

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Eighty-first Session
April 21, 2021**

The Senate Committee on Education was called to order by Chair Moises Denis at 1:05 p.m. on Wednesday, April 21, 2021, Online and in Room 2134 of the Legislative Building, Carson City, Nevada. [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:

Assemblywoman Shannon Bilbray-Axelrod, Assembly District No. 34
Assemblywoman Sarah Peters, Assembly District No. 24

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Shea Backus, Commissioner, Nevada Uniform Law Commission
Felipe Ortiz, Chair, Las Vegas Clark County Library District
Tod Colegrove, Ph.D., President, Nevada Library Association
Jim Lawrence, Deputy Director, Department of Conservation and Natural Resources
Sudeep Chandra, Director, University of Nevada, Reno Global Water Center
Vic Etyemezian, Vice President, Research, Desert Research Institute

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Kyle Davis, League to Save Lake Tahoe
Bob Larsen, Program Officer, Bi-state Tahoe Science Advisory Council
Devin Middlebrook, Tahoe Regional Planning Agency
Kristen McNeill, Deputy Superintendent, Washoe County School District
Lindsay Anderson, Washoe County School District
Emily Ellison, Chief Human Resources Officer, Washoe County School District
Chris Daly, Nevada State Education Association
Alexander Marks, Nevada State Education Association
Brian Rippet, President, Nevada State Education Association
Marie Neisess, President, Clark County Education Association
Joanna Miller, Clark County Education Association
Freeman Hollbrook, Washoe School Principals and Administrators Association
Kenny Belknap, Clark County Education Association
Vinny Tarquinio, Clark County Education Association
Mary Pierczynski, Nevada Association of School Superintendents
Paige Barnes, Nevada Association of School Boards
Steven Horner
Selena La Rue Hatch, Washoe Education Association; Nevada State Education Association
Harry Beall
Ann Silver, Chief Executive Officer, Reno + Sparks Chamber of Commerce
Bryan Wachter, Senior Vice President, Retail Association of Nevada
Paul Moradkhan, Vegas Chamber
Sarah Nick, Department of Education
Deanne Moyle-Hicks, Teach Plus Nevada

CHAIR DENIS:

I will open the hearing on Assembly Bill (A.B.) 136.

ASSEMBLY BILL 136: Adopts changes to the Revised Uniform Athlete Agents Act (2015). (BDR 34-766)

ASSEMBLYWOMAN SHANNON BILBRAY-AXELROD (Assembly District No. 34):

Assembly Bill 136 revises provisions for the Uniform Athletes Agents Act. The Uniform Law Commission (ULC) promotes enactment of uniform acts in various areas of State law. Nevada adopted the first version of this act in 2001 and the second version in 2017. The ULC revised this act again in 2019 to allow student athletes more freedom and flexibility when choosing between entering a professional draft or continuing their college education. These changes were

made because of actions taken by the National Collegiate Athletic Association (NCAA) in 2018. It provides student athletes with this additional flexibility.

Under the new NCAA bylaws, certain expenses are covered for a prospective or gold student athlete and his or her family. These expenses include meal, hotel and travel in connection with the agent selection process. Because the NCAA bylaw change conflicted with the Uniform Athletes Agent Act, the NCAA asked the ULC to amend the Uniform Act to remove the conflict. These revisions are reflected in A.B. 136. So far, 11 states have adopted these changes and another 5, including Nevada, have pending legislation. These changes will enhance our law and continue our regulations and athlete agents for the best interests of our students.

SHEA BACKUS (Commissioner, Nevada Uniform Law Commission):

The ULC was established in 1892 to provide states with nonpartisan, well-conceived and well-drafted legislation to bring clarity and civility to critical areas of state statutory law. Members of the ULC are judges, legislators, law professors and legislative staff who must be qualified attorneys to practice law. They are appointed by state and territorial government. Commissioners of the ULC draft and promote enactment of uniform state laws in areas of state law where uniformity is desirable and practical.

The ULC's deliberative and uniquely open drafting process draws on the expertise of commissioners but also input from legal experts, advisors and observers representing the views of other legal organizations and interests which would be subject to proposed law. The ULC stays up to date by addressing important and timely legal issues such as the need for an amendment to the revised Uniform Athlete Agents Act to comport with newly implemented NCAA bylaws allowing agents to cover certain expenses for certain athletes.

Assembly Bill 136 sets forth proposed amendments to *Nevada Revised Statutes* (NRS) 398A. The main changes to the bill begin on page 2, line 21 through line 31 of the bill. These amendments specify that an agent cannot provide anything of value that might affect the athletes eligibility to participate in his or her chosen sport, unless the agent notifies the student's educational institution within 72 hours of providing the item of value, or the student athlete

or minor student athlete's parent or guardian acknowledge on the record, this action could result in the athlete's loss of eligibility.

On page 3 of the bill, beginning on line 11, provisions are added that restrict other individuals from acting on an athlete's agent's behalf to engage in prohibited actions. While it seemed impertinent with the prior language of the bill to prohibit all athlete agents from providing anything of value to student athletes, it was discovered after various scandals of corruption in 2017 there needs to be a change to allow student athletes the opportunity to explore professional contracts without giving up the right to continue to attend college.

The NCAA had changed its bylaws to permit sports agents to cover certain payments for student athletes and family members for meals, hotel and travel in connection with recruiting and signing the student athlete as a client. Since this change, the NCAA bylaws would violate the criminal provisions found under NRS 398A.400 subsection 4, which can be found on page 3, line 20 to line 24. This amendment is now being proposed to accommodate the changes to the NCAA bylaws, thereby allowing student athletes to take advantage of the freedom and flexibility given to them by the NCAA without losing the opportunity to remain a college athlete.

Ultimately, these revisions are designed to minimize the leverage of harmful outside influences on high school recruits and college student athletes.

SENATOR HAMMOND:

Looking at section 1, subsection 1, A.B. 136 states "may not intentionally." Can you explain the "intentionally" part? Are you are trying to avoid having mistakes be punished? Things do happen. There are many regulations and laws. You obviously do not want to go after someone unintentionally. Is that the rationale behind that language choice? Should it be stronger language than "may not"?

