

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Eighty-first Session
April 5, 2021**

The Senate Committee on Education was called to order by Chair Moises Denis at 1:02 p.m. on Monday, April 5, 2021, Online. [Exhibit A](#) is the Agenda. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Moises Denis, Chair
Senator Marilyn Dondero Loop, Vice Chair
Senator Roberta Lange
Senator Fabian Donate
Senator Joseph P. Hardy
Senator Scott Hammond
Senator Carrie A. Buck

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Brad Keating, Clark County School District
Sarah Nick, Department of Education
Chris Daly, Nevada State Education Association
Marilyn Bennett, Certified Librarians
Hawah Ahmad, Clark County Education Association
Brenda Pearson, Ph.D., Clark County Education Association
Lindsay Anderson, Washoe County School District
Victor Salcido, Charter School Association of Nevada
Gillian Block, Nevada Coalition of Legal Service Providers
Kelly Venci Gonzalez, Team Chief, Legal Aid Center of Southern Nevada
Mary Pierczynski, Nevada Association of School Superintendents
Dashun Jackson, Director of Children's Safety, Children's Advocacy Alliance
Jim Hoffman, Nevada Attorneys for Criminal Justice

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Brigid Duffy, Director, Juvenile Division, Clark County District Attorney's Office
Steven Cohen

Michelee Crawford, Principal, Ronnow Elementary School

Irene Hernandez, Student Physical Therapist Assistant, Ronnow Elementary School

Fatuma Abdullahi, Student Physical Therapist Assistant, Ronnow Elementary School

Jerania Mancilla, Ronnow Elementary School

Donald Easton-Brooks, Ph.D., Dean, College of Education and Human Development, University of Nevada, Reno

Marie Neisess, President, Clark County Education Association

Erica Valdriz, Vegas Chamber

Terri Shuman

Sabra Newby, University of Nevada, Las Vegas

Rebecca Garcia, President, Nevada Parent Teacher Association

Valerie Friskey

Tammy Malich, Ed.D., Co-chair, Educational Equity Task Force

Alexander Marks, Nevada State Education Association

Arash Ghafoori, Executive Director, Nevada Partnership for Homeless Youth

Emily Paulsen, Executive Director, Nevada Homeless Alliance

Annette Dawson Owens, School Readiness Policy Director, Children's Advocacy Alliance

Leonardo Benavides, Clark County School District

CHAIR DENIS:

We will open the hearing on Senate Bill (S.B.) 126.

SENATE BILL 126: Revises provisions relating to library services in public schools. (BDR 34-76)

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

The goal of S.B. 126 is to improve Nevada's school libraries by establishing high-quality standards for facilities, personnel and services. The American Library Association has stated every school should have an effective school library program. While reading and books are mainstays of the program, today's effective school library programs are also sophisticated learning environments that provide the education and skill-building students need to succeed in college and the workplace.

According to data from the U.S. Department of Education National Center for Education Statistics, approximately 8,830 schools across the Nation do not have libraries. For schools that do have a library, nearly 17,000 do not have a full- or part-time, state-certified school librarian on staff. Research reportedly shows that a well-funded and fully staffed school library, with a state-certified librarian, is an essential component of a student's education.

Across the U.S., studies have demonstrated that students in schools with effective school library programs learn more, get better grades and score higher on standardized test than their peers in schools without these resources. School libraries and school librarians also benefit the school community as a whole. For example, school librarians provide expertise and resources that cut across grades, disciplines and administrative functions. Essential skills of inquiry, critical thinking, use of technology, digital content and services, and digital citizenship are among the topics taught by school librarians in their roles as educators. School librarians plan and lead districtwide curriculum initiatives, provide professional learning opportunities to district staff, and are a resource for parents, caregivers and others in a larger school community.

School librarians foster social-emotional learning and can leverage these skills by collaborating with school counselors and psychologists. School librarians foster the love of reading. This skillset has been invaluable over the last year, and during the Covid-19 pandemic, school librarians have supported the needs of teachers and students. They have innovated during the pandemic by providing new services such as virtual checkouts, home delivery of books and technology support for students, parents, caregivers and school staff. They have provided hybrid teaching services with student's in-person and livestreaming.

High-quality school libraries and librarians are a key component to provide a quality education for our students. In short, they are a significant part of the learning community. Senate Bill 126 takes the next steps we need as a State to ensure this happens.

After a series of definitions, section 9 requires school libraries in the Clark County School District (CCSD) and Washoe County School District (WCSD) meet or exceed certain requirements for physical space and scope of library services as set forth in the bill and by regulation by the State Board of Education. These requirements also apply to charter schools that enroll 500 or

more students in those counties. As introduced, the minimum space requirement was 7,000 square feet. We have amended this requirement.

Section 10 requires all school districts and large charter schools to employ a teacher librarian at their school who is licensed to teach and certified by the National Board for Professional Teaching Standards. We have also amended this statement. Section 11 provides exceptions to the employment provisions set in section 10. Public schools and larger charter schools in counties with a population of fewer than 100,000 may apply for waivers from the section 10 requirements if unable to employ a teacher librarian. If two schools in a district or two charter schools with the same sponsor are unable to employ a teacher librarian at each school, they may apply for a waiver that allows one teacher librarian to provide services at both schools. Finally, section 12 specifies a school library assistant employed in the school district or large charter school is considered a teacher librarian for the purposes of the act until July 1, 2027.

One of the amendments is completing the professional alternate route to licensure program. We have also altered the designated space, deleted the National Board for Professional Teaching Standards and added the Department of Education (NDE).

When school libraries are well-equipped and fully resourced with appropriate materials, space, technology and certified staff, school districts and charter schools can expect improved teaching and learning outcomes at the student, school and community level. These outcomes include access to, and awareness of, new technology, media and information literacy; and gains in literacy in science, technology, engineering and mathematics, social-emotional learning and increased college readiness. We owe it to Nevada's students to ensure they have access to services that will provide them with the opportunity to succeed. On a personal level, I served as a school librarian, and I can tell you seeing all the children in the school is a benefit not only to the social-emotional welfare but to develop relationships with the parents who also need access to library services.

SENATOR HARDY:

Do we have an option to partner with communities to come into school libraries?

SENATOR DONDERO LOOP:

Do you mean allowing other people outside of the schools to come into the schools to use their libraries?

SENATOR HARDY:

Yes.

SENATOR DONDERO LOOP:

No, we do not. We have parent involvement. When I was a librarian, I checked out books and equipment to parents, but with security measures, we do not allow somebody to come off the street and come into a school.

SENATOR HARDY:

So parents of a child in that school can do that right now?

SENATOR DONDERO LOOP:

Yes, or a guardian or grandparent. Anybody who is connected to that child can come in. Almost all schools have a public library close by. I cannot think of many locations where somebody could not get to a public library if they needed one.

SENATOR BUCK:

We are coming off of a pandemic and we have all been online. Libraries have been updating their technology with things like Kindle and reading software to move the needle for kids. I am glad to see an amendment that lessens the square footage requirement of a library because I have yet to see an actual physical library move the needle for student achievement in my experience.

For charter schools, mandating this facility goes against any innovation. Why would we not put these resources toward teachers who teach reading and to technology and books in the hands of kids as opposed to mandated libraries?

SENATOR DONDERO LOOP:

When I was a librarian, many times kids came in after school to ask for help. In a high school setting, they are learning research skills. I understand the angst with the square footage element, and that was part of the original plan from the American Association of School Librarians. That was not something I suggested. We have since amended that piece.

School librarians and libraries do enhance learning at school. If it was not the case, we would not have successful programs such as Accelerated Reader and myON. They are all encouraging kids to read. We have to remember that while many of these products are wonderful advantages for kids, we also have kids who may not have the ability to have technology or connectivity and may want a physical book. We have children and parents who prefer physical books as opposed to reading online all the time. Parents want their kids to not have as much screen time but to have a book in their hands. There are lots of reasons why kids come to libraries, and it is not just to check out a book. When you are a certificated librarian, as is required in the CCSD, you have been a teacher and are now a librarian and have taught those skills.

