

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Eighty-first Session
April 2, 2021**

The Senate Committee on Education was called to order by Chair Moises Denis at 12:30 p.m. on Friday, April 2, 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

GUEST LEGISLATORS PRESENT:

Senator Melanie Scheible, Senatorial District No. 9

STAFF MEMBERS PRESENT:

Jen Sturm, Policy Analyst
Asher Killian, Counsel
Suzanne Efford, Committee Secretary

OTHERS PRESENT:

Christopher Daly, Nevada State Education Association
Rebecca Feiden, Executive Director, State Public Charter School Authority
Erica Valdriz, Vegas Chamber
Victor Salcido, Charter School Association of Nevada
Lily James
Geneva Wolfe
Serena Evans, Nevada Coalition to End Domestic and Sexual Violence
Kevin Finkler, President, Alpha Sigma Phi Fraternity
Malia Blunt

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Elizabeth Tang, Counsel, Education and Workplace Justice, National Women's
Law Center

Aliya Epstein

Elizabeth Davenport, American Civil Liberties Union of Nevada

Sarah Hawkins, President, Nevada Attorneys for Criminal Justice

Abbey Pike

Caitlyn Caruso

Jessica Stender, Senior Counsel, Workplace Justice and Public Policy, Equal
Rights Advocates

Sage Carson, Manager, Know Your IX

Joe Cohn, Foundation for Individual Rights in Education

Tina Russom, Deputy General Counsel, Nevada System of Higher Education

Kent Ervin, Nevada Faculty Alliance

CHAIR DENIS:

We will open the hearing with the work session on Senate Bill (S.B.) 160.

SENATE BILL 160: Revises provisions relating to education. (BDR 34-819)

JEN STURM (Policy Analyst):

I will provide a brief overview of S.B. 160 from the work session document
(Exhibit B).

Three amendments were submitted by Senator Kieckhefer and the Nevada
System of Higher Education (NSHE), Exhibit B.

SENATOR HARDY MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 160.

SENATOR HAMMOND SECONDED THE MOTION.

SENATOR BUCK:

I just want to remind the Committee that I support this bill, but remember that a
dual enrollment credit does not have as much weight on a student's grade point
average (GPA) as a student in an International Baccalaureate or Advanced
Placement class in high school. The student is going to a college and taking a
college credit class that does not have as much weight.

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THE MOTION CARRIED UNANIMOUSLY.

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CHAIR DENIS:

We will go to the next bill in the work session S.B. 193.

SENATE BILL 193: Revises provisions relating to the education of veterans and their spouses and dependents. (BDR 34-382)

Ms. STURM:

The second bill on the work session is S.B. 193.

I will summarize S.B. 193 from the work session document ([Exhibit C](#)). There is one amendment submitted by NSHE, [Exhibit C](#), page 2.

SENATOR HARDY:

A word was left out of the intent description on the proposed amendment. The word "charge" should be added after "tuition." It should read "Amend subsection 2, paragraph (I) of section 5 to clarify that tuition charge is prohibited for the spouse and dependents who are using the Post-9/11 Educational Assistance benefits as indicated in the digest." The language of the amendment is otherwise okay.

I want to make sure everybody knows that just because someone is a veteran, a spouse or a dependent of a veteran, he or she must still have the qualifications for admission to any of those programs. The advantage is the veteran, spouse or dependent of the veteran who is on equal footing with someone who is not has preference over the non-veteran, spouse or dependent.

The intent is not to prohibit tuition but to prohibit the tuition charge.

CHAIR DENIS:

Mr. Killian would you please confirm that is okay and not missing something?

ASHER KILLIAN (Counsel):

This section is addressing tuition charges which are separate from what you might think about as tuition. Under the law, tuition charges are the fees charged

to out-of-state students for tuition. In-state students pay registration fees instead.

The section of the *Nevada Revised Statutes* (NRS) being amended to add these provisions refers to tuition charges you might think of as out-of-state tuition. What Senator Hardy described is accurate. This bill would prohibit tuition charges for veterans, spouses and dependents.

SENATOR LANGE:

I have spoken with the Universities and they told me it would be hard for them because many of these programs are already filled and it is very competitive to get into them.

I did not realize that out-of-state students could come to Nevada and be given preference to get into classes over in-state residents. I would prefer that if we are going to do this, in-state residents should be given preference.

Could you clarify that please?

SENATOR HARDY:

We realize we need more people to come into the State and go through these programs.

To your other point about the programs being filled, we want them to be filled because we want the programs to grow. It is wonderful that the programs are filled. That should motivate us to make the programs bigger.

I am not trying to displace people who are Nevada residents in the programs. I want everybody to come and have the opportunity to stay here. In essence, this is a recruiting opportunity to keep people in Nevada.

Just because a person has qualifications does not mean he or she is better than someone who has a better GPA or a better interview. We do not want someone who is unqualified accepted into the programs. If an out-of-state veteran is qualified and on equal footing with someone else who is qualified but not a veteran, we want to give the veteran the opportunity to come into the programs. In other words, we want to give veterans the opportunity to come, be trained and stay in Nevada.

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CHAIR DENIS:

Is it correct that this only addresses nursing and teaching programs?

SENATOR HARDY:

Yes, that is correct.

CHAIR DENIS:

We know we have a great need for teachers and nurses. Those are the top two things we have identified that we need. That is why we started Nevada State College.

SENATOR LANGE:

I appreciate the intent. I am going to vote no on this, not because I disagree with what is happening, but because I disagree with some of the mechanics in the bill. I reserve my right to change my vote on the floor.

SENATOR BUCK MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 193.

SENATOR DONATE SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR LANGE VOTED NO.)

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CHAIR DENIS:

We will move on to bill presentations and open the hearing on S.B. 353 which came from the Legislative Committee on Education (LCE).