Ms. BACKUS:

The original language under NRS 398A.400 subsection 1 always included the permissive language of "may" versus the mandatory language of "shall." Looking at the research that was done during the 2017 scandals, the policy behind it is to protect the student athletes from losing their ability to continue being a student athlete. To get rid of the harm that could be done by providing meals and then the student athlete decides not to go into a professional career,

the NCAA did change their bylaws. To comport with their bylaws, Nevada has to follow suit. If not, many agents and potentially student athletes may be acting under the NCAA rules. The NCAA rules are primarily focused on basketball players and A.B. 136 would contemplate other sports at the college and high school levels to allow leeway for people to engage in and entertain the idea of a professional career earlier.

ASSEMBLYWOMAN BILBRAY-AXELROD:

Assembly Bill 136 will help student athletes in Nevada.

CHAIR DENIS:

I will close the hearing on A.B. 136 and open the hearing on A.B. 258.

ASSEMBLY BILL 258: Revises provisions governing consolidated library districts. (BDR 33-167)

ASSEMBLYWOMAN BILBRAY-AXELROD:

I had the pleasure of serving on the Las Vegas-Clark County Library District (LVCCLD) Board of Trustees for over ten years until my term expired in February 2021. During that time, I took part in the hiring process of two executive directors and our most recent director of human resources. The District is the eleventh largest library district in the Country, with 16 urban branches and 9 rural branches. The 2020 to 2021 operating budget is over \$70 million for the District. It serves 1.7 million over 8,000 square miles; that is larger than the state of Connecticut. Many branches have art galleries and performing art centers.

Assembly Bill 258 does two main things for consolidated library districts that serve over a million people. One, the bill gives the Las Vegas Clark County Library Board the authority to establish educational qualifications that include, but are not limited to, a master of library and information sciences degree—commonly referred to as an MSLIS. Second, it gives the Board the authority to hire an internal auditor.

The District ranks eleventh in circulation of materials, fourteenth in the number of visits per year and fourteenth in the size of population served nationwide. There are now 25 branches in urban, rural and suburban locations. As the District has grown over the years, unique needs and challenges have come about. *Nevada Revised Statutes* and corresponding *Nevada Administrative Code*

do not reflect those changes. The District executive director manages more than just library operations. These duties include HR, IT, finance, legal issues, marketing, development, planning, facilities, community engagement and other nonlibrary operation functions. The District is running more like a city or county jurisdiction. By allowing the Board to consider qualifications other than just exclusively an MSLIS, the Board has more options to find the ideal candidate.

The Board is also asking for the authority to hire an internal auditor. Given the size and growth in scope of service to the District, this is something the Board needs to contract out. The Board would appreciate the ability to hire someone to do internal audits.

This legislation does not impact libraries run by Nevada cities or counties. This legislation is permissive, not instructive. The bill gives the Board of Trustees the power to set educational qualifications and staffing decisions that are appropriate to the organization and the communities they serve. It does not dictate what those qualifications and staffing decisions must be. There is no fiscal impact to the State; all costs for the internal auditor will be covered by the District.

FELIPE ORTIZ (Chair, Las Vegas Clark County Library District):

The first item of A.B. 258 is to add an auditor as a second employee to the Board of Trustees. As an example, when \$300 is missing we have to find out why. We have to put a contract out to bid and that could run \$50,000 to \$80,000 to find out where we are missing the \$300. It is not reasonable to go through this process every time. We would be better prepared and served if we had an employee who did performance audits internally by measuring success, failure, goal completion and so on. History has shown that some employees have stolen money from government agencies. Hiring an internal auditor allows the District a stronger view of what is going on internally.

The second part of A.B. 258 allows us to expand the search for a library director. This is done by expanding the qualifications to allow other people without an MSLIS be considered for application. Those persons may be asked to secure an MSLIS after they are hired.

We have a large operation and many of the applicants are tied to a city or county. They do not have the experience of building libraries and running a full

operation. We are a library with major operations. Assembly Bill 258 would assist us in serving Clark County.

CHAIR DENIS:

I am familiar with this library district because I chaired the Board many years ago. I understand the issues attempting to be resolved with A.B. 258. In regard to the executive director piece, right now are you only allowed to place a person with an MSLIS in that role?

ASSEMBLYWOMAN BILBRAY-AXELROD:

Yes.

CHAIR DENIS:

Does the change asked in A.B. 258 give you the ability to create the criteria for applying that would include that degree?

ASSEMBLYWOMAN BILBRAY-AXELROD:

That is correct. We want to have the ability to draw from a different area such as a city manager. The intent of the bill and the Board would be those applicants would probably go on to get an MSLIS as well. This is permissive language allowing us to open up a broader net.

CHAIR DENIS:

In the past, we have had an interim director who was hired without an MSLIS. It can be done, although I do not know how common it is across the country. I want to know more about this internal auditor piece. What is the purpose of this position? I do not know if I have ever seen this kind of internal auditor. The District has to be audited every year. How would this position be different than that requirement?

ASSEMBLYWOMAN BILBRAY-AXELROD:

We have a thorough financial audit on an annual basis. This internal auditor would perform in-house performance audits. As Chair Ortiz mentioned, we have had to hire someone like this at great expense for a three-to-six month period. For financial reasons and to be as diligent as possible, it would make more sense to have an internal full-time employee due to the size and scope of the library.

MR. ORTIZ:

We have a good auditing firm we use, but they just look at numbers. They only look at making sure the numbers balance out. They do not look at services. An internal auditor looks more at services. That individual would report the goals we met versus those we did not. It is more of a way to determine how we can do better. The position would be a "nuts and bolts" programmatic examination. The internal auditor would allow us to look at more detailed operations without offending the staff and director. It would be a continuous process and help everyone do their jobs better.

CHAIR DENIS:

This internal auditor would report to the Board?

ASSEMBLYWOMAN BILBRAY-AXELROD:

That is correct.

SENATOR LANGE:

In section 1, subsection 6 you changed the words to "the trustees shall appoint an executive director" instead of "may". In the past, how was the executive director appointed? The change here implies to me there was a different process.

MR. ORTIZ:

The Board of Trustees publically solicits applications for the director. In a public meeting applications are narrowed down to three to five applicants. In another public meeting they are interviewed. Finally, they are selected. That has been the process since the District was joined. The work of "may" to "shall" is because we always advertise publically.

CHAIR DENIS:

I have served on the Board; I can confirm we appoint those individuals.

SENATOR LANGE:

How many people are there on the Board and are those recommendations in A.B. 258 made by them? How did these recommendations come about?

MR. ORTIZ:

Yes, back in October 2020 the Board asked for an agenda item to add these recommendations as a bill draft request. There was a discussion during a public

meeting with other participants such as the union, and the Board of Trustees voted to ask A.B. 258 be introduced.