CHAIR DENIS:

Librarians are also a resource for teachers.

SENATOR DONDERO LOOP:

When I was a librarian, we had a lot of parents who came into the school and used the library. We checked out books and products to help the parents learn English. We were enhancing the whole community through our library services.

CHAIR DENIS:

I will pause the hearing on S.B. 126 and move to work session for S.B. 2 to make sure we have full attendance for voting.

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

JEN STURM (Policy Analyst):

The work session document ([Exhibit B](#)) has been submitted for S.B. 2. This bill was presented to the Committee on February 10 by the CCSD.

BRAD KEATING (Clark County School District):

For your consideration, I present the following bill walkthrough ([Exhibit C](#)) of S.B. 2.

SARAH NICK (Department of Education):

The NDE has reviewed [Exhibit B](#) and our subject-matter experts have confirmed the work session document matches the intent we submitted during the bill's first hearing.

SENATOR HARDY:

When does the scoliosis screening start and stop? Scoliosis does not usually appear right away and usually is decided by the time you are in late high school.

Ms. NICK:

We are double-checking; once we can confirm that information, I will email both Mr. Keating, Ms. Sturm and Chair Denis the answer.

SENATOR HARDY:

Does the hearing, vision, and scoliosis testing start in fourth grade and then go every year through high school, or do they go every year from fourth to seventh grade?

MR. KEATING:

In looking at *Nevada Revised Statutes* (NRS) 392.420, visual and auditory problems are tested before student's completion of the first year of initial enrollment in elementary school and at least one additional grade of elementary school. They are also tested in one grade of middle or junior high school and one grade of high school. For scoliosis, students are tested in at least one grade of schools below the high school level and if a school nurse determines it is necessary at an additional point of time.

The body mass index (BMI) testing was originally done in fourth, seventh and tenth grade. With the changes to this bill, we are taking out the tenth grade occurrence. The biggest reason for that was that students were being pulled out of content math and English courses to have the testing done. We would streamline the BMI testing in fourth and seventh grade so it mirrors the auditory or scoliosis testing already completed. When those students are already doing the other exams, they will also have their BMI tested.

SENATOR HARDY:

I am not clear when they are starting and ending their testing for BMI, vision and scoliosis.

MR. KEATING:

Starting in 2022, every other year we will test BMI. Working with the health districts across the State, everyone believed data was only needed every other year to apply for federal grants. In 2022, we will test fourth- and seventh-grade students for scoliosis and BMI. In 2023, they will do their scoliosis and auditory

screening. Then in 2024, we would do the whole set of tests. We would repeat that process moving forward. There is no end date on this bill.

CHAIR DENIS:

Before we had a limited number of students who could be tested, but that number will now go up because we test simultaneously with other tests.

MR. KEATING:

Yes, you are correct. One of the issues previously was having to create the subsets and find schools, students and classrooms in working with the State to determine the number of students selected. In this case, all students who go through the scoliosis screening during their fourth- and seventh-grade years will automatically be tested for BMI. We will have much-greater data for the State.

CHAIR DENIS:

The reporting piece in the past was difficult. The Department of Health and Human Services has to report to the school districts. Will that still continue?

MR. KEATING:

Yes, the Department will continue to compile a report that will be sent out to the school districts, Legislature and the State.

SENATOR DONATE:

I fundamentally believe in how useful these screenings can be. As a personal anecdote, when I was in elementary school, I learned I was colorblind through these screenings. They are needed, and we should not stray away from them. What ramifications could occur by not collecting BMI data in tenth grade? Does that impact how data is measured? Was it something brought up by the Health District that might impact them with their grant applications?

MR. KEATING:

The amendment included in [Exhibit B](#) on how BMI is now measured every other year, and only fourth and seventh grades, was proposed by the Washoe County Health District and Southern Nevada Health District. They have indicated the removal of tenth grade will have no effect on them, as long as they are collecting data with some form of frequency.

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CHAIR DENIS:

There will be a bigger data pool because more kids will be tested. Even though we will not be testing high school, we will have a lot more fourth and seventh graders.

SENATOR HARDY MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 2 WITH PROPOSED AMENDMENT NO. 3115.

SENATOR DONATE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY

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CHAIR DENIS:

We will now move to the work session for S.B. 230.

[SENATE BILL 230](#): Enacts provisions relating to mental health. (BDR 34-82)

Ms. STURM:

The work session document ([Exhibit D](#)) has been submitted for S.B. 230. This bill was presented to the Committee on March 31.

SENATOR HARDY:

We have a few fiscal notes on this bill. Is this an unfunded mandate the school districts will use? Are they in agreement?

SENATOR DONDERO LOOP:

When S.B. 230 was presented, we talked about this being as funds are available. We are hoping that when schools are training the certificated staff, they invite one noncredentialed member to that training so it would not have an additional cost. Therefore, when those people interact with our students, if there are social-emotional needs for the student, they will be identified.

SENATOR HAMMOND MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 230.

SENATOR DONATE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR DENIS:

We will now move to the work session for S.B. 249.

SENATE BILL 249: Revises provisions relating to education. (BDR 34-81)

MR. STURM:

The work session document ([Exhibit E](#)) has been submitted for S.B. 249. This bill was presented to the Committee on March 31 and sponsored by Senator Marilyn Dondero Loop.

SENATOR HAMMOND:

In the previous hearing on this bill, one of the testifiers brought up if a student is using this benefit, we have a way to track the days. Is there a way of identifying a pattern of student usage so professionals and parents know? How will this be tracked?

SENATOR DONDERO LOOP:

Students would be afforded only up to three days if they need help. This is not an ongoing bank of days they can use. The students will bring in a note from a mental health professional or a general physician to do this. The notes will be on record. The students will be seeking counselors, vice principals, or other adults in the school to use these days. There will be a record following them. We did not mandate how these schools track this kind of thing, but several schools have already reached out to me and said they track when students come in and seek professional guidance.

SENATOR BUCK:

How will this not affect school ratings? Right now, even when a parent writes an excuse note, it affects the school's rating. How will this be tracked differently to not affect the rating?

SENATOR DONDERO LOOP:

If a student comes in with a note from a professional asking that the student be excused for a day, it will not go against absences which affect the school ratings. I spoke with the CCSD on this issue, and the District said there was a

way for it to prevent the school from having its star rating affected by an absence such as this.

SENATOR BUCK:

Typically, even when you have a doctor's note, it is still an absence that goes against the rubric. I would be curious to know how a mental absence is tracked differently. Even when a parent writes a note, the absence still goes against the school. I do not think there is a way to ignore the absence.

SENATOR DONDERO LOOP:

There is a way around it. My conversation with the CCSD confirmed this. When students bring in the notes from professionals, the absence will not go against the student and, thereby, the school. This process has been done in many other states, and S.B. 249 was fashioned from a bill in Oregon. I can only tell you what I have heard from the CCSD, from Legal, our staff who I trust explicitly, and other schools I have talked to. I have not heard from one person that they cannot make this change.

SENATOR HARDY MOVED TO DO PASS S.B. 249.

SENATOR HAMMOND SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR DENIS:

We will now reopen the hearing on S.B. 126.

CHRIS DALY (Nevada State Education Association):

We appreciate the important function of public libraries and education. We support S.B. 126 while also seeking an amendment to ensure every student has access to a school library. School libraries play a critical role in our schools and communities. School librarians and library assistants support student achievement by providing research help, digital learning opportunities and professional development programs in addition to the traditional library services to help prepare strong students.

We know when spending for libraries increases, so does improved student literacy. Numerous studies have shown the impact of school libraries and librarians on the school environment and student achievement in reading, writing and even mathematics. Access to a school library is an equity issue as our racially diverse and lowest-income communities have the least access to library services. Graduation rates in reading and mathematics achievement are significantly higher in schools with high-quality libraries and certified librarians, even after controlling for other factors like school spending, class size and poverty.

The Nevada State Education Association (NSEA) was a sponsor last Session of S.B. No. 191 of the 80th Session to require library space and materials, and library services in every school. Senate Bill 126 would allow for existing library assistants to continue in their role until 2027, avoiding the specter of layoffs that would only work against the goal of promoting access to library services. We would ask for consideration of an amendment to this bill to include support for library assistants with access to important professional development through available library science programs.