SENATE BILL 353: Requires the Department of Education to review certain assessments. (BDR 34-528)

SENATOR MARILYN DONDERO LOOP (Senatorial District No. 8):

Senate Bill 353 requires the Department of Education (NDE) to review assessments, prescribe regulations to limit the time spent on assessments and require school districts to request a waiver to exceed those limits.

Many of you remember S.B. No. 303 of the 79th Session sponsored by Senator Joyce Woodhouse. The bill required the NDE to audit the assessment

tools and examinations used to monitor the performance of public schools and students in kindergarten and Grades 1 through 12 to improve and streamline such resources. Ultimately, \$92,053 was transferred from the General Fund to NDE for the purposes of developing and carrying out the audit plan.

During the robust discussion in this Committee in 2019 on the audit results, many of us expressed frustration that the audit did not result in actionable recommendations on ways to reduce the assessments administered in schools.

One reason for this was the frequency and number of assessments administered at the local level which are not required by State or federal law. The NDE responded at the time that it would work with school districts to develop a balanced assessment system to help them reduce formative and interim assessments.

Then over the course of the interim, members of the Legislative Committee on Education continued to investigate the amount of instructional time lost to the assessments and talked about the impact of learning loss on students. Senate Bill 353 attempts to address those concerns by requiring NDE to develop regulations to set up guardrails around the amount of time students will undergo testing.

Section 2 of the bill requires NDE to review examinations and assessments administered pursuant to NRS 390, "Testing of Pupils and Graduation," for their educational benefits, cost, redundancy in information skills or abilities measured.

I would like to point out that NRS 390.800 includes district-based testing. Therefore, S.B. 353 includes any district-based testing within the scope of the testing NDE is required to review in addition to State or federally mandated examinations or assessments.

Section 3 requires the NDE to adopt regulations prescribing limits on the actual instructional time taken to conduct the assessment and the total number of assessments administered in a school year.

I am aware that the Department of Education has submitted a fiscal note of \$250,000 to carry out the provisions of this bill. This cost will no doubt be further scrutinized by the Senate Committee on Finance should the bill move

forward. I would also like to note that in 2018, when this amount was first requested and authorized, there was different administration in the NDE.

I urge your support of S.B. 353 which seeks to maximize instructional time for our students and reduce the burden of excessive testing.

SENATOR HAMMOND:

The NDE would be tasked with prioritizing and determining how long the mandated testing at the federal level would take. We are talking about how many minutes are taken out of instructional time. Is that correct?

SENATOR DONDERO LOOP:

Yes, it is. Section 3 asks the NDE to adopt regulations that prescribe limits on the actual time taken from instruction to conduct an examination or assessment pursuant to NRS 390.

SENATOR HAMMOND:

The NDE would have to determine how much time is taken from instruction and how much time the required tests take. When the NDE determines how much time the required tests take, if a district wants to conduct other tests, it would have to go to the NDE, request a waiver and wait for authorization.

SENATOR DONDERO LOOP:

That is correct. We have to remember there is some required federal testing.

SENATOR BUCK:

I agree that sometimes testing is excessive in our schools. Many times that is State-driven, so I am excited about this bill.

CHRISTOPHER DALY (Nevada State Education Association):

I have submitted written testimony in support of S.B. 353 ([Exhibit D](#)).

CHAIR DENIS:

Perhaps we have opportunities for efficiencies when it comes to test taking. I know in the Smarter Balanced Assessment Consortium we offer, there is opportunity to actually shorten testing. I hope the NDE will look at that as we go through this process and determine if there is a way we could lessen testing because it is not prescribed to necessarily be that way.

I will close the hearing on S.B. 353.

VICE CHAIR DONDERO LOOP:

I WILL OPEN THE HEARING ON S.B. 363 WHICH IS ALSO AN LCE BILL.

SENATE BILL 363: Revises provisions relating to charter schools. (BDR 34-530)

SENATOR MOISES DENIS (Senatorial District No. 2):

Senate Bill 363 requires charter school governing bodies that enter into contracts with certain organizations to report certain information to the State Public Charter School Authority (SPCSA). This bill comes as a recommendation from the 2019-2020 LCE.

During the LCE's September meeting, the executive director of the SPCSA gave the Committee information on the services provided by educational management organizations (EMO) to charter schools.

These services include academic support such as professional development or coaching, back office support, bundled services such as human resources, information technology and payroll, and facilities maintenance. The amount paid to the EMO depends on the level of services provided to a school. Testimony indicated schools pay approximately 12 percent of their funding to EMOs on average nationally. In Nevada, EMOs report to the governing bodies of charter schools in which they serve. These governing bodies evaluate the performance of the EMOs, which may include a review of a school's annual revenue and expenditure report and its financial audits.

With that background in mind, I will cover what S.B. 363 does. To better inform the governing bodies and policymakers of how charter schools are operating with respect to EMOs, S.B. 363 requires Nevada's charter school governing bodies that contract with an EMO to report to the SPCSA the amount paid to the respective EMO. The report must be submitted by November 1 of each even-numbered year.

I would like to propose one amendment to this bill to change the reporting requirement. Rather than requiring a charter school governing body that contracts with an EMO to submit a report to the SPCSA, the report would be submitted to the relevant sponsor of the charter school.

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In other words, not all charter schools are sponsored by the SPCSA. Some are sponsored by school districts. The charter school would report to whoever sponsors the school.

I urge your support of S.B. 363 which further supports transparency efforts.

SENATOR BUCK:

I like the idea of the transparency of this bill. When you look at charter schools in general, about 12 percent of their funding goes to EMOs. When you look at the finances of district schools, what trickles down to the school is about \$4,000 per student. That is definitely more than what trickles down to a charter school. We should add something to make district finances more transparent so school principals could actually have the funds to do what they need to do. I am all for this bill.

With 33 percent and more going to the district as a school's EMO, why do we not ask for transparency across the board?

VICE CHAIR DONDERO LOOP:

Why is this report not going to the interim Legislative Committee on Education?