SENATOR LANGE:

Does the District have its own budget? Will hiring that additional person come out of an internal budget? If that is the case, when you are looking at hiring an executive director without an MSLIS, could you hire someone who has that degree and have them go back to take management courses?

ASSEMBLYWOMAN BILBRAY-AXELROD:

To your second question, that is what we have done in the past. In my experience, it has been difficult to find someone who had experience that could relate to a library district the size and scope of what we have in Clark County.

SENATOR DONDERO LOOP:

Why would we need to change the language from "may" to "shall" in section 1, subsection 6? I need perspective on that change.

ASSEMBLYWOMAN BILBRAY-AXELROD:

That change was to align with typical language used elsewhere, but that may be a better question for our legal expert.

ASHER KILLIAN (Counsel):

The existing law is that the Board of Trustees may appoint an existing director. They have the power to appoint one, but they are not required to. The reason for the change to a "shall" is because if no executive director is appointed, it would not make sense for the Board to establish qualifications for a position which does not exist.

SENATOR DONDERO LOOP:

I am protective of credentials and for good reason. It is important we have people with certain expertise in certain jobs. Assembly Bill 258 wants us to have the ability to hire an executive director that does not necessarily have an MSLIS.

ASSEMBLYWOMAN BILBRAY-AXELROD:

That is correct, but let me preface that answer by saying I understand where your concern is. That being said, the MSLIS was the only qualification we had for this position. We want the criteria to be broader. This bill is not saying we

do not want applicants to have an MSLIS. We want someone who is well-rounded and understands the ins and outs of what is required of them whether it is HR, IT, large budget and other things. Most library directors in the Nation do not have one-tenth of our budget. We know there are people out there who are attracted to the library district and most of them do have an MSLIS, but we are saying that requirement should not be the only requirement. We would encourage acquiring an MSLIS, so much so that if they did not have the degree we would encourage them to get it.

SENATOR DONDERO LOOP:

Did the Board have a discussion about this particular bill?

ASSEMBLYWOMAN BILBRAY-AXELROD:

Yes, we are fully compliant with open meeting laws.

SENATOR DONDERO LOOP:

I am worried about the internal auditor piece of this bill. I wonder if there is a way we could have a partnership with another entity where the auditor is checked.

ASSEMBLYWOMAN BILBRAY-AXELROD:

The intent of the bill is not to remove our outside auditing. We are required by law to have an external audit annually. This internal audit is more performance-based. We receive a lot of grants. We want to make sure that on a fiduciary manner we are handling this money the best way possible for the citizens of Las Vegas and Clark County. If not, how do we then help the person who is in charge manage better?

SENATOR DONATE:

In section 2, subsection 1, paragraph (c), it states "in the case of a consolidated library district that serves a population of more than 1,000,000." Was that number purposefully decided upon? What was the reasoning for that number?

ASSEMBLYWOMAN BILBRAY-AXELROD:

That change was made because there was pushback from other library districts that were not interested in this policy. The easiest way to make that change was to make it for Clark County. Clark County is different than other districts in Nevada with a whole other set of problems.

CHAIR DENIS:

Do we still only have three consolidated library districts in the State, which would be Las Vegas, Henderson and Boulder City?

ASSEMBLYWOMAN BILBRAY-AXELROD:

North Las Vegas might be included as well.

CHAIR DENIS:

North Las Vegas is not a consolidated district. They are a city library district. The reason for the 1 million number is because there is a huge difference between the budgets of Las Vegas, Henderson and Boulder City.

SENATOR LANGE:

Does the District have its own budget? If you do, I am assuming you have enough money to pay for this new audit position?

ASSEMBLYWOMAN BILBRAY-AXELROD:

We do have the funds to cover this position as part of our budget.

CHAIR DENIS:

The library district has to submit its budgets to the county and city, so there are other entities looking at this.

TOD COLEGROVE, PH.D. (President, Nevada Library Association):

I have submitted opposition testimony ([Exhibit B](#)). Although the Nevada Library Association applauds the intent of A.B. 258, we oppose it as it is written. On its face, the proposed amendment seems to reinforce the importance of professional credentials while safeguarding the public service mission of the library and its use of public funds. Our concern is the permissive language "may include," as in may include advanced credentials. That instead leaves open the door for the exact opposite under the proposed amendment. The library district would be empowered to circumvent existing minimum public library standards in its hiring of a director.

Although the stated intent is the District would love to encourage them to get their library credentials, our position as a professional association is NRS 375 already empowers the District to do what it has described. It is empowered to hire someone who lacks the credentials, but existing statute will encourage them continue getting the credentials necessary. This protects the credentialing and

ensures the library meets minimum public standards to access federal dollars contingent upon meeting those public standards. Many other large library districts have assured me they are required to hold those library credentials. It is not that they may or may not hold them.

ASSEMBLYWOMAN BILBRAY-AXELROD:

Mr. Colgrove was in the neutral position on the Assembly side when this bill was heard. He made reference to an amendment to A.B. 258. There is no amendment, so there might be misinformation out there. This is the bill that was passed out of Assembly as introduced. There was mention of giving a waiver to hire an executive director without an MSLIS, and my understanding is a waiver does not give the Board power. We need this bill in NRS to resolve this issue.

CHAIR DENIS:

I will close the hearing on A.B. 258 and open the hearing on Senate Concurrent Resolution (S.C.R.) 9.

SENATE CONCURRENT RESOLUTION 9: Expresses support for the Nevada System of Higher Education to work collaboratively in its science and research efforts addressing the needs of the Lake Tahoe Basin. (BDR R-364)

ASSEMBLYWOMAN SARAH PETERS (Assembly District No. 24):

This measure is a result of the work accomplished by the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System during the most recent Interim. Those familiar with the Committee understand the dynamic relationship between the natural and human environments and the importance of the scientific research and application of those sciences around the Lake Tahoe Basin.

In addition to its glorious and historically pristine reputation, Lake Tahoe is the headwaters of the Truckee Meadows and feeds a dynamic system of domestic, recreation, wildlife and agricultural uses. Lake Tahoe is also unique in the context of jurisdictional oversight, compacts and interlocal agreements that range in issues from transportation, infrastructure and wildlife management to research, study and planning for the natural environment to name a few.