MARILYN BENNETT (Certified Librarians):

I strongly believe every school in Nevada should have a school library. A library is a place of wonder and discovery. It is a place to study and learn independently and individually or with a class of students. It is imperative that a place in each school be set aside and designated as a library for this purpose. This needs to be a place large enough for a class of students to be instructed on the use of research materials, databases and online resources, while also having a place individual students can study, find reading materials and receive help. The library is a place for free discourse, wonder and learning, access to Wi-Fi and technology, and access to a certified librarian—someone trained in library science, yes, but someone also trained in pedagogy, child and adolescent psychology, lesson-planning, collaboration and all the tools students use to make the most of their education.

I realize some speak against having certified librarians in all the schools in Washoe and Clark Counties. There is a cost to adding a trained teacher, but are we suggesting that we could have someone who has not been trained as a teacher teaching our student? We would not let our district hire noncertified teachers, save for the extraordinary times of this pandemic and bills being considered. Why would we then let them do this with our teacher librarians?

When I started my job as a certified high school librarian, I had to convince my staff that a librarian in the schools is teacher plus, not teacher minus.

HAWAH AHMAD (Clark County Education Association):

We support S.B. 126. After consultation with our librarians, the Clark County Education Association (CCEA) proposed to the sponsor of this bill that section 7, subsection 2 be amended to allow for flexibly to alternative routes to licensure programs and change the "and" to an "or" for the requirements that an individual must hold an associate's degree or higher in library sciences. Additionally, we propose taking out the stringent requirement of 7,000 square feet for a library to be a designated classroom or open area accessible to students during school hours. The hope is this bill will stimulate a new era for libraries across every school in Nevada and shift focus away from size to quality and access of a library. It is CCEA's intent that this bill with amendments will provide the same opportunities to every student in Nevada. Lastly, in section 10, subsection 2, paragraph (b), we ask that the "and" be turned into an "or" with the NDE being the entity to prescribe regulations for certification of a professional school library media specialist.

BRENDA PEARSON, PH.D. (Clark County Education Association):

I am reading a statement into the record for Susan Slykerman:

As a school librarian, library advocate and constituent, I urge you to support S.B. 126. At the time when Nevada State library standards have become updated and relevant to our future and present, in a Country where equity, diversity and inclusion have become front and center, and during an unprecedented point in our world when reading becomes a safe haven and essential for our emotional and mental survival, these signify the magnitude of which this bill represents. There are studies to prove the connection between quality certified school librarians and student achievement, which I am sure you are aware of and shouldn't be excused. In addition, the following points are why I am supportive of this bill. Senate Bill 126 affects districts with a population of 100,000 or more, which includes only Washoe and Clark Counties in the State of Nevada, which reduces any possible fiscal State responsibility. Paraprofessionals have up to six years to gain licensure, and certification which will alleviate an initial fiscal impact to schools in which time revenue and savings can accrue.

It's time for S.B. 126 to be made law. In closing, I would like to thank Senator Dondero Loop for sponsoring this bill as an improvement to student achievement, the education system and the future leaders of our youth. Thank you.

LINDSAY ANDERSON (Washoe County School District):

We have reached my least favorite day of every session by testifying in opposition to S.B. 126. The bill sponsor has gone above and beyond willing to address the concerns of the WCSD to the extent possible. This is not a new conversation between us. In WCSD, our elementary schools are staffed with library aides who are not licensed educators but valuable members of our support staff. Many of these personnel have been providing value in our school for many years. All WCSD schools do have a school library.

While we do appreciate the long timeframe for our library aides to make the full transition of becoming fully licensed teachers, in many cases that would require our aides to receive bachelor's degrees to qualify. This is often not something our staff are able to take on while continuing to work as full-time financial providers for their families.

Additionally, we are concerned with the ability to hire more than 60 licensed school librarians over the next 5 years. We only hire a handful each year. While increasing the demand will likely increase the supply, it is unlikely we can train that many by the required time. I want to be clear, we love school libraries, school librarians and our library aides. We have a tremendous partnership with the Washoe County Library System, which also includes some of our school libraries functioning as community libraries.

VICTOR SALCIDO (Charter School Association of Nevada):

We oppose S.B. 126 as much as we would like support it. I echo the sentiments from Ms. Anderson already mentioned. We too love and appreciate the role that libraries and librarians play in the school. Our concern with this bill is purely fiscal. We know all school districts and public charter schools are unfortunately underfunded as it is. Our concern is the utter inability to pay for the requirements of this bill. We do appreciate the amendments mentioned that may have answered some of these concerns. We have not seen those amendments; when we do, we will review our position. Unfortunately, we have to take this position as the bill is written.

CHAIR DENIS:

I will close the hearing on S.B. 126 and open the hearing on S.B. 210.

SENATE BILL 210: Revises provisions relating to the education of a child with an emotional disturbance. (BDR 38-561)

SENATOR DONDERO LOOP:

This bill supports the continued education for those experiencing emotional disturbances. Our society still struggles with the science of mental illness, even though mental illness to some degree is common. This stigma can have lasting impacts on a person's life. One key challenge facing our education system is how to best support the individual learning needs of every student. No matter the circumstances, every child has a right to education.

We know marginalized populations are much less likely than others to experience a successful transition to adulthood. For example, students experiencing emotional disturbances have been marginalized because of the unique circumstances they face that require a different approach to their learning. It is critical we find the needs of these groups to not only improve their lives but also help support them in becoming fully contributing members of society. As part of our continued efforts in addressing mental health in our schools, it is important to examine how we address those children who have severe cases, including those being admitted to our specialized facilities.

GILLIAN BLOCK (Nevada Coalition of Legal Service Providers):

This bill amends NRS 432B, which covers children who are in foster care. The goal of S.B. 210 is to ensure when children in the child welfare system are placed in psychiatric hospitals, they are still receiving the education they are entitled to by law. Senate Bill 210 will help to ensure these children get an adequate education while they are receiving treatment, and they have a smooth transition when they return to school.

I will share a story from our Legal Service Providers that highlights the need for this bill. Our attorneys represent children in foster care and more often than not have seen our clients' education needs fall by the wayside when they are in hospitals and treatment centers. The idea for this bill came from Kelly Venci Gonzalez. When she had a client who was in a wheelchair, his wheelchair was locked in front of the computer all day while in a residential treatment center. This is the only education this child received during his stay.

The proposal before you would enforce a meaningful conversation about the plan to ensure this child's educational needs were met and progress was monitored.

I will point out that NRS 432B.6082 states that "A child who is in the custody of an agency which provides child welfare services and who is admitted to a facility has the rights ... to receive an education as required by law." Our goal is to strengthen this existing law. We want to clarify what the treatment centers are required to do to provide that education, and to ensure communication and coordination between the treatment centers and the school districts so children have educational continuity.

This bill is short but covers a lot of chapters because there are a lot of parties; better coordination would improve the outcomes for our most vulnerable foster youth. We are grateful for the feedback we have received from stakeholders on how to accomplish this goal. Working from the proposed amendment ([Exhibit F](#)), section 1 distinguishes between an acute psychiatric treatment center, which is typically a shorter stay, and a residential treatment center, which is typically a longer stay.

Section 1, subsection 1 deals with acute psychiatric treatment centers. When a foster child is admitted to an acute psychiatric treatment center, the facility would be required to develop a plan to educate the child to promote continuity while the child is hospitalized and to make recommendations to the school if appropriate upon discharge to be provided to the school, school district and child's case worker.

Section 1, subsection 2 lays out what is required to be in this plan the facility will develop. This includes the number of hours of instruction for the child, how instructional materials will be transferred to the facility from the school, how the child's progress will be monitored and how the child will be transitioned back into school upon discharge.

Section 1, subsection 3 deals with residential treatment centers and applies only to a child who is in the custody of a child welfare agency and who has an individualized education program (IEP). Before a child is admitted to a residential treatment center, the school district would be required to convene an IEP meeting regarding the child's educational needs to inform the conversation on the child's needs and ensure they are considered. The school district will

then collaborate with the residential treatment center to monitor the student's progress at the facility and return to school.