SENATOR DENIS:

I am not sure. I do not remember why we did not do that when we talked about this in the Interim Committee.

VICE CHAIR DONDERO LOOP:

Perhaps we can explore that in the amendment. I understand the transparency issue, but EMOs are private corporations. That is what makes them different. Public school districts always have to have audits which are public knowledge.

SENATOR HAMMOND:

Transparency is always great. I like that we are asking them to submit this to their governing bodies, whether it is the charter authority or the district sponsors. Is there anywhere to access how much an EMO is receiving from a charter school? Are the charter board meetings public? Where can that be found?

It is good to put this into law because it is another point that is accessible to the public.

REBECCA FEIDEN (Executive Director, State Public Charter School Authority):
Some financial reporting is provided to the sponsors through existing regulations. The SPCSA has some of this information. I have no hesitation having this added to statute. I imagine some of those reports go through public board meetings so they might be available through a board meeting of a charter school. There is no centralized place at this time to access this information.

SENATOR HAMMOND:

If someone wants to find out what is being spent, such as a charter school's budget, it can be accessed but not in a central place. Is it correct that this bill will help us put that information in a central place so it is more accessible?

MS. FEIDEN:

Many of the financial documents on charter schools would be available through their public meetings. However, if you are looking for a centralized place, there is no centralized place. The SPCSA is provided with some of this information on an annual basis, such as charter school budgets. Those are also provided to the NDE. There is a repository for some of this, but there is no public posting.

SENATOR DENIS:

When we had this discussion in the Interim Committee, that was the main reason we brought this bill forward. Some of the information was available and this put it all in one place in a report and made it that much more transparent.

VICE CHAIR DONDERO LOOP:

We have to remember this is public funding the Legislature is responsible for allocating. It is important for us to know anytime public funds go to a private entity.

MR. DALY:

I have submitted written testimony ([Exhibit E](#)) supporting S.B. 363.

ERICA VALDRIZ (Vegas Chamber):

The Las Vegas Chamber of Commerce supports S.B. 363 and the requirement that each charter school governing body submits a report to the SPCSA. These reports would be beneficial when we look at continually progressing our charter schools and their operational performance. These reports will help charter schools governing bodies to understand the current performance levels to set goals and evaluate areas to make improvements.

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This bill will provide transparency and accountability for Nevada's students and the SPCSA.

VICTOR SALCIDO (Charter School Association of Nevada):

The Charter School Association of Nevada supports S.B. 363. As mentioned by members of the Committee, each public charter school has to pass its budget annually and sometimes more often. That is done in a public meeting subject to Open Meeting Law. All this information is public; however we support having a centralized place where it can easily be accessed. We are all for transparency.

SENATOR DENIS:

This bill will allow us to continue to create more transparency in education and education funding. We started with new funding formulas and other things that allow everyone to be aware of what we are doing in education. I urge your support of S.B. 363.

VICE CHAIR DONDERO LOOP:

I will close the hearing on S.B. 363.

SENATOR LANGE:

Senator Denis, on S.B. 193 I voted no and reserved my right to change my vote. I meant to vote yes and reserve my right to change my vote. Can you reopen the hearing on S.B. 193 so I might recast my vote?

CHAIR DENIS:

I will check with Asher Killian, Counsel. I just have to reopen the work session on S.B. 193. Is that correct, Mr. Killian?

ASHER KILLIAN (Counsel):

Yes, you can reopen the work session. The appropriate motion would be a move to rescind the previous vote and then open the vote for a new roll call since the vote was concluded and a decision was announced.

CHAIR DENIS:

Okay, we will do that. Would you like to make a motion to rescind the previous action on S.B. 193?

SENATOR LANGE MOVED TO RESCIND THE PREVIOUS ACTION TAKEN ON S.B. 193.

SENATOR DONATE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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SENATOR LANGE MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 193.

SENATOR BUCK SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR DENIS:

We will open the hearing on S.B. 347.

SENATE BILL 347: Revises provisions governing sexual misconduct in institutions of the Nevada System of Higher Education. (BDR 34-237)

SENATOR MELANIE SCHEIBLE (Senatorial District No. 9):

Senate Bill 347 has been an effort during the last 18 months with over 1,000 students in the NSHE to produce policies that make sense for Nevada students to ensure their safety on campus and in school. We have worked alongside numerous organizations and across all kinds of educational institutions in a completely nonpartisan way. I am proud of this bill.

Some significant changes were made to the original bill in the conceptual amendment (Exhibit F). The bill will be presented from the conceptual amendment.

LILY JAMES:

I am a senior at Mount Holyoke College and co-executive director of Every Voice Coalition which is a student and survivor led organization working to write, file and fight for student and survivor legislation to prevent campus sexual violence and support survivors.

GENEVA WOLFE:

I am a sophomore at the University of Nevada, Reno (UNR). Since last year, Nevada college students have been researching, talking with dozens of stakeholders, sourcing thousands of student voices and ultimately writing S.B. 347. Nevada students have worked with countless organizations including the Nevada Coalition to End Domestic and Sexual Violence, the National Women's Law Center, the American Civil Liberties Union and many more.

Students have tirelessly organized their peers, engaging with over 2,000 students over the past 9 months. We have listened to the stories of students and survivors whose voices are too often silenced, pushed aside or forgotten.

I encourage the Committee to read the submitted written testimony and public opinion forms and endorsements from the countless students and student groups including the Tau Kappa Epsilon Fraternity, Pi Iota Chapter ([Exhibit G](#)), Consolidated Students, University of Nevada, Las Vegas (UNLV) ([Exhibit H](#)) and Indigo Hinojos ([Exhibit I](#)), who support this bill and unfortunately, are in class at the moment.