The goal of this measure is to express the support of the Legislature for the Nevada System of Higher Education to work collaboratively in its science and

research efforts addressing the needs of the Lake Tahoe Basin with the Tahoe Science Advisory Council and other State agencies and decision makers in the Basin. This collaborative relationship would reduce redundancies, increase efforts and implement science-driven recommendations.

Research institutions including the University of Nevada, Reno (UNR) and the Desert Research Institute (DRI) are already leading the way in Basin related research. This enhanced collaboration will assist in attainment of research goals outlined by the Basin partners and advisory groups. We have an obligation to adopt effective evidence-driven policy in the Lake Tahoe Basin.

JIM LAWRENCE (Deputy Director, Department of Conservation and Natural Resources):

For some background to S.C.R. 9, in 2015 the Nevada Department of Conservation and Natural Resources and the California Natural Resources Agency entered into a memorandum of understanding establishing the Tahoe Science Advisory Council. Along with the Bi-state Executive Committee, this was to provide guidance and oversight to the Advisory Council. The creation of this science effort is part of the ongoing and increased engagement between the two state resource departments on Lake Tahoe issues.

In essence, the role of the Tahoe Science Advisory Council, which includes UNR and DRI, is to coordinate science and research activities in the Tahoe Basin and be the bridge between the science and research community with the land managers and policy-makers. The goal is to put science into action. The role of science in guiding decision-making at Lake Tahoe is critical to nearly all of the departments, divisions and programs.

For example, our Division of State Lands is responsible for coordinating Nevada's projects in the Lake Tahoe Environmental Improvement Program. This is a wide-ranging program with multiple stakeholders with a myriad of projects designed to improve water quality, forest health, sustainable recreation and transportation in the Tahoe Basin.

In addition, our Division of Environmental Protection is responsible for coordinating and overseeing the total maximum daily load program to protect and restore lake clarity. The Division of Environmental Protection also has responsibilities regarding drinking water, as Lake Tahoe is the drinking water source for many Nevadans.

Our Division of State Parks is responsible for making land and recreation management decisions in an environment where the Lake Tahoe Basin infrastructure is often overwhelmed during times of peak visitation. The increased pressures of visitation have environmental consequences and can diminish visitor experience and the quality of life for the residents.

We have a long track record of success in environmental protection and restoration in the Tahoe Basin as a result of these various environmental programs. These programs are not just carried out by Nevada but all Basin stakeholders. However, we do have emerging ecological threats that may threaten past and future investments and successes.

For example, a warming climate is creating new challenges regarding keeping lake clarity and protecting the Basin from invasive species. It is anticipated the recreation demand will continue to steadily increase, particularly as populations continue to grow in the urban areas outside of the Tahoe Basin. This creates challenges in managing recreation and achieving greenhouse gas emission targets. Drought is causing more stress on the already overstocked forest, creating a forest ecosystem more prone to disease and catastrophic wildfire.

As a conservation and natural resource department, we need research to inform our decisions, and we need to use the best available science to maximize Nevada's investment in protecting Lake Tahoe. Passage of this resolution sends a strong signal for the support and need of a coordinated science program for the Lake Tahoe Basin and for Nevada's continued engagement in this effort.

SUDEEP CHANDRA (Director, University of Nevada, Reno, Global Water Center): Knowledge-based solutions have been a long part of managing and conserving Lake Tahoe and its watershed. The University of Nevada, Reno, remains a committed partner in solving issues at Lake Tahoe, whose waters feed the Truckee Meadows and the city of Reno. Here at UNR, we understand that protecting the lake and its watershed is key to supporting the economic resilience of this part of Nevada since Lake Tahoe supports an important tourism and recreational-based economy in our region.

Along with DRI and other organizations, UNR is a founding member of the Tahoe Science Advisory Council. Our faculty and students here at UNR have long supported the knowledge base in the Tahoe Truckee region—from the

viewpoints of social sciences and policy, to natural sciences and bringing new technologies to the Basin to solve issues.

The first studies by James Church, professor at UNR in the early 1900s, documented the snowpack in our region and gave us some long-term understanding of changes in snowpack in relation to changes in climate. Today Dr. Adrian Harpold extends Dr. Church's legacy and augments it by understanding the interactions of snowpack and forest dynamics in the wake of changing climate. The forests' vegetation is one of the important characteristics that can be managed in the wake of this changing climate and allow for the supply of water coming from the watershed to the lake to be clean and healthy.

Dr. Graham Kent, another professor at UNR, has led efforts to prevent wildfires in the Basin by creating the Tahoe alert system, a network of high-tech cameras to provide early detection of wildfires.

My lab and our university students have focused on quantifying the natural and economic impacts of invasive species in Lake Tahoe. In addition, we have developed science-based information to show how invasive species can increase due to changing climates. Invasive species can alter nutrients within the lake, change the particles and alter the water clarity. It can also result in changes to the aesthetics and the economy of the lake as a result of it having, for example, invasive clamshells on the edge of the lake that are not aesthetically pleasing.

Our work has led to the development and implementation by the agencies of a robust invasive species prevention program. This program is nationally recognized. It has helped to protect other lakes in the U.S. Dr. Joanna Blaszczak and our team have embarked on an understanding of connections between the land, the streams and the changing water quality in the shore of the lake. This is turning out to be an emerging issue. Finally, Dr. Elizabeth Keobebe is focused on understanding the players involved with the 2012 regional planning process at Lake Tahoe, what their beliefs are, and the way they agree and disagree so we can provide important policies to find solutions for protecting the lake. By doing so, this has helped illuminate the opportunities for collaborations in the next phase of planning.

VIC ETYEMEZIAN (Vice President, Research, Desert Research Institute):

We, along with UNR, are members of the Tahoe Science Advisory Council. The Council's recent work includes development of strategic science-to-action plans

in both the lake and its outlying ecosystems. The Desert Research Institute's research efforts have included a partnership with University of California, Davis, and resource management agencies in the area to initiate a Tahoe Basin stormwater monitoring program. This would determine that stormwater runoff is the dominate source of pollutants to the lake, which impact water clarity. Mutual work at Lake Tahoe by DRI has included a combination of real-time monitoring, remote testing and lake-wide boat surveys to assess changing conditions in clarity and water conditions along the shore.

We have developed a Basin-wide high-resolution groundwater and surface water model that is used to anticipate changes in hydrology and to inform options for improving forest health and watershed management in the changing climate. Our scientists have worked with the U.S. Forest Service on the impact of fire management scenarios on water and air quality.

