students did not have skills that made them marketable for any kind of career having not finished college. My emphasis here is to try to help the students but also help those schools that are developing robust programs that profit the students beyond high school.

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CHAIR DENIS:

I will close the hearing on S.B. 226. Seeing no public comment, the meeting is adjourned at 2:19 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