To put this bill in a broad context, I want to share some of what we know about the epidemic of sexual violence on college campuses. One in ten students will experience campus sexual violence during college. This includes one in five women and other students with intersecting marginalized identities. With over 118,000 college students in Nevada this year, that means there are likely more than 12,000 students who have experienced sexual violence. That 12,000 only accounts for the current college students and does not take into account any of the previous generations of students who came before us. Consider how large that number is.

Thinking about those young Nevadans and the millions of past students who have experienced violence, according to statistics gathered about the aftermath of sexual assault, less than 50 percent of survivors cite receiving any support postassault. Ninety-four percent experience posttraumatic stress disorder in the two weeks following their assault. Thirty-eight percent of all assault victims experience work or school problems. A staggering 34 percent of survivors will actually drop out and never finish school after an assault.

Studies show there is a direct correlation between women who experience sexual violence while in college and the negative impact on their education, career and trajectory of earnings afterwards. This ultimately results in devastating economic impacts. Studies estimate that survivors assaulted as young adults experience a lifetime economic loss of over \$241,000.

We have a dangerous epidemic on our hands that too often leaves millions of students in the U.S. with lifelong trauma and diminished personal or professional growth which is crucial to have during college. These rates of sexual violence have stayed the same since they were first documented in 1983. We have known about the widespread and deeply horrific epidemic of sexual violence for nearly 40 years. Each year that we have chosen not to address this means millions of students have unnecessarily experienced this violence.

As a current UNR student, I cannot express how vital this piece of legislation is for the future of my campus. Senate Bill 347 would lead our State on a track that prioritizes the physical, mental and emotional safety of all students. It would be part of the growing movement to change societal norms that allow sexual violence to affect our loved ones' lives. This bill would address the lack of adequate resources and outreach for students, like myself, at NSHE institutions. That has been incredibly apparent during my two years at UNR.

My heart breaks to inform you of this, but I cannot count the number of friends who have confided in me about their experiences of being raped, sexually assaulted or harassed. They are not alone. Again, my heart breaks for two reasons: the immense pain that I feel for these countless survivors, some of whom are my closest friends, and for the anger I have that our institutions in Nevada and the U.S. have not done more to protect the people and have not been more preventative of what has happened to over 12,000 current students in Nevada who have experienced sexual violence. The time is now to stop simply being reactive to this urgent issue and to start being proactive. You must act now. The facts, statistics and stories are clearly laid out in front of us.

I am grateful to Senator Scheible and the dozens of other Nevada Legislators, including all of you on this Committee, for saying enough is enough and that we need to address this dangerous problem. Furthermore, we need to listen to what students and survivors are saying after experiencing first hand campus sexual violence. Our State may be small, but it is powerful. It can be a leading figure in the fight to end this sexual violence epidemic.

Please vote S.B. 347 out of Committee, and into action for the people of Nevada. Our students are counting on you.

Ms. JAMES:

Senate Bill 347 has several crucial components that work to both prevent campus sexual violence and support survivors. These components came from dozens of conversations and working sessions with students and young alumni, survivors and allies, researchers, administrators, legislators, rape crisis centers, nonprofit leaders and advocates. Additionally, similar measures have been passed into law in New Hampshire last summer and in Massachusetts this January. These components are best practices to ensure that we support all survivors at the same time and actively work to prevent violence.

Some of the key components of the bill include memorandums of understanding (MOU) with local rape crisis centers and universities. We know that less than 50 percent of survivors cite receiving any support services postassault. Senate Bill 347 requires institutions to establish and maintain an MOU with a rape crisis center or a domestic violence center. These centers can provide free off-campus medical, legal and counseling resources and support for students and employees, and assist in developing trauma-informed institutional policies, programming and training.

The next component of the bill addresses victim advocates. We know that 90 percent of survivors choose not to file a report after their assault. Many survivors cite a lack of knowledge of the options available to them as a barrier to seeking help. We need to break down that barrier.

Senate Bill 347 requires institutions to designate at least one victim advocate who can advise students about reporting options, on- and off-campus resources, and provide support and accommodation. Importantly, the victim advocate does not refer cases to Title IX of the Education Amendments of 1972 or other disciplinary processes without permission from the reporting party. The report never leaves the hands of the survivor. The victim advocate has privilege under the law to ensure complete confidentiality and is someone the victim or survivor can always count on.

The third component of the bill is an amnesty policy. We know that survivors often cite fear of retaliation or punishment due to alcohol consumption, drug use or other code violations at the time of an incident as the reasons they chose not

to report the assault. Senate Bill 347 requires that all institutions comply with an amnesty policy which prevents reporting parties or bystanders from being penalized for the use of alcohol, drugs or other code violations at the time of an incident to ensure there are no barriers for students when seeking support or help.

As detailed in the proposed conceptual amendment, measures are added to ensure that if and when a survivor pursues a case there is a bare minimum requirement for the process to not be overly traumatizing for anyone involved.

Next is the sexual assault campus climate survey. We know that in 2016, the same year that Every Voice Coalition was founded, 89 percent of colleges and universities across the Country reported zero cases of rape on campuses. There must be a consistent and reliable way to collect data that we currently do not have so we can really know what is happening on our campuses and then work to address them. Senate Bill 347 creates a task force of diverse stakeholders, including students, which is responsible for writing a base set of questions for higher education institutions' climate surveys. Institutions have the option to use the base survey, add any other school specific questions or substitute a previously used survey if it is deemed to be up to the standards of the base survey to ensure there is consistency and flexibility.

Institutions must conduct the survey of all students biennially and post the findings on the institutions' websites and in a Statewide data repository which can help ensure transparency. With more reliable data, schools can better know how to combat the issues on their campuses and better support their students.

Annual prevention training is the final component. We know that more frequent training is often cited as a crucial step to create a safe campus culture; however, most schools only conduct one training during a student's entire time in college. Senate Bill 347 requires institutions to provide annual, mandatory, sexual misconduct prevention and awareness training for all students and employees to ensure that everyone in the campus community is informed and aware of the resources available to them through this bill.