Our scientists working at Lake Tahoe also include the assessment of micro-plastics in the Lake region. Microplastics are small pieces of plastic that range in size from smaller than a pencil eraser to microscopic. They are derived from items we purchase every day. The presence of microplastics has recently been documented in Lake Tahoe by DRI scientists, and they are considered a contaminant of emergent concern.

Tahoe's popularity does mean a steady stream of visitors to the region. Our scientists have studied the deposition of nitrogen emissions from vehicle traffic to the surface of Lake Tahoe and the surrounding environment in the Lake Tahoe Basin. This project can inform decisions on managing vehicle traffic at the lake.

Lastly, we have spent the last few months working with our colleagues at UNR and the Department of Conservation and Natural Resources on the federal appropriations request to further our work at Lake Tahoe. This request includes an emphasis on sustainable recreation and efforts to protect the lake while sustaining recreational activities. If this project is funded, one of the improvements would be the development of an open data platform to make available existing and new data on water clarity; water shed and steam levels; invasive species surveys and remote sensing to stakeholders, researchers and the public to identify environmental trends and to approve data-driven decision-making.

ASSEMBLYWOMAN PETERS:

This bill is important to me. Last Session I brought a water bill for collecting data and was contacted by a variety of research entities declaring they had already completed these efforts. I did not have direct access to those data and the subsequent reports. We need direct links for scientists and researchers to policy decision makers. This resolution will support that effort for one of our most important resources.

KYLE DAVIS (League to Save Lake Tahoe):

We are a strong supporter of the Tahoe Science Advisory Council. Investments in science, as you have heard, in the Tahoe Basin have led to numerous environmental improvements, including the control of invasive species and systems to control runoff, which affects lake clarity. These are projects the League has been proud to be a partner in and working with the entities you have heard from today.

Coordination among higher education institutions is critical for this work. We support S.C.R. 9 so we can keep this momentum moving forward. We have made a lot of progress in the Tahoe Basin. We are improving the environment, but there is much work to do and many challenges. This is the next step in environmental improvement projects.

BOB LARSEN (Program Officer, Bi-state Tahoe Science Advisory Council):

I do not want to repeat everything that has been said, but it is worth reiterating the importance of science-driven decision-making in today's world. Lake Tahoe is changing. Now more than ever, research managers need good science to guide program and policy development. The Council has made progress in the past couple years and is actively working to implement two different plans mentioned in S.C.R. 9.

There are projects underway looking at Lake Tahoe's water quality, exploring the potential impact of our forest management practices and looking closely at the drivers of vehicle use in the Basin. The Council continues to grow and evolve. We are working hard to realize our full potential. We support S.C.R. 9.

DEVIN MIDDLEBROOK (Tahoe Regional Planning Agency):

We support S.C.R. 9. We have submitted a letter of supporting testimony ([Exhibit C](#)). Many have illustrated policy and decision-making in Tahoe has long been driven by science. Science is important, especially with a future

of climate change to continue driving smart decision-making. Nevada's investment in Lake Tahoe through the environmental improvement program continues to enhance our environment in support of local communities. We will continue to work with higher education institutes like UNR and DRI to improve our understanding of the Tahoe environment, impacts of climate change and how our policy and decision-making can be influenced to achieve the goals of Nevada.

CHAIR DENIS:

I will close the hearing on S.C.R. 9 and open the hearing on A.B. 57.

ASSEMBLY BILL 57 (1st Reprint): Temporarily suspends certain requirements relating to certain teacher and administrator evaluations. (BDR 34-434)

KRISTEN MCNEILL (Deputy Superintendent, Washoe County School District):
The Washoe County School District (WCSD) is allowed by statute to sponsor one bill each session. The WCSD Board of Trustees voted to move forward sponsoring A.B. 57 in August 2020. The school year (SY) had just begun and we were operating three different models of learning—in-person, hybrid and full distance. While our team worked diligently over the summer to lay the groundwork for this reopening plan, there was a tremendous amount of stress and anxiety in our system. In many cases, we were asking teachers to completely rethink their instructional model with limited time to transition and adjust.

With that in mind, our intent was to take as many tasks off the teachers' plate as possible. We wanted them to focus on their students' physical, emotional and academic needs. We knew this SY would be like no other. There were many unknowns and unanswered questions about learning and our families' ability to support learning at home.

We believe temporarily eliminating the requirement for teachers to create Student Learning Goals (SLG) that are required by law to account for 15 percent of their evaluation was a small step our administration could take in relieving that level of anxiety. The pause on student learning goals would expire in 2023-2024. This is listed in sections 1 and 2 of A.B. 57.

The WCSD was an early adopter of using student achievement data as part of teacher evaluations all the way back to the Teacher Incentive Fund grant we

received from the federal government to pilot this work back in 2014. Since then, we have learned many lessons about good and bad ways to use this student achievement data and creating the appropriate incentives around student performance. These lessons lead us to believe this temporary elimination of student learning goals will not negatively impact students.

There are likely ways we could minimize the time commitment the SLG development process has on our teachers and administrators, but that minimization would result in a lesser product. Standardizing the process is the opposite of the intent of an SLG, which is designed to be a customized process between a principal and a teacher.

While standardized assessments offer easier options in terms of measuring student performance, we have never placed priority on standardized assessments and do not recommend them for inclusion in SLGs in district level guidance. We have always taken the approach that SLG assessments must align to the standards. Standardized assessments do not provide the level of detail on student performance down to the academic content standard.

We believe moving forward with this pause will send the message to teachers that they are free to experiment, innovate, be creative and set aggressive academic goals for students without fear of coming up short and negatively impacting their evaluations or employment status. We expect our building principals to drive those high expectations for all teachers and students through their existing evaluation process and continuous feedback. There is no lack of accountability here. Teachers will continue to receive robust evaluations and feedback based on rigorous academic standards from their administrator.

We agree that there is national evidence in SLG outcomes as an approach to educator accountability. The issue at hand is the pandemic has shifted the ways teachers need to be responsive to student needs based on available data. This is a time for support, flexibility and ability to change course to meet students' basic and educational needs. We need to honor teachers as professionals who are working incredibly hard and spending extra time right now. They have professional learning communities in place and the plan-do-study-act nature of the team is far more responsive to analyzing real-time data and ensuring growth in standards for the time being.

We ask you to honor that the educational profession has changed due to the pandemic and there are instructional shifts teachers must make. Teachers need the time to make these changes, the courage to take risks and try new ways to help students catch up academically and the ability to understand student needs based on data that will not be available for all students at the beginning of the SY.