Sections 5 and 6 of the bill add references to the provisions of this act to NRS 392 and NRS 394, which deal with public and private schools respectively. This provides guidance and direction to the schools. We also are proposing an amendment to NRS 338E in [Exhibit F](#), which is the chapter on education for foster children. That would be to include a reference to section 1 of this bill to ensure it is considered in the chapter that covers a foster child's educational rights.

The amended version of this bill also adds a new section that amends NRS 433B.400 to reference section 1 of S.B. 210 to include a plan for continued education for the child pursuant to the requirements for treatment provided for jurisdictional coherence. Lastly, we received a request from NDE for the effective date of this bill to be December 31.

SENATOR LANGE:

After an IEP is done, who will provide oversight and instruction to that student?

KELLY VENCI GONZALEZ (Team Chief, Legal Aid Center of Southern Nevada):

What usually happens is if the child goes out of State, which most of them do, the school district or facility has 30 days to change the IEP to the state receiving the student. That school then becomes responsible for implementing the day-to-day responsibilities. The issue come with monitoring. We look forward to partnering with CCSD, so there is a smooth transition when that child goes to the new school and when they come back. A lot of times, the child is placed back in Nevada with no plan, no interaction and no conversation between parties. This can delay enrollment and services for the child.

Our kids have done the hard work when they are sent to these locked facilities. They oftentimes feel like hospitals. When they have done their part, we want to honor that and make sure the adults do the planning, so it is a seamless transition back to the right school and the right programming, and the new location is ready to convert the IEP back to a CCSD IEP. That way, the transition process is much smoother.

I just worked on a due process complaint where this did not occur. The child came back, and there was a delay in getting the child back into school and the

proper programming. It made for a disorganized transition; ultimately, that is not fair to the child. We want to show them we recognize the hard work they have done, and we are willing to work with them. With this bill, the school will become an important player in part of this process in lending its expertise to these transitions.

SENATOR LANGE:

If you have a student who is admitted to a psychiatric hospital and the creation of an IEP is underway, who will provide oversight at that facility?

Ms. VENCI GONZALEZ:

It would be a joint effort between the facility providing the day-to-day oversight and CCSD monitoring the progress. The Clark County School District would not be practicing education in other states, it would still be the responsibility of the residential treatment center (RTC).

SENATOR HAMMOND:

I want to know more about the genesis of this bill. A couple years ago, I had helped a couple constituents who had students with long-term health issues. We went to the CCSD and were looking at a bill, but then realized they could help facilitate anybody with a long-term illness. According to your testimony, slipping through the cracks is occurring. I did not know about this problem at all. Can you explain more about how this bill came about? Why is it we are having problems? Is it more pervasive than we know about? Are the issues mostly in Clark County or across the State?

Ms. VENCI GONZALEZ:

I will start with acute psychiatric hospitalization first. The genesis of the bill is oftentimes a child will have a mental health crisis and be admitted. One might think the child is in crisis and unable to access the curriculum. That is not entirely the case. A lot of kids are stable and awaiting something like placement to occur while in there. During this period, they should not fall behind in their studies. They are not getting any education while they are in these facilities. They get out a couple weeks later and are just dropped back into a comprehensive campus.

We want more coordination between the facility and the school district so there is a seamless transition. The hospital could supply recommendations and help with schoolwork while the child is in its care. I represent kids in foster care.

There is a delay in placement, and it is hard to place high-needs kids who have a lot of complex mental health issues. While they are sitting and waiting, they still need to go to school. Foster children perform worse than any other group of kids. We need to support them so they can keep on track with their studies.

For residential placements, the biggest issue is the transition. Oftentimes, a child is withdrawn from CCSD with no determination made if the child should be in an RTC. The child goes off to an RTC, and we have no idea what is going on with their schooling. There is no one monitoring the school process or even the quality. The child then comes back, and there is no handoff to CCSD. We then have to figure out the placement of the child, what support he or she needs and what was working while at an RTC. It is a real disservice to our clients. We are not prepared when this child is returned to CCSD.

SENATOR HAMMOND:

That is a great explanation. Something in the regulations which exists now did not work. What was missing which this bill addresses?

MS. VENCI GONZALEZ:

The difference is prior statutes said children in locked facilities have a right to an education. That was the end of the discussion. This bill will prescribe that right, convene an IEP meeting and have someone monitoring their progress. It will be more descriptive for our clients once they are in this process. Kids who go to residential placements and are in foster care go through a court system. A court has to order them into treatment. Bringing the school in with its expertise will be helpful. This bill will bring all the players to the table to work out what is best for the child.

MS. ANDERSON:

The WCSD works hard to have a close relationship with our local residential treatment centers and our students who are placed there. We are committed to their academic success and overall well-being. If this bill is necessary to achieve that, we will gladly work together under this framework.

MARY PIERCZYNSKI (Nevada Association of School Superintendents):
We support S.B. 210.

DASHUN JACKSON (Director of Children's Safety, Children's Advocacy Alliance):
We support S.B. 210. This bill is essential to ensuring the children receive the services they need. Offering educational services can support transition back after hospitalization and reduce the learning gap for youth who are struggling.

JIM HOFFMAN (Nevada Attorneys for Criminal Justice):
We support S.B. 210. All children have the right to an education, including kids in a mental health institution. Some of these kids are admitted in connection with criminal and delinquency cases. Those kids have a right to an education and are most in need of one to address the underlying issues and prevent them from going further down a bad road. Senate Bill 210 contains protections to help kids in this situation.

BRIGID DUFFY (Director, Juvenile Division, Clark County District Attorney's Office):

I support S.B. 210 on behalf of the child welfare agency in Clark County. This policy is important to ensure our foster children's education is prioritized even when they are in need of mental health stabilization. We appreciate this concept is placed into statutory sections of NRS 433B and NRS 388E so the State and legal aid can work together in a juvenile court system to ensure the facilities and school districts are meeting the requirements of the law. We also appreciate the clarification in the proposed amendment, [Exhibit F](#), that the failure to convene an IEP should not be seen as a sole factor to delay admittance. Unfortunately, we do not have a lot of choices when our children are in mental health crisis or in need of a long-term residential treatment facility. We do not want it to be delayed; therefore, our children lose bed placements as we wait for an IEP to occur.

MR. KEATING:

We support S.B. 210. This bill ensures all students have a smooth transition into and out of the hospital setting, and receive an educational experience that is seamless. There have been discrepancies in past situations with how next steps should be interpreted. This bill helps clarify that so all parties are following the right protocol. It also ensures the facilities maintain compliance for a student's IEP.

STEVEN COHEN:

I will begin with ditto. I look forward to sharing the specifics of our family's story with our Senators on this Committee at a later time. The only friendly

amendment I would offer would be switching "emotional disturbance" to "intellectual and development disability" or other language that is friendlier to the person. In terms of policy, I support S.B. 210.

CHAIR DENIS:

I will close the hearing on S.B. 210.

VICE CHAIR DONDERO LOOP:

I will open the hearing on S.B. 352.

SENATE BILL 352: Revises provisions relating to education. (BDR 34-843)

SENATOR MOISES DENIS (Senatorial District No. 2):

Senate Bill 352 ultimately helps reduce additional barriers for those who want to become teachers. The phrase "chronic teacher shortage" has been voiced countless times over the years and remains one of the biggest challenges facing our education system. This is certainly not a new issue plaguing Nevada's school system. This was an issue before I even came to the Legislature. What keeps me awake sometimes is knowing that as more of the State's baby boomers retire, our need for new teachers will only grow, making our teacher core even younger and less experienced.

Nevada is not the only state affected by this problem. Shortages have grown in recent years as enrollment in teacher preparation programs has declined Nationwide. One report by the Center for American Progress suggests these programs have dropped by a third from 2010 to 2018. Districts across the Country are facing severe and chronic teacher shortages, especially within certain subject and specialty areas.