Nevada has the opportunity to join just a handful of other states as a leader not only in our standard for higher education, but in setting the standard for addressing this epidemic. It has the power to help us and other students across the State keep our peers and loved ones safe.

SENATOR BUCK:

This is near and dear to my heart. Assemblywoman Selena Torres has sponsored a similar bill, Assembly Bill (A.B.) 384. She has been working with stakeholders from Nevada institutions for nearly a year.

ASSEMBLY BILL 384: Revises provisions governing sexual misconduct in institutions of the Nevada System of Higher Education. (BDR 34-939)

Has your organization reached out to Nevada institutions of higher learning to get their input?

MS. JAMES:

We have had many conversations with many stakeholders including representatives from NSHE. Most importantly though, we have sourced the voices of students. We are making sure that this bill represents the direct needs of Nevada students.

SENATOR SCHEIBLE:

I spoke to a representative from NSHE just yesterday. We will meet again over the weekend to discuss the bill in further detail. They support this legislation.

VICE CHAIR DONDERO LOOP:

Senator Scheible, you referenced an amendment. Is that amendment in process?

SENATOR SCHEIBLE:

The amendment is posted on the Nevada Legislature's Website under exhibits. It makes significant changes to the bill from a language and a legal perspective. The five major components previously discussed remain the same. The core of the policy remains the same.

The reason we have such an extensive amendment is because we worked with so many stakeholders. They went through the bill line by line to discuss specific language and subsections. Some of that changed the structure of the bill. The proposed amendment does not change what the bill does. It does not change those five core values, but it does address concerns. It conforms to all of the stakeholders' perspectives.

SENATOR DONATE:

I commend you and your stakeholders for bringing forward this long overdue legislation that should have been in conversations a long time ago.

In section 30 of the proposed conceptual amendment, how have the institutions responded to the fines that are the result of the college or institution not following the regulations? Was there any pushback on that?

Maybe there is a way that when an institution gets hit with that \$150,000 fine the money can go toward prevention efforts or to nonprofits which would teach the institution a lesson that it needs to comply. Have you had that conversation?

MS. JAMES:

That fine is crucial to this bill to make sure there is accountability. That number comes from federal best practices and has been refined to make sure it is appropriate for Nevada. An institution will receive reasonable notice and have an opportunity for a hearing. This will not be imposed unnecessarily. It is to ensure the accountability that students are asking for. We have not heard anything in opposition to that fine or that number specifically.

SENATOR BUCK:

In the technicalities of the bill, why would the task force be under the Office of the Attorney General? Is it not the intent of Title IX to be separate from the court process?

MS. JAMES:

This bill exists outside of the bounds of Title IX. The task force is only responsible for the section of bill that relates to the climate survey. That climate survey is not related to any sort of process or disciplinary action. It acts separately. That should not be an issue.

SENATOR BUCK:

You referenced the climate survey which might have leading questions. Why is the task force established to create the climate survey? Would it not be in better hands with survey researchers or unbiased entities?

MS. JAMES:

The task force that creates the campus climate survey is integral to this bill. What you pointed to is important to us too. Researchers, data analysts and people who are experienced with and knowledgeable about task force creation and how to create questions will be on the task force. It also brings together a diverse group of other stakeholders including students. It is important that once this bill becomes law, students do not lose any voice in this that they have been using throughout the advocacy process. It does a good job of balancing. It will have experts in data collection and experts in the lived experiences of students and what students need on campus.

SENATOR BUCK:

Have you seen A.B. 384?

MS. JAMES:

Yes, I have.

CHAIR DENIS:

Section 29 of the conceptual amendment says:

School-sponsored programs and activities—including scholarships, state based scholarships and grants, Promise scholarships with any minimum GPA, credit, or other academic requirements or disciplinary record requirements related to academic success shall waive any such requirements

How would that work with something like Promise Scholarship? Promise Scholarship does not require a GPA to get it. The GPA must be maintained because it is a Pell grant and is federally required. How would this work with the federal requirements in some of our State scholarships?

MS. JAMES:

Section 29 of the amendment came from many conversations with students and survivors who often experience immense difficulty getting school work done or staying in class, especially if the perpetrator is in the same class or down the hall. We want to ensure there is flexibility within the system. When accommodations are necessary there will not be an undue burden on anyone after a traumatic incident. This section came from many conversations with other advocacy groups as well as with students and survivors.

I do not know the State versus federal requirements. This section would only relate to State level requirements. The overall intent is to consider why a GPA lowered and give students an opportunity to explain in case they are experiencing trauma after an incident. It is not just black or white. Did the student have a certain GPA or not? If the student did not get a certain GPA he or she will have the opportunity to explain. It will not be as stressful or an undue burden on survivors.

CHAIR DENIS:

I understand. It makes sense why you would want to do that. My only concern is that I do not want students to lose scholarships because they did not have the GPA and the federal scholarship does not offer a waiver. Nevada statute might require the GPA because we want students to have the federal scholarship. Some State scholarships are based on federal scholarships so students need the required GPA otherwise there is a fiscal impact. We need to check that so there are no issues. We do not want a fiscal impact and do not want students to lose their scholarships.

SENATOR SCHEIBLE:

I appreciate that. It is a good flag for us to keep in mind as we continue to work with stakeholders on this. We will be sure to craft the language in a way that is best for students.

SENATOR HAMMOND:

In section 8, some language has been stricken from the original bill in the definition of sexual misconduct. Can you give me more background on this? Why did you strike some of the language and what are you expecting out of this? Do you think it might be too broad and are you trying to narrow it so we have a better idea of what is expected out of this?

MS. JAMES:

We worked the hardest on that definition to make sure that it is as inclusive as possible. From my experience, students will often worry about whether their case falls under the definition of sexual misconduct and what they will be protected from or what support they will be able to get. That is often a barrier. Making the definition of sexual misconduct intentionally broad will ensure that students do not feel what happened to them does not apply or is not legitimate because it does not fall under the definition, and they are not left out.