Lastly, there has been discussion with the stakeholders related to the number of years this would be effective. I am sensitive to the concerns, and we hope the pandemic is not impacting students and teachers when school starts in August 2022. While I share this hope, the time it will take to get students caught up is unknown and likely longer than the one upcoming SY. We will continue to need teachers to be aggressive in the SY starting August 2022 without fear of negative consequences. This belief is the reason for the pause over the biennium. Our intent is for this change to not last longer than the biennium. We fully expect a return to statutory framework, including SLGs, at the end of the next Legislative Session.

SENATOR BUCK:

This Committee passed S.B. 83.

SENATE BILL 83 (2nd Reprint): Revises provisions relating to certain ratings and assessments. (BDR 34-527)

The bill allowed the Department of Education (NDE) to pause testing. How much of Student Growth Percentile (SGP) is included in this evaluation?

MS. MCNEILL:

The amount of SGP included in evaluations is 15 percent.

SENATOR BUCK:

If SGP is 15 percent, then what is the proficiency weighted at? I am getting technical here. The thing with SGP is it is compared to all students in Nevada. How does SGP align to the Nevada school performance framework and how the Nevada Educator Performance Framework (NEPF) aligns in the weights of proficiency and SGP?

LINDSAY ANDERSON (Washoe County School District):

The SGP is not necessarily part of a SLG. Student Learning Goals for teachers are set individually between the teacher and administrator. In some cases they might include SGP, in some places they might not. This is especially true for teachers who are teaching nontested grades and subjects for standardized tests. In this context, SGP and SLG are not the same.

SENATOR BUCK:

To be clear, SLG's are teacher-created assessments and have nothing to do with the NEPF.

MS. ANDERSON:

Student Learning Goals are 15 percent of the total NEPF evaluation. There is no connection to the Nevada School Performance Framework.

SENATOR BUCK:

There was no testing last year. There is limited testing this year, and we are not quite sure if there will be an SGP. There will be this teacher-created assessment though?

MS. MCNEILL:

It depends on the school district. For example, in WCSD we use formative assessments during the SY. Those would be something a teacher could use within a SLG.

SENATOR HAMMOND:

My wife is a teacher, and we are looking at the testing as Senator Buck mentioned. I am looking at the timeline. During the fourth quarter of SY 2019-2020, everything was shut down. Not a lot of learning was occurring and we were trying to transition to online. The SY 2020-2021 has been difficult because there were different plans in place ranging from full-time, half-time or all online. I understand why we suspended testing as a result of that uncertainty.

Beginning in SY 2021-2022, I hope we will start to see a return to normalcy. At the beginning of the year, teachers will be giving some sort of baseline testing to find out where students are. That is where we should start seeing something where we can determine where the students are and what we need to improve on. By SY 2022-2023, I imagine teachers will task themselves with trying to

find creative ways to raise student achievement. We are waiting until SY 2023-2024 to reintroduce the 15 percent SLG weighting. Has there been any discussion of perhaps introducing a 7.5 percent weight in SY 2021-2022 and then going back to 15 percent in SY 2023-2024?

Ms. McNEILL:

Our No. 1 priority is to make sure our students have the social and emotional support they need as we start this new SY. I have emphasized in our school district that while assessments and accountability are a priority, we want to make sure our students know they are safe and there are adult relationships within the building to support learning. There will not be a step backwards in terms of accountability. We have not had the discussion in terms of an interim percentage as Senator Hammond mentioned.

Our teachers know their students, and in WCSD we have been in-person since August 2020. Many of my colleagues across the State feel our students and teachers have been dealing with quite a bit during this pandemic. We want to ensure our teachers are well-prepared and they have the ability to meet those standards, while also demonstrating through their assessments our students are meeting those standards. No one across this Country clearly knows what the learning gaps will cause, and I would like our teachers to dive deep and make those connections on the social-emotional level and on the academic level.

SENATOR HAMMOND:

I appreciate the thoughtfulness going forward. You want to dive deep and figure out how to mitigate the damage that has been done. Why not slide back into it a little bit? Maybe do 7.5 percent in SY 2022-2023, or even only do 7.5 percent in SY 2023-2024 and then go up to the full 15 percent in SY 2024-2025?

Ms. ANDERSON:

From a practical standpoint, our fear is having negative pressure on goal setting in the evaluation when the teacher meets with the administrator. We want to empower our teachers to set big goals without the potential of negative consequences. It will take longer than one SY to catch up academically.

SENATOR DONDERO LOOP:

I have questions about the here and now. While many teachers all over the State say they support A.B. 57, I have also had many teachers in an absolute

meltdown as to what this bill will do in the here and now. For example, I am a teacher and I have my principal in my classroom. Tomorrow, I have my evaluation with that administrator, and this bill has not passed. It is just as important to me that we protect our teachers right now as it is to protect them in the future.

EMILY ELLISON (Chief Human Resources Officer, Washoe County School District): We were optimistic when we submitted this bill draft and were fortunate to have early hearings as part of this process. For us in Washoe, the evaluations are largely completed. If there is a concern about the timeframe, removing this SY as a consideration is certainly an option. If A.B. 57 did move forward with this SY included, we would pull the evaluation piece out and the weights would be redistributed based on the NEPF.

SENATOR DONDERO LOOP:

What you are saying is if I am a teacher and my evaluation is completed, because we know A.B. 57 has to continue through the legislative process, the changes to this bill will not happen until after the SY is done? What will happen to those teachers?

MS. ELLISON:

The law would apply to this SY until A.B. 57 was passed.

SENATOR DONDERO LOOP:

From that perspective, my evaluation will then say I did not achieve my goals?

MS. ELLISON:

If you did not meet them, yes.

SENATOR DONDERO LOOP:

My issue with this is teachers this SY have not had students in front of them. They have worked hard, and the realities of the pandemic will reflect on their performance.

MS. ELLISON:

The teachers and administrators work together at the start of the SY to create the SLGs and they are 15 percent of the evaluation. The particular impact they might have on an evaluation will depend on the other qualitative ratings that are included in the evaluation.

MR. KILLIAN:

If you look at section 3 of A.B. 57, this section clarifies that the amendatory language of this bill applies for the entirety of SY 2020-2021. If A.B. 57 is enacted, retroactively the SLGs would have to be taken out of teacher evaluations, even if it was after this SY ended. Effectively, teachers would be held harmless for SLGs this school year.