These persistent shortages can be costly for districts and have a negative impact on workforce quality, student outcomes and student climate. Even worse, the greatest impacts of these shortages are typically seen in schools that can least afford them. This Legislature has done a lot of great work over the years to address teacher shortages, including strengthening recruitment and retention efforts. The report by the Center for American Progress lists both enrollment and completion for Nevada's teacher preparation programs have slightly increased in the past decade.

However, while we have made progress, it is not enough, and we cannot become complacent. The bill before you today is another way to help eliminate barriers for those who want to enter the teaching profession which ultimately helps build our teacher workforce.

Senate Bill 352 requires the Commission on Professional Standards in Education to adopt regulations that authorize an employed paraprofessional who is enrolled in a program to become a teacher to complete an accelerated student teaching program in the same or similar area in which the person is employed. The Commission must also adopt regulations that require NDE to accept student teaching experience completed outside of Nevada if the experience can potentially fulfill Nevada's requirement.

This bill came about in a discussion with Principal Michelee Crawford at Ronnow Elementary School. We do need to fill this teacher shortage, and this is one of the ways we can help. One of the biggest challenges is those who want to become a teacher have to not work for a semester to get their licensure and graduate. This bill addresses that issue for those who are already working in school districts and in the classroom. It allows them to eliminate some of these barriers. This bill will bring continuity and consistency between institutions in Nevada as to how student teaching is done.

MICHELEE CRAWFORD (Principal, Ronnow Elementary School):

This bill started with a conversation with my support staff members, asking them if they were interested in becoming licensed teachers. As I went through this process, I realized many of my support staff members wanted to be licensed teachers but were struggling with many barriers far beyond their control. I started asking them what they needed support with and becoming someone who could help them clear the creative pathway to licensure.

As I supported my support staff members, I found they were diverse, lived in the neighborhoods in which they worked, came with background knowledge and experience in education, and they were more likely to stay at their home schools rather than out-of-state candidates. As I worked with The Public Education Foundation's Executive Leadership Academy, I decided this would be a great project to facilitate and replicate around the district. What you see in my presentation ([Exhibit G](#)) is a culmination of efforts educational institutions and stakeholders around Nevada.

There are many purposes of this bill, but S.B. 352 significantly helps fill teacher vacancies. It increases student achievement because students of color will have more diverse representation in their classrooms, and it creates pathways to upward mobility. Slide 2 shows information I acquired from CCSD's recruitment and retention report that came out last month. This information shows that 12,000 students in 489 classrooms on average are left without a full-time teacher on their first day of school. This bill would aim to fill those vacancies. After their first year, 12.1 percent of teachers leave. By allowing support staff members to student teach in the schools they work in, it is more likely for them to stay. Our support staff members better represent the students they service. The graph on Slide 2 shows the racial disparity in representation. Excepting students who are racially White, there is less representation for racially diverse teachers as compared to students. This is important because research from John Hopkins University has shown that students who have a diverse teacher once in their life are less likely to drop out of high school and more likely to go to college. Our support staff members would fill that need.

I surveyed support staff members. On Slide 3, 73.3 percent of responders are interested in becoming licensed teachers. Slide 5 shows the barriers these individuals had to accomplish that goal. Financial aid was the biggest barrier; many of our support staff members do not become licensed teachers because they cannot take off 16 weeks for student teaching.

The bill is to allow support staff members to continue to work as long as their license is in that position. I have a support staff member who is a student physical therapist assistant (SPTA) and needs to do her student teaching to become a licensed special education teacher. She would have to take time off of work and go to another school in her same position. This bill would allow her to stay in her position and do student teaching within her current role, keeping her benefits and pay.

IRENE HERNANDEZ (Student Physical Therapist Assistant, Ronnow Elementary School):

I have been an SPTA for about seven years, and four years prior, I was a substitute teacher. I have made education my career. As a single mother of four kids, every day is a struggle financially and a block in my career path. As soon as I want to finish my degree, something stops me that is out of my control. Childcare is also an issue. Having to work fulltime and then coming home to study while also providing for my family is a struggle.

FATUMA ABDULLAHI (Student Physical Therapist Assistant, Ronnow Elementary School):

I have been with Ronnow Elementary for five years. Right after high school, I knew I wanted to be a teacher. I have been taking classes as much as I can while also balancing full-time work. I am at the point where I am almost done with one year to go. I will have to take my tests soon and have been struggling to pass them.

JERANIA MANCILLA (Ronnow Elementary School):

I have been working for Ronnow for three years now. I am enrolled at the College of Southern Nevada and have been attending for two or three years already. It has been a struggle, adapting to work while working fulltime and then coming home to help the family. I am the first person in my family to be a high school graduate, and I have to set an example while also working for my goals. Not only am I in school, but I am working and helping financially at home. I initially started with education when I was in sixth grade. It was from a teacher who inspired me. My English was not perfect, and it was hard to adapt to the language and deal with the language barrier. Going from a D- and F-grade student to an A- and B-grade student gave me the satisfaction and gratitude to realize helping out other students was something I wanted to do. Once I hit my high school years, I worked in a preschool and also tutored. I was then given the opportunity to teach as an intern. I love education and working hard to get my degree in early childhood education.

MS. CRAWFORD:

When we require students to take testing that cannot be done within the working environment, we are creating barriers for first-generation college students. This bill would allow our staff members to complete their student teaching while they are working. We have spoken to the Nevada System of Higher Education, the teachers union and the superintendents of Nevada. Everybody not only supports this bill but needs this bill because we have about 400 to 700 vacancies within CCSD. This would allow those support staff members to use their student teaching to remove that barrier.

SENATOR DENIS:

As you can see, there are opportunities, and we have people already working in our schools who could become teachers if we can help them overcome those barriers. That is what this bill addresses.

SENATOR HARDY:

This is a wonderful concept to help those who need a leg up. I need clarification on support staff, SPTA and paraprofessional roles. Do they get college credits for how many hours they teach each day?

MS. CRAWFORD:

They are paraprofessionals who work in the classroom. Many of those names are names for paraprofessionals, depending on their role. These people have years of experience and work with a licensed teacher who needs additional support based on IEPs or programs.

SENATOR HARDY:

When someone says paraprofessional, that means he or she is a professional in what way? Does that person have a certificate? I do not know what a paraprofessional is in the world of education. Is there a position described as an SPTA? What are the criteria?

MS. CRAWFORD:

A paraprofessional is a member of the classroom as a paid employee. Credentials could range from no education to—depending on what Title I program they are in—up to two years of education. This bill would only apply to these persons once they did their traditional coursework for teaching and it came time for them to practice student teaching. They would not have to quit their jobs to complete the student teaching portion and continue their jobs while student teaching.

SENATOR HARDY:

I understand. These individuals have to acquire a degree before they can student teach. They then can teach students, but to become credentialed, they have to quit their jobs or do something like night classes to become licensed?

MS. CRAWFORD:

Yes, that is correct. Like previous testimony heard, these individuals have to work around their work schedules. They take their classes one at a time, they take them on the weekend or online. The barrier occurs when they hit the student teaching requirement because they do not have a choice when to complete that portion. The student teaching piece has to be done during live instruction, which means the flexibility of weekends and nights goes away. This often affects people with low-incomes. They cannot take 16 weeks off. Our

pathway is getting clogged up near the end because the only people who can complete the student teaching portion are those with the financial means or support.

SENATOR DONDERO LOOP:

The nemesis of the bill is helping people get through the student teaching time we are traditionally not paid for. It does not have as much to do with where you come from as an aide or paraprofessional. What matters is finding a way for these individuals to continue working while also gaining the experience needed for licensure. They cannot stop being paid as they need to support their families or themselves.

DONALD EASTON-BROOKS, PH.D. (Dean, College of Education and Human Development, University of Nevada, Reno):

One of the pieces that might be missing to understand are barriers that prevent advancement in licensure. The proposed bill removes that barrier so people can use the experience they have to become a teacher. If we keep the law in place, most teachers would have to be removed from their current jobs to complete the student teaching portion.