SENATOR HAMMOND:

I appreciate that. You said you wanted to make it intentionally broad and make sure you include many incidents in this definition. For the last 40 years, people have said enough is enough on college campuses. We are seeing an escalation of rape, date rape and many other things going on, and no one seems to be getting control of that.

You mentioned 12,000 current victims in your opening statement. Can you give me an example of someone who might come to you, who feels he or she did not fit under the original definition but would fit under the proposed definition of sexual misconduct? I need to understand why you expanded this?

MS. JAMES:

An example coming to mind is the inclusion of domestic violence under this definition. If students are in long-term relationships or are married while in college and were assaulted by a spouse or long term partner and not a stranger at a party that would not fall under the original definition. That incident would fit under the proposed definition and would ensure the victim is able to receive accommodation.

I would be happy to follow up with you if you would like further examples.

SENATOR SCHEIBLE:

This may not exactly answer your question, but maybe this is where you are headed. The provisions of this bill are intended to apply to a spectrum of situations. The same approach will not be taken in every case. Cases of sexual harassment will not be treated the same as cases of sexual assault. There will be one unified system so that when victims do not know where they fall on that spectrum they know where to go.

Part of the problem now is that people, victims or survivors, do not have the same view of that spectrum that law enforcement, their campus community coordinator or a healthcare provider may have. They are erring on the side of believing they are not included in the definition instead of believing they are.

We are not saying we want to start treating perpetrators of sexual harassment the way we treat perpetrators of sexual assault. We are saying that those two different people should go through the same process. They can talk to their campus security, talk to their campus advocate, and talk to a doctor or a

counselor if they need to. This is all nondisciplinary. This is about providing all students with more access to more resources to prevent violence either as survivors or perpetrators. It used to be that there was nothing we could do about a less severe harassment incident. Now there will be a broader policy that says here is our response to that. We can offer the survivor or the perpetrator some sort of support.

SERENA EVANS (Nevada Coalition to End Domestic and Sexual Violence):
The Nevada Coalition to End Domestic and Sexual Violence supports S.B. 347. Nevada needs this legislation. Not only in my professional capacity, but also as a survivor of campus sexual assault in Nevada, I know the importance this bill will have for Nevada students.

College-age adults have the highest risk for sexual assault. An estimated 25 percent of college females and 5 percent to 6 percent of college males will experience some form of sexual violence during their time at a four-year institution. What is even more staggering is the U.S. Department of Justice estimates less than 5 percent of these sexual assaults are reported to campus or community law enforcement.

With college-age individuals experiencing the highest rates of sexual assault, it only makes sense that our NSHE campuses put into practice the support and resources proven to increase positive outcomes for victim survivors.

Speaking from experience, sexual assault is incredibly isolating. Had I felt that my campus had these supports in place, I would have been more likely to come forward and seek out the resources and support I needed at the time.

Victim survivors are suffering not only physical and emotional harm but also harm to their ability to fully engage in their academic experiences. It is imperative that colleges are open about sexual assault. It is no longer the time to be hush, hush about the sexual assault experiences of students. When colleges report zero instances of sexual assault, victim survivors are further isolated and feel they have nowhere to turn.

By NSHE adopting these rules that provide victim survivors with resources and collect data from our higher education campuses, it can prove it is not only tackling the epidemic of sexual assault but is taking it seriously. We urge you to

pass S.B. 347 to help protect victim survivors on our college campuses throughout Nevada.

KEVIN FINKLER (President, Alpha Sigma Phi Fraternity):

The men of Alpha Sigma Phi Fraternity at UNR have submitted this letter of support for S.B. 347 ([Exhibit J](#)).

On a personal note, I have experienced the pain that was discussed earlier by other students and have seen the pain, anguish and sadness in the eyes of our fellow students at UNR who have gone through similar situations and have felt powerless and without resources. I encourage you to take this first step of action. This is not the only step, but the first step to begin to make our State and, especially, our institutions of higher education feel safe. I hope you will consider voting for this bill.

MALIA BLUNT:

I support S.B. 347. My parents do their best to prepare me for the dangers of being a woman in society which means being cautious of where I walk, what I wear, and how to avoid situations of sexual assault. Parents try their best, but no amount of advice could protect me from being cat-called or touched inappropriately by men of all ages. I was certainly not prepared for what to do if friends came to me looking for support after being assaulted.

As a college student and Black woman, I can firmly say that survivors need S.B. 347. According to the American Psychological Association, one in four Black girls will be sexually assaulted by the age of 18 and for every Black woman who reports rape at least 15 will not come forward. These statistics are jarring and deeply unsettling, but only further emphasize the need for a bill that protects survivors and guarantees them a safe space to receive counseling and support after their abuse.

We need S.B. 347 and with your support we can protect survivors of sexual abuse.

ELIZABETH TANG (Counsel, Education and Workplace Justice, National Women's Law Center):

The National Women's Law Center (NWLC) was founded in 1972, the same year that Title IX was enacted. Since then we have worked to address sex

discrimination in schools and have participated in every Title IX case before the U.S. Supreme Court.

The NWLC supports S.B. 347 with the suggested amendment, because sexual misconduct pushes too many students out of higher education. Sexual assault effects one in four women and one in fifteen men according to the latest survey, during their time in college. Domestic violence effects one in three college women and one in six college men. These numbers are often even higher for Black and Brown students, LGBTQ students and students with disabilities. Sexual misconduct is also vastly under reported. Nine in ten college students do not report their assault to their schools. When they do come forward many survivors are ignored or punished instead of being helped. Because schools are not doing enough to address sexual misconduct, more than one in three survivors end up dropping out of college.