SENATOR DONDERO LOOP:

Can this be made clear to teachers? I get the angst our teachers are feeling right now. If I was teaching right now and going through what they are dealing with, I would be upset. I am an experienced teacher and I cannot imagine what it must be like for a newer educator who does not understand this.

MS. MCNEILL:

We will absolutely make that clarification. We can make that clarification during a meeting on May 6 with our other superintendents.

SENATOR DONDERO LOOP:

When section 2 lists "for each school year beginning with the school year 2023-2024," are we seeing a transition so we do not have to wait three years? I want to make sure we are doing this action right.

MS. MCNEILL:

The legislation would be enacted for those three years. The process would then end and we would go back to the legislative mandate of the 15 percent within the framework.

SENATOR LANGE:

I like a lot of things about A.B. 57. Something that has not been addressed is all the testing we do in our schools. We spend an enormous amount of time testing our kids. While I think it is everyone's goal to get our kids back up from the slide and see if we are making progress, when you look at the amount of testing you do in a SY and how much time that takes up, I am not sure it is necessary. There are numerous tests that are not necessarily required. Perhaps we could revert those tests into instructional time because that would help our students improve. We want to know where they are now and where they finished the school year. I do not think we need five tests for teachers to figure out how to get students to their goal. We only need one at the beginning and one at the end.

Ms. McNEILL:

I can only speak for the WCSD. Within our school district, we have a three-year program for our professional learning communities. We are doing work around a balanced assessment system. This will be the last year we will have the Measure of Academic Progress assessment within our intermediate grades. What we are moving towards is a balanced assessment system based on essential standards. When you look at a teacher's instructional day, it is around those students meeting those standards.

SENATOR DONATE:

I am looking at the NDE Memo from Jhone Ebert ([Exhibit D](#)). At the end of the letter she suggests a few recommendations to approach this issue. Can you tell us some of the conversations that have occurred since that letter was received by your team?

Ms. McNEILL:

A few of the concerns were around the standardization of the SLGs and we feel this is a process best left up to the teachers and principals having that conversation between each other. Within our school district, we feel we have done a decent job reducing the amount of paperwork. In our school district we started student learning objectives (SLO) back in 2014. We have done a lot of work reducing what that work looks like to our teachers.

One of the other concerns in that letter was the lessening of accountability. I do not think we are lessening any of the accountability with our teachers and the evaluation process. That still stands. Our teachers have worked tremendously hard during this pandemic. That is what this is about, making sure our teachers can focus on the academic outcomes and the learning loss that has transpired during this pandemic.

SENATOR BUCK:

Were these goals set up by the teachers and administrators due to formative assessments? It seems a little self-induced. Teachers will not have these individual goals until 2024, but schools will be held accountable in 2022. Is this part of the Smarter Balanced Assessment System test or is this self-induced by Washoe County? Why did Washoe County not reevaluate their system to alleviate these requirements?

MS. ELLISON:

There are a couple things at play here. Standardized testing absolutely can be used to assess progress. We discourage it because when you are looking at academic growth, standardized tests do not provide data aligned to Nevada academic content standards. While they provide a picture of growth in a content area, they do not provide the more precise learning gaps you might see through these formative assessments developed by the teacher and the principal. We do try to discourage those broad goals that may not drill into what specific students' needs are.

In terms of the process we use, the reason we use a two-part process, where the educator develops the metric and then works with their administrator for approval, is because we discovered many teachers would go through the process of developing an SLO without the approval step. They would do a lot of work and the principal would discover it was either not connected to a specific standard or it was not a rigorous goal. We wanted to have that step early on to make sure educators and administrators were aligned to what the needs of the students were based on the data used.

SENATOR BUCK:

It appears A.B. 57 is here because this issue is Washoe County self-induced. It is not a Statewide issue.

MS. MCNEILL:

I respectfully disagree. When I talked with others across the State, the SLG process causes anxiety for teachers. When we first started this, it was not part of the evaluation process. It was more of a formative process. I do not disagree on the outset with an SLG or SLO, but this is a unique time in the history of our Country. Anything we can do to lessen the anxiety and workload on our teachers, the better off our students will be on their academic outcomes.

SENATOR BUCK:

The goals are created with their principals though. It can be lessened, it is subjective.

MS. ELLISON:

While there is the administrative component, the larger concern is when the data in your evaluation can impact your performance, people tend to set more conservative goals. Knowing how substantial the impact might be, we want

teachers to set aggressive goals without the fear of failing to meet those goals and having their evaluation impacted. We do not want to shortchange our kids.

CHRIS DALY (Nevada State Education Association):
I have a letter of support testimony ([Exhibit E](#)) for A.B. 57.

ALEXANDER MARKS (Nevada State Education Association):
You have no doubt received a hundred or so emails from our members. I will read a few of those on the record. From Washoe Education Association president Phil Kaiser:

Please pass A.B. 57 to suspend SLO, SLGs for teacher evaluations. The only legitimate use for a student assessment is to find out what students know, then a teacher can re-teach or remediate if necessary, or enrich and move on if students are ready. Using student assessments for teacher evaluations is not legitimate because the teacher is then at the mercy of elements beyond his or her control. For example, some students cut class, others attend every other day but don't turn in work, some are motivated, some are not.

I have taught high school for 20 years and I don't think any of you have met a teenager who isn't moody, angry or apathetic at times. Some students come to school hungry or depressed. Some students face homes with domestic violence. Students may not be engaged in the subject for many reasons, and it may not reflect the expertise of the teacher at all. Throughout the Covid-19 pandemic, the loss of opportunities for students only exacerbates all of those issues. Teachers are observed and evaluated every year but SLO, SLG are not how evaluations should be done.

I have a brief analogy from President Malinda Riemersma of Nevada's Univserv Council:

Imagine you are sitting in a restaurant ready to enjoy a nice breakfast. The waitress is effective in every way she is serving you. However, the food is terrible. You pay the bill and leave a lower tip than you intended, even though the waitress did everything right. The food itself was out of her control. It's the

same scenario when students don't perform well and the teachers score is deducted. Teachers are professionals and should be treated as such. Student data has no place in the evaluation, especially during these times. Please give our teachers a chance to make up for this absolutely unpredictable and traumatic school year. This is the time for support. This is the time for flexibility so we can truly meet the needs of our students and educators.