I have seen this issue in other states. Minnesota had a reading shortage and did something similar to this bill. It is an understatement how much that change magnified the community enabling diverse paraprofessionals to work with diverse students. People's lives were changed; there was upward mobility. Something Ms. Crawford mentioned was the impact of diverse teachers on our student population and the dropout rate. I have been involved in studies which show if students of color have even one teacher of color, their achievement scores go up significantly.

In a typical teacher preparation program, students might get upwards of 600 contact hours. Research shows if we have teachers with at least 1,000 hours working directly with children, they tend to do better. What is being proposed here is we have a group of paraprofessionals who probably already have those 1,000 hours even before they go into the teaching program. They have the classroom experience, and they need the content to enhance that. What I have seen in other states is that these people who are given the ability to become teachers have longevity and the ability to connect schools to the community because they are already part of that community. They tend to

be leaders, and their connection to the community gives them the credibility to reduce student dropout and increase graduation rates.

SENATOR BUCK:

Charter schools have been doing things like this for years now. I appreciate this bill because it is innovative and looks to fill in the need. We are missing many teachers in our State. One of my challenges when in the CCSD was with everybody wedged into their job, there was not much room for innovation. Will you be able to do this process in districts that are not as flexible as charter schools?

SENATOR DENIS:

The purpose of this bill is to have consistency throughout the State.

MS. CRAWFORD:

This bill allows us to become more creative, progressive and innovative. Many support staff members want to become licensed teachers in the area they are working in. If they are trying to acquire a special education license and are already in a special education classroom, that is an easy transition. Where it can get critical is when someone wants something more general. We need to be flexible. We need staff who will work together as a family. We need aides who are willing to move around the building for a certain amount of time to allow the person wanting licensure to pursue that. At my school, I have not had any road bumps to make this happen. We are creative. We are thinking out of the box and exposing staff to different teaching scenarios which make them better teachers. It allows for creativity to spring up.

MR. DALY:

We support S.B. 352. We represent most paraprofessionals in Nevada school districts. Paraprofessionals perform a critical function, helping to deliver a high-quality education to Nevada students. This ranges from assisting students to learn the alphabet to assisting their education to become functioning members of society. Paraprofessional duties are numerous, including assisting with evaluation of student work, reports on student progress and behavior; conducting small group sessions; helping develop differentiated lesson plans; assisting with instruction; enforcing classroom management; and assisting students with assigned activities. Paraprofessionals are critical to all programs throughout school districts. During this time of online engagement, they have been the backbone to special education educators.

Facing a chronic teacher shortage, especially in diverse communities, the career pathway for paraprofessionals to become licensed teachers is of great importance. Many paraprofessionals already work fulltime in Nevada classrooms and possess many of the skills to be developed through student teaching. Many paraprofessionals had to leave their jobs just to student teach. This has made choosing between paying rent and bills versus finishing their degrees a concern for NSEA. We also believe that adding experienced educators to the classroom improves student achievement. Accelerating the 16-week requirement removes a significant obstacle to obtaining a teaching credential.

MR. COHEN:

We are ditto with one exception. That exception is how section 1, subsection 1, paragraph (l) pertains to special education. It is important there is a better check on teachers not only coming into the State but also leaving the State, regardless of what level of service they are providing, to make sure they can handle students with disabilities.

DR. PEARSON:

We support S.B. 352. This bill creates a pipeline of paraprofessionals who are eager to advance into the teaching profession, simultaneously establishing a career pathway that enables them to move from paraprofessional to educator and then, if desired, to administrator. This bill also establishes a diverse teacher pipeline since paraprofessionals across our State more closely match the diversity of our students. Recruiting a diverse teacher pipeline is a prioritized goal of education systems across our Nation, and S.B. 352 provides Nevada such an opportunity.

Nevada must address our teacher pipeline issue. However, Nevada must not only increase the teacher pipeline, we must also squelch the attrition Nevada schools experience annually. A constant churning of entering new educators and exiting experienced teachers stifles Nevada's ability to grow an experienced and impactful teacher force. The better we can prepare teachers upon entry into the field, the less likely they will leave the profession within the first five years.

An important component of S.B. 352 is the ability of paraprofessionals to utilize their time within schools to satisfy their student teaching experience requirements. Since the student teaching experience lays a foundation of support for traditional educators entering the field, consideration of a high-quality student teaching experience must be centered through the

development of this program. A careful balance must allow for an expedited course of study and a quality experience that will pave the way for these new educators to enter the field prepared.

Senate Bill 352 will give us an opportunity to develop a carefully balanced course of study. As Nevada continues to create opportunities to build our educator pipeline, we must also be aware of the preparation educators receive prior to entering the field. Nevada's efforts must not only increase the number of teachers employed but must positively influence teacher practice and student outcomes.

MARIE NEISESS (President, Clark County Education Association):

We support S.B. 352. This bill is important to me personally because while attending college parttime, I worked as a support staff employee in a variety of roles. I worked for the CCSD for 29 years. I was honored to work alongside teachers who inspired me to become an educator. I wanted to make a difference in the lives of children. Along the way, I faced many challenges while attending school, working fulltime and raising a family, but most importantly, preparing for the financial burden of student teaching. While my support staff pay was not significant, it was a part of my family's household budget. I did what I could to prepare for the 16 weeks without pay or benefits. Unfortunately, it was not enough, and I considered giving up. A few weeks before I was scheduled to student teach, I was in an automobile accident. The settlement gave me the financial support I needed to take a leave of absence to teach. While the accident was unfortunate, I was thankful I did not have to drop out of school.

During my journey to become a teacher, I noticed few educators of color, yet many of our support staff and paraprofessionals are. We have an educator shortage, and one way to address the pipeline issue is to support our paraprofessionals who want to become educators. Many times, educators come to work in Clark County but do not stay until retirement age. Our paraprofessionals are invested in CCSD and would more than likely stay until they retire. Paraprofessionals have a significant amount of classroom experience.

Through my teaching career, I have encouraged and mentored paraprofessionals to become educators. Like me, they face the financial burden that comes with student teaching. We must continue to find ways to invest in our

paraprofessionals. Allowing paraprofessionals who are enrolled in a program to become a teacher by completing an accelerated program of student teaching will help with the teacher shortage in the specific area in which they are employed.

ERICA VALDRIZ (Vegas Chamber):

We support S.B. 352. The Chamber believes these regulations will be an effective way of recruiting, mitigating the negative effects of teacher shortages and creating a more sustainable supply of well-prepared, quality teachers. This bill will not only provide the necessary accountability for our Nevada education system but aid with the process of the additional teachers we need in our State.

MS. ABDULLAHI:

I am excited to be a part of this important bill. This bill will help thousands of employees in Nevada and employees just like me. It is my lifelong dream to become a special education teacher. For seven years, I have worked for CCSD. I have been working in the same position for some time now. I would have been finished by now but take only two classes at a time because I have to work to pay for my expenses. I am now at the point where I have to leave work so I can finish my last year in school.

This bill will make hundreds of dreams come true—dreams that are delayed over and over again. This bill will help hundreds of students succeed in school because of the new teachers who will be hired.

MS. PIERCZYNSKI:

This is a bill Nevada has needed for a long time. It is a commonsense approach to dealing with the teacher shortage. It is also a commonsense approach to supporting those who have already proven the value they bring to our classrooms and students. We support S.B. 352.

TERRI SHUMAN:

I support S.B. 352. In 2002, I walked into a classroom in Mississippi for the first time being a substitute teacher. From that moment on, I wanted to be a full-time teacher. I had a student who was in second grade. For three days, we went over mathematics. He did not understand. Day after day he would come to my desk, and I worked individually with him. Finally, on the third day, he popped his head up with eyes gleaming and said "Teacher, I think I got it." I

stopped class that day. We all had high fives. We all gave him a hug, and from then on, I knew teaching was to be my dream.

For 19 years, becoming a teacher has been on my bucket list. I could not believe it when I heard this morning this bill was being proposed. I knew I had to speak on it. This bill will guarantee those of us who cannot make it financially to someday realize our dream. This bill will also help Nevada with the class size problem by bringing more teachers into classrooms to reduce class sizes and increase one-on-one time with students.