Under S.B. 347, the NSHE Board of Regents could require institutions to provide a wide range of supportive measures to student survivors to help them stay in school, provide prevention and awareness training for students and staff, survey students about their experiences with sexual misconduct, and submit annual data about sexual misconduct to the Board. The Board could also prohibit schools from punishing student survivors for ancillary behavior such as using drugs or alcohol during a sexual assault so that survivors are not afraid of coming forward to ask for help.

Over the past few months, the NWLC has been working with State advocates and student survivors to suggest the conceptual amendment mentioned by Senator Scheible that would make S.B. 347 even stronger such as requiring schools to use fair and trauma-informed reporting and investigation procedures and helping survivors whose grades have suffered as a result of the trauma to keep their scholarships.

I urge you to adopt these amendments and to vote this bill favorably out of Committee as soon as possible.

ALIYA EPSTEIN:

I support S.B. 347 because I had no idea how crippling the epidemic of sexual violence was on college campuses. I had no idea how painful it would feel when I realized how close sexual violence was to me and how many people I love have had trauma related to sexual violence. I had no idea how difficult it would

be to work with my university to try to get the help and support that survivors needed.

College students need to have access to resources such as the universal climate survey so they can be aware of what is happening on their campus and be prepared. We need victim advocates so all survivors can have full knowledge of the resources at their disposal and the paths that are available. We need amnesty policies so students feel safe coming forward and comfortable that the processes are not working against them.

Our students need S.B. 347. They deserve to feel safe and protected on their campuses.

ELIZABETH DAVENPORT (American Civil Liberties Union of Nevada):

The ACLU supports S.B. 347. When students experience sexual violence they are deprived of equal and free access to education. That is a civil rights issue.

Young adults between 18 and 34 are at the highest risk of sexual violence, representing 54 percent of sexual assault cases. As Ms. Wolfe described, the statistics for sexual violence in students and the lifelong effect it has on them is devastating. These effects disproportionately impact people of color and marginalized and vulnerable populations.

After experiencing sexual violence, it is crucial to receive support and information about what resources are available. Reactions to sexual violence vary, but many times they include impacts to the students' ability to attend classes, psychological trauma, and health and safety concerns along with self-blame, feeling shame and fear of getting in trouble themselves.

It is vital to provide these students with success in the future. Giving them information and an advocate who can guide them toward resources is a key component to future success. It is also vital that barriers to reporting or seeking resources are removed. Ninety percent of those who experience sexual violence do not report. Removing the fear of getting in trouble because drugs or alcohol were present is important to get bystanders or self-reporters to seek help. A natural part of attending a university is to meet other students and be together.

Removing the fear of reprisal and conducting annual prevention training is important to creating a culture in which students feel more comfortable seeking

assistance. Providing easy access to readily available, 24-hour assistance is key. The ACLU supports S.B. 347 and the resources and hope it will provide for those who have experienced sexual violence.

SARAH HAWKINS (President, Nevada Attorneys for Criminal Justice):
The Nevada Attorneys for Criminal Justice (NACJ) support the original text of S.B. 347.

As criminal defense attorneys, we are often viewed as adversarial to survivors. That could not be further from the truth. Survivors must receive the support and protection they need; however, support and protection must be accomplished without constitutional transgressions. We are concerned that the conceptual amendment could imperil the constitutional rights of responding parties. For these reasons NACJ supports the original version of S.B. 347.

ABBEY PIKE:

I support S.B. 347 because there are no laws in Nevada specifically addressing sexual violence on college campuses even though this is a consistent problem for UNR and other universities.

The task force created by this bill will identify specific problems, provide a comprehensive view of the legislation that needs to be passed, and expand and provide access to resources for affected students. Sexual violence has plagued our campus for years. According to the Rape, Abuse and Incest National Network, 26.4 percent of undergraduate women and 6.8 percent of undergraduate men will experience some form of sexual violence on campus. More than 30 percent of these students who are sexually assaulted will drop out of college.

A return to in-person classes this fall should not mean a return to the usual sexual violence statistics. College students are paying attention, and we need you to pass this critical legislation. I encourage every member of this Committee to vote yes on S.B. 347.

CAITLYN CARUSO:

I support S.B. 347. As a survivor myself attending college at UNLV, I am familiar with the ways survivors do not feel supported by institutions in Nevada. A bill like this, while years too late for me, is just in time for the next generation

of survivors who have a new world of barriers and obstacles to overcome due to the pandemic.

A bill like this will help streamline resources, provide confidential advocates and allow for people to continue receiving institutional aid like scholarships is critical in ensuring survivors success in both higher education and in their life endeavors beyond.

I wanted to especially speak in support of the GPA waiver. I had an experience at UNLV when I was exiting a toxic relationship in which I might have accessed that waiver myself. I was fearful of losing my job due to my failure in one of my classes. I was overwhelmed with obstacles that came from moving out of a physically and emotionally abusive relationship and moving on with my life. Had I known that my institution would have supported me, allowed me to maintain my financial aid, and allowed me to remain in my position considering many work study jobs that also have GPA requirements; and had I known that my institution would have supported me as a survivor of intimate partner violence, I would have felt infinitely better about being a UNLV Rebel and being an alum. I want to be proud to be an alum of the NSHE today. With the passage of S.B. 347 I will be one step closer. I urge you to pass S.B. 347.

JESSICA STENDER (Senior Counsel, Workplace Justice and Public Policy, Equal Rights Advocates):

The Equal Rights Advocates support S.B. 347 with the suggested amendment. I urge the Committee to vote for this bill.

SAGE CARSON (Manager, Know Your IX):

Know Your IX is the leading national survivor and youth led campaign to end sexual violence in education. Know Your IX supports S.B. 347. We have had the opportunity to work with local students on this bill.

Know Your IX recently released a report outlining the experiences of over 100 student survivors who reported sexual misconduct to their schools in recent years. Through our survey and report we found that of the students who reported at school, nearly 40 percent were pushed out of education following sexual violence. These educational interruptions occurred not because of sexual violence alone but because of sexual violence exacerbated by schools' inadequate or otherwise harmful responses to reports of violence. Survivors described being blamed for the violence against them, being told the school

could do nothing about it, having their cases drawn out for years and even getting punished for their own assault after seeking help.