SABRA NEWBY (University of Nevada, Las Vegas):

I support S.B. 352. Public education in Nevada is a continuum that includes higher education. With over 80 percent of University of Nevada, Las Vegas (UNLV), students being Nevadans, we know the vast majority of our students come from our public schools which regularly face teacher shortages. More than 60 percent of our UNLV alumni reside in Nevada, including 5,000 K-12 teachers. This bill not only assists our students to have qualified, committed teachers, it also supports UNLV alumni in their desire to teach.

MS. ANDERSON:

We support S.B. 352. The WCSD has been looking for innovative ways to achieve this work without this legislation, and this bill will make it abundantly clear this is an appropriate route for our paraprofessionals to take.

MR. KEATING:

We support S.B. 352. Ensuring there is a healthy teacher pipeline is important to the entire State, and there is no better way to work toward this than by using the hard-working support professionals at our schools.

REBECCA GARCIA (President, Nevada Parent Teacher Association):

All students deserve a qualified teacher. We recognize the impact on students of the ongoing teacher shortage. We also recognize the commitment of support professionals to student success. This is one way in which we can help increase the teacher pipeline and also increase the amount of diverse, committed professionals who are in classrooms for our students. We support S.B. 352.

SENATOR DENIS:

This is a commonsense bill. We want a larger teaching pool, but we also want our teaching pool to reflect the communities they live in and the students they

teach. This bill is one way we can do that. We already have people who are committed to those communities and want to be there.

SENATOR LANGE:

I will close the hearing on S.B. 352.

CHAIR DENIS:

We will move to public comment.

VALERIE FRISKEY:

I am a resident of Assembly District No. 39. I retired after teaching in Nevada for 45 years. I am here to encourage you to consider the need for all education employees across the State to have access to quality affordable health care upon retirement. Our members are facing escalating costs of health care and prescriptions. Many of our returned members will not have access to affordable health care because they will not qualify for social security and medicare. As my colleagues retire, they face insurance costs around \$1,000 per month. After spending their entire career as public school employees, this is sad. We are aware and understand the State is facing serious budgetary constraints, but we are asking the Legislature to fund a study on retiree health care for education employees.

CHAIR DENIS:

With no further public comment, we will move to the next item on our agenda.

VICE CHAIR DONDERO LOOP:

I will open the hearing on S.B. 354.

SENATE BILL 354: Revises provisions relating to education. (BDR 34-842)

SENATOR MOISES DENIS (SENATORIAL DISTRICT NO. 2):

This bill builds upon our continuing work to improve and increase transparency in school discipline, and ensure students experiencing homelessness are not unduly burdened by school disciplinary practices. Many of you will remember the late Assemblyman Tyrone Thompson's passion for helping, mentoring and service to others. Last Session, we passed the bill he sponsored, Assembly Bill (A.B.) No. 168 of the 80th Session, which created restorative justice processes in our schools. We also enacted measures he requested to ensure students experiencing homelessness were not left out when enrolling in the Nevada

System of Higher Education or charter schools. It is my hope that Assemblyman Thompson's legacy of making a difference in the lives of students who most need our help will not be forgotten.

Building on the successful implementation of the policies I just mentioned, I requested S.B. 354 to ensure students who are experiencing homelessness or are unaccompanied receive special consideration in the process to establish and implement restorative justice in schools. The bill also seeks to address transparency in school discipline trends by creating an indicator within the Nevada school performance framework to recognize and highlight schools that are working to reduce the frequency of suspensions, expulsions and the removal of students from school. Finally, to the extent funds are available, S.B. 354 requires the NDE to create a Statewide restorative justice framework.

Section 1 creates the indicator in the Statewide system of accountability to recognize schools that reduce the frequency of suspensions, expulsions or the removal of students. Section 2 requires the NDE to develop a Statewide framework for restorative justice practices and sets out certain parameters for the framework, including providing information, identifying and addressing the needs of the homeless, unaccompanied and foster students; providing for the improvement of school climate, culture and safety, and pupil outcomes; and providing training. Section 3 requires data on school discipline to be disaggregated by certain subgroups of students and types of offenses to the extent possible under federal law, and that the disaggregated data be posted on the school's website.

Section 4 is a conforming change relating to ensuring suspensions and expulsions are not related to homelessness. The provisions detailing this change are later in the bill. Section 5 relates to districts' restorative justice plans. Senate Bill 354 requires the board of trustees of each school district to solicit input from students on the plan. It also requires the district's plan to align with Statewide framework for restorative justice. Section 6 requires the school administrator to determine whether a student is experiencing homelessness before removing the student from the classroom or school. The section also requires the school that is removing the student from the classroom or school for more than one day to provide education services and appropriate, positive behavioral interventions, trauma-informed support and a referral to a school social worker or counselor.

Section 7 recognizes homeless and unaccompanied students in existing processes related to conferences held following a student's removal from school. It requires a conference to include consideration of an intervention to mitigate the impact of homelessness on a student's behavior. Section 8 modifies provisions that require a principal to deem a student a habitual disciplinary problem by adding a requirement that the principal determine the behavior is caused by homelessness. The section also makes changes to recognize unaccompanied students in certain processes related to plans of behavior for students who are suspended. Section 9 makes a similar change, recognizing unaccompanied youth in conferences for suspended students.

Sections 10 and 11 prohibit a school from suspending or expelling a student unless it has been determined the student's behavior was not caused by homelessness. Similarly, section 12 prohibits a school from suspending or removing a student from school without providing a plan for restorative justice. This provision is similar to that required of students who are expelled.

Regarding the fiscal impact, the paperwork has not been submitted yet. At the moment, I do not have any proposed amendments, although we have been working with different groups to make amendments.

TAMMY MALICH, ED.D. (Co-chair, Educational Equity Task Force):
I have a presentation ([Exhibit H](#)).

SENATOR HARDY:

We are interested in helping people who are perpetrators with restorative justice, but sometimes justice has two sides. How do we protect people who have been bullied? Can we give them an opportunity to be out of the reach of those who are the bullies? For the perpetrators, I noticed the option for home private schooling. In the past year, we have become better prepared to teach at home than we have ever been. Restorative justice is not so much punishment as a reality of what we can do. How long does it take for a school to intervene as opposed to have a plan and institute it? Can I have a better explanation of how a general plan is applied to an individual student?

DR. MALICH:

With regard to the restorative plan, there are two requirements in A.B. No. 168 of the 80th Session. One is the district creates the plan of action for the entire district. This outlines the code of conduct and what the district will allow. Then

at the student level, an individualized student plan is required for a student who is being recommended for a long-term removal. Schools have become good at this over the last two years. There is a template the State provided, but districts can use their own form as well.

To the point of victims and bullies, under the bullying law there are a couple different options. One is if the parent, guardian or victim feels the victim is afraid or unsafe, despite the situations and circumstance put in place by the school, that individual can request a change in placement. Districts must comply. In most cases with restorative justice, it would be rare you would bring the victim and the perpetrator together. There are rare cases where that is a successful move, but generally we do not do that to young people. It does require your perpetrator to do a restorative action that aligns to his or her misconduct. For example, we do not put the victim back with the bully but into a community service situation within the school setting. Schools have become good at coming up with related consequences, but bullies do have protection.

Schools can remove a child immediately. If removed for more than a day, rules would come into place, but that rule would be the school continues an educational program for that student. It could be take-home packets or a distance-learning model. You are still removing the perpetrator while coming up with a solution. We do not want kids to think "I can punch someone, get in trouble, and then I get a free pass from school. I get to go home. Maybe I am unattended at home because my parents have to work." We want the education to continue during that time. Our districts are in a better place to make that happen than we were a year ago. Districts can come up with the best way to facilitate that per district.

SENATOR HARDY:

Is a student never involved with the restorative action to another student?

DR. MALICH:

Correct. Because of privacy laws and protecting victims, we do not bring victims in front of perpetrators in the K-12 system. It is done at the collegiate level, but it is very risky.