Since we wrote and released this report, that number has risen as more students who were surveyed and interviewed were forced to transfer or drop out because of their schools' failure to properly respond to their reports. Throughout our conversations with survivors, we continued to hear the same sentiments shared over and over, which one of them put so frankly: "Honestly, what the school did to me was way worse than what my rapist did to me."

I know that S.B. 347 will help stop student survivors from being pushed out of education following violence. We encourage the Committee to adopt the proposed amendments and pass S.B. 347 with the full amendments. A fair process, access to accommodations, a victim's advocate transparency measure and robust amnesty policies are essential to ensuring that survivors are able to stay in school in the wake of violence.

It is essential that any legislation on sexual violence in education should be written by and for student survivors. That is why we are excited to support and encourage the Committee to support S.B. 347 and the local Nevada students who have worked tirelessly to craft this legislation to support survivors in this State.

JOE COHN (Foundation for Individual Rights in Education):

The Foundation for Individual Rights in Education (FIRE) is a national, nonpartisan, nonprofit organization dedicated to defending the free speech and due process rights of students and faculty in institutions of higher education.

The FIRE opposes the bill for a number of reasons. I was planning to testify on the original version of the bill with very modest criticisms and things that could be worked out. I did not view the gap as being too far to bridge with the original version of the bill.

The definition of sexual harassment, not the broader definition of sexual misconduct, referred to an NRS statute that used a military definition of sexual harassment despite caselaw, all the way to the U.S. Supreme Court and in multiple circuit courts, setting a separate definition for the educational context. That is absolutely crucial for the bill to be constitutional with respect to free speech rights.

The amended version of the bill, which I only saw when it was referenced by the bill's sponsor during testimony, imports a variety of substantive requirements on campus procedures that have been struck down in multiple courts.

Since 2011, there have been over 200 opinions favorable to the rights of accused students with respect to how they were treated in campus adjudication processes. This bill mirrors many of the policies that have been repeatedly struck down as unconstitutional.

There are meritorious parts of this bill too. The FIRE agrees with a number of the positions providing support measures for complainants, the amnesty provisions and a rape shield provision that includes the constitutional exceptions. Those would all be positive for complainants.

Nevada policy must make sure it respects the rights of the accused and the rights of complainants. This bill does not do that. Even the right to a hearing is not granted by this bill. The school may choose to give a hearing. The right to cross examination only exists if the federal government still continues to require a right to cross examination under this bill. Even then, it allows it to happen in a way that multiple courts, including the U.S. Court of Appeals for the Sixth Circuit, have noted undermines the reliability of cross examination.

Access to the evidence under this bill does not include all of the nonprivileged evidence in the institution's possession. It only includes the information the school plans to use. A school that does not plan to share all of the information it has at its disposal, either to protect an accused student because he is a star quarterback or because it is exculpatory and does not fit the school's narrative, will not have to turn over the evidence.

There are a number of very specific problems with the way the procedures are put in this bill that clearly show due process advocates have not been consulted. That is a bigger global problem for a bill that has been in the works for many months.

We would like to work with the sponsor of the bill and its proponents to find a policy that works for everyone because no policy should work only for accused students and no policy should work only for complainants. It needs to be fair to everyone.

TINA RUSSOM (Deputy General Counsel, Nevada System of Higher Education):
The NSHE is neutral on S.B. 347. The NSHE supports the intent of this legislation, but our Title IX campus experts have not had time to fully review the proposed amendment. The NSHE looks forward to working with Senator Scheible on this bill because it is NSHE's priority to ensure the safety and security of our students and staff.

There are number of federal preemptive regulations and NSHE policies that exist. For example, our universities already have variations of client surveys as they relate to this topic. Title IX campus experts will be meeting with Senator Scheible to discuss how we can collaboratively enhance what institutions currently do to provide more uniformity and continuity across the State.

KENT ERVIN (Nevada Faculty Alliance):
The Nevada Faculty Alliance (NFA) supports the intent of S.B. 347 to make our campuses safer and more secure. The NFA is neutral on S.B. 347 because we have not had time to evaluate the lengthy proposed amendment.

On a personal note, over the last few years in my classes, I have seen an uptick in the number of students who have issues about domestic violence and who need special accommodations. Through accommodations and with extra time and effort, some students are able to get through the course. Some students will be in class, they will be out for a while and then gone. That is why we need these kinds of programs to make sure students do not fall through the cracks.

SENATOR SCHEIBLE:
This bill is important policy. We remain committed to working with all of the stakeholders to come to a resolution that works for everyone and invite any and all of you to contact me if you have further questions or want to be involved in any of those conversations.

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CHAIR DENIS:

I will close the hearing on S.B. 347.

Having no further business to come before the Senate Committee on Education,
this meeting is adjourned at 2:29 p.m.

RESPECTFULLY SUBMITTED:

Suzanne Efford,
Committee Secretary

APPROVED BY:

Senator Moises Denis, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Begins on Page	Witness / Entity	Description
	A	1		Agenda
S.B. 160	B	1	Jen Sturm	Work Session Document
S.B. 193	C	1	Jen Sturm	Work Session Document
S.B. 353	D	1	Christopher Daly / Nevada State Education Association	Written Testimony
S.B. 363	E	1	Christopher Daly / Nevada State Education Association	Written Testimony
S.B. 347	F	1	Senator Melanie Scheible	Proposed Conceptual Amendment
S.B. 347	G	1	Geneva Wolfe	Endorsement
S.B. 347	H	1	Geneva Wolfe	Endorsement
S.B. 347	I	1	Geneva Wolfe	Letter in Support
S.B. 347	J	1	Kevin Finkler	Written Testimony