SENATOR LANGE:

I want to talk about homeless youth. If a homeless youth has an advocate and gets a suspension from school, the youth has nowhere to go. The student does

not have any food. It is a bad situation. Coupled with that, we have heard a lot of bills relating to mental health. I want to see this bill coupled with those kinds of services, not only for homeless kids but for foster kids who experience the same kinds of trauma. Have you given any thought about that?

DR. MALICH:

We did think about that issue. In section 7, if the student is homeless, that conference is required to include consideration of and interventions to mitigate the impact of homelessness on the behavior. Things outlined would be a social work referral, a school counselor referral and access to services. Getting the kid back into school without addressing the mitigating circumstance will not change things. That is one of the reasons why foster youth is spelled out in this bill.

SENATOR DONDERO LOOP:

Can you give us an overview on how you see this bill working within the school district or charter schools?

DR. MALICH:

At the school level, your overarching governing board or school district creates the overall plan and code of conduct. Within that, the attempt is to make the plan more people-centered than former plans. Schools will mitigate most of the students with their standard procedures in their codes of conduct and district plan. For those kids who are escalating and require more intensive support, we will personalize the plan.

For personalized plans, the schools will need to track the things they have already tried with the student and what worked before escalating. The end result may require the removal of some students, but this bill exhausts other options and prohibits it from being the first line of defense except for mandatory expellable offenses. Schools will be required to undertake underlying behavioral interventions, such as meeting with a counselor, a pressure pass, mentorship by a teacher, coach or administrator, or having a weekly session with a school social worker or mental health professional.

The bill puts into place what schools already do but makes them more thoughtful, conscious and recorded so when the school meets with the parent, it can show what it has tried. It will help inform the parent as well. It will help create a better image for the schools and the State to show parents it does care about kids.

ALEXANDER MARKS (Nevada State Education Association):

We support S.B. 354 to make important updates to Nevada's system of restorative justice, including requiring the NDE to develop a Statewide framework. The NSEA believes in the principles of restorative justice, which proactively build healthy relationships and a sense of community to prevent and address conflict and wrongdoing. We always take a strong stance for the safety of our educators. The issue of student discipline continues to be one of the more vexing ones for educators. During the Seventy-ninth Session, NSEA worked to improve Nevada's system of progressive student discipline. Last Session, this was replaced with a restorative justice model. Unfortunately, school districts were not provided with the guidance and resources necessary to sufficiently implement this model, and student and educator's safety was compromised. Senate Bill 354 provides this missing piece.

Every day, educators make students feel welcome in the classroom and at school sites. Many utilize learning circles, conflict resolution and mediation to deal with the challenges of unresolved conflict. However, this work is often independent of a broader school culture. It is necessary for proactive district- and school-wide plans to implement restorative justice practices that are seamlessly integrated into the classroom, curriculum and culture of the school. This also means providing needed trainings to foster an environment where restorative justice discipline systems can be successful. Restorative practices should extend throughout the school site and should engage all staff to create and maintain a safe physical space in support of school climate, an engaging academic environment and healthy relationships between students, peers and staff.

MR. COHEN:

Ditto on the previous comments made for S.B. 354.

ARASH GHAFoori (Executive Director, Nevada Partnership for Homeless Youth):

We support S.B. 354. In my almost ten years at Nevada Partnership for Homeless Youth (NPHY) I have seen countless youth experiencing homelessness be labeled in school as troublemakers, disruptive or poorly behaved. Further, I have seen the same youth be labelled as not wanting to be successful in school. This is simply not the case.

Many of these youth are exhibiting behaviors that signal the larger underlying issues like their experience with homelessness or unstable out-of-school

environment. They are signaling to adults with their behaviors that something more serious is going on. Yet, we are failing to see or investigate it; as a result, they are often labelled as troubled youth. Schools are often the last place of refuge many young people have where they can count on a meal, supportive adults, consistency, connections and hope for a brighter future. This is especially true for unhoused students where schools are often their lifeline.

Unhoused students may be facing more hardships and difficulties in their out-of-school environment. Unhoused students already struggle to succeed academically given their disadvantages, experiencing things like being abused or neglected, going hungry, not having shelter or a place to shower and study. These stressors can cause youth to be distracted in the classroom, where their peers bully them and cause mental health challenges that can manifest in certain behaviors.

You have already heard the statistics of how punitive discipline actions are disproportionately high for students experiencing homelessness and students of color. Nevada is experiencing one of the worst incidences of youth homelessness in the Country. On any given year, we have tens of thousands of homeless youth enrolled in schools. In the 2018-2019 school year, we had 18,000 students enrolled homeless in the K-12 system.

What happens when you give an out-of-school suspension to homeless students? Homeless students have no homes. Their environment could be a shelter, a car or the streets. It is cruel to suspend or remove the student who has nowhere to go, especially when school represents the only consistent meal of the day, opportunities for connection and resources or time around positive adults. That is not the cruelest part.

Service providers like NPHY fight all day long to immediately connect youths to services when they experience homelessness. The cruelest part is youths are aware that bad things can quickly happen on the streets and now as a result of their removal, they may have nowhere to go to feel safe. They may have to wander the streets, which are unsafe, especially when the young people are supposed to be in school. On the streets, they could be lured into labor or sex trafficking within 48 hours, introduced to drugs or stop attending school permanently as they think they are being punished, it is unsafe or the school does not care about their issues. Even worse, they could face serious mental health issues that arise as a result of being disconnected from schools.

EMILY PAULSEN (Executive Director, Nevada Homeless Alliance):
I will say ditto to Mr. Ghafoori's comments. We support S.B. 354.

MS. ANDERSON:

We are neutral on S.B. 354. We have started working on amendments. Our district is committed to addressing disproportionality in discipline and has integrated this work into our more broad commitment to social-emotional learning that has been a priority of the district for some time. Our homeless liaisons are federally funded, and we have eight. This requires these advocates cover an average of 15 schools per liaison which is a tremendous caseload. Other suggested areas are the sections that require district staff to determine whether the behavior was caused by the student's living status. There are so many factors in a child's life that lead to behavior issues as a student. Our staff cannot be put in the position of determining whether the behavior was caused by food insecurity, past trauma, homelessness or other reasons. Our homeless liaison office is not comfortable making the subjective decisions.

The final area of coordination should likely be the effective date of the legislation as previously mentioned. Assembly Bill No. 168 of the 80th Session taught us how much work is needed to train our staff on changes in the law. The expectation that this can be in effect with only days between the effective date and the beginning of a new school year should likely be addressed.

MS. NICK:

The NDE looks forward to working with other stakeholders to ensure S.B. 354 serves our students.

ANNETTE DAWSON OWENS (School Readiness Policy Director, Children's Advocacy Alliance):

We support S.B. 354 and what has been testified to here. We advocate for the implementation of a Statewide restorative justice framework for disaggregated data by subgroups that is transparent and easily accessible to the public for increasing accountability and solutions regarding suspensions, expulsions and removals that lead to better outcomes for all students involved and the continuous education for all our students.

LEONARDO BENAVIDES (Clark County School District):

We are neutral on S.B. 354. We support many components of this bill in regard to Statewide framework for restorative justice and protections for homeless

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youth. However, logistical questions still remain. We will continue working with the bill's sponsor and all stakeholders in the coming days to make sure this bill is ready.

SENATOR DENIS:

We are trying to help kids who need to be helped. This is a continuation of a great work started last Session and ongoing for the last few years.

VICE CHAIR DONDERO LOOP:

I will close the hearing on S.B. 354.

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CHAIR DENIS:

With no further items on our agenda, the meeting is adjourned at 7:46 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
S.B. 2	B	1	Jen Sturm	Work Session Document
S.B. 2	C	1	Brad Keating / Clark County School District	Bill Walkthrough
S.B. 230	D	1	Jen Sturm	Work Session Document
S.B. 249	E	1	Jen Sturm	Work Session Document
S.B. 210	F	1	Gillian Block / Nevada Coalition of Legal Service Providers	Proposed Amendment
S.B. 352	G	1	Michelee Crawford / Ronnow Elementary School	Presentation
S.B. 354	H	1	Tammy Malich/ Educational Equity Task Force	Presentation