BRIAN RIPPET (President, Nevada State Education Association):

It seems there is a fundamental misunderstanding of what the SLG is, what it is for, and overly emphasizing it is the only way to ensure accountability. I was a member of the Teachers and Leaders Council when the SLG's were incorporated. I was also part of a workgroup that the NDE put together to address the inconsistent implementation across the State. This is a Statewide system.

I want to go back to how we got here and what SLG is. There was a 40 percent weight based purely on test scores in the evaluation. That was deemed inappropriate and punitive. This changed into the SLG, and the percentages have changed. It changed from a test which was essentially pass or fail and was punishing teachers. The SLG is supposed to be a collaborative process that is student-need driven where you can monitor, adjust and discuss.

Somewhere in that transition from the old model to SLG, the idea this is where accountability comes from has held over. That was the reason for the reset idea we came up with in the working group last year. Unfortunately, the pandemic got in the way of promoting the new guidelines from the NDE on how to manage SLGs. We are now stuck in a middle ground where SLG's are supposed to be collaborative between a teacher and an administrator. It is supposed to be a single standard in one class.

In my experience, I taught chemistry, advanced placement chemistry, principles of physics, seventh-grade science, life science and an advisory class. My SLG was only in chemistry and only on one standard in chemistry. The idea that taking out SLG with A.B. 57 would end accountability for my teaching is incorrect. I urge you to pass A.B. 57 and give us the pause. There are numerous other ways that teachers and students are held accountable.

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MARIE NEISESS (President, Clark County Education Association):
I present supporting testimony ([Exhibit F](#)) for A.B. 57.

JOANNA MILLER (Clark County Education Association):
I present supporting testimony ([Exhibit G](#)) from frontline educator Robert Hollowood.

FREEMAN HOLBROOK (Washoe School Principals and Administrators Association):
We support A.B. 57. Traditionally, teacher evaluations help school leaders support teachers and provide guidance in identifying student needs. In this unprecedented time of school closures, districts and school administrators must walk a fine line regarding teacher evaluations. Districts should have the flexibility to hold teachers and administrators harmless in the challenges unique to the coronavirus environment while also continuing to provide valuable feedback. We believe A.B. 57 will do that.

Educators and site administrators have been tasked with implementing district, State and federal directives but did not have direct say in creating an academic environment for our students this year. The lack of assessment and accurate student data from last year in addition to the need for educators and leaders to focus on addressing instruction strategies for remote, online or blended learning environments should propel this body to eliminate the SLG from evaluations as outlined in A.B. 57.

The SLGs will require planning, time and work outside of the classroom that would be better spent focusing on remediation, collaborating with colleagues and spending as much time as possible on student need. If this measure passes, it will allow educators to focus on the instructional and well-being needs of their students without the additional pressures of a goal they have limited control over during this time.

KENNY BELKNAP (Clark County Education Association):
I present supporting testimony ([Exhibit H](#)) for A.B. 57.

VINNY TARQUINIO (Clark County Education Association):
I present supporting testimony ([Exhibit I](#)) from frontline educator Kristan Nigro.

MARY PIERCZYNSKI (Nevada Association of School Superintendents):

Our students have lost so much during the pandemic and the superintendents know it will be a steep climb to make up what students have lost. We support A.B. 57. This is an issue that is not just in Washoe County but is across the State.

PAIGE BARNES (Nevada Association of School Boards):

We support A.B. 57. We believe this is a great way we can support our teachers and administrators in these unprecedented times. We want to encourage our teachers to set aggressive goals without increasing anxiety during Covid-19 and the recovery from the pandemic.

STEVEN HORNER:

My grandson has had a difficult time with distance learning. I cannot imagine being a teacher coming up with SLGs. Teachers and administrators are professionals. They understand there are difficult times and not all growth can be measured by objective measurement. Please allow them the flexibility to evaluate not only the students but the flexibility to evaluate the teachers. I urge the Committee to pass A.B. 57.

SELENA LA RUE HATCH (Washoe Education Association; Nevada State Education Association):

I support A.B. 57. In this time of chaos, our teachers need the freedom to focus on our students and our children in a safe, supportive and innovative learning environment to recover from the trauma and missed opportunities of the last year.

To ask teachers to divert focus from our children for ineffective, time-consuming box-checking next year would be education malpractice. Even in the best of years, SLGs have never been an accurate measure of a teacher's abilities. The results of this evaluation measure are based on factors largely outside of the teacher's control. Student attendance, home life, mental health stressors and more offer a snapshot of a single moment in the life of a student rather than the full scope of what a teacher may be doing to help that child succeed.

In this crisis especially, any results which come from SLGs will be invalid. We will not have accurate baselines for students, and we cannot control the societal factors wreaking havoc on our students at this moment. Rather than a

punitive, invalid measure, teachers should be evaluated on the totality of their work in the classroom, such as their abilities to foster a culture of respect and learning in a classroom, the depth of content knowledge and their efforts to get to know their students as individuals and provide for each child's specific academic needs. All these and more can be measured by careful observation from administrators.

That work is already happening and will continue to happen should A.B. 57 pass. This type of feedback is more authentic and valuable as it allows for conversations with teachers and suggestions for improvement, which the teacher can immediately implement. Last year was chaotic, unpredictable and traumatic for our students and our staff. Throughout this SY teachers have stepped up to the plate to care for our children and keep them learning, even at the cost of our own mental health and wellbeing.

Assembly Bill 57 can help take something off teachers' plates so we can focus on what matters—caring for our students and helping them recover from the trauma of the last year. It will allow us to be creative in our approaches and ambitious in our goal setting. It will give us the space to collaborate with colleagues and the flexibility to adjust our teaching to meet our students' needs. Please listen to our district leaders, administrators and educators, and pass A.B. 57.

HARRY BEALL:

Assembly Bill 57 is another type of Covid-19 relief bill. The educators I know had a very tough year. Some have caught Covid-19. Many were thrown into the experience of making computer interaction and content appealing to students in their own homes where there are many other distractions and where students are largely out of their control. Worse, there have been intermittent connection problems, computer access issues and family problems.

It is hard to be deemed highly effective when so many things were out of your control, but our teachers have effectively worked harder this year than at any other time in their careers. Teachers know how the pandemic may have stunted students' education, so many are planning to teach over the summer to help raise student knowledge. In this unprecedented time, teacher evaluations seem unnecessary and even wrong. Everyone I know in education is doing the best they can for their students. Passing A.B. 57 will be a big help to teachers,

administrators and ultimately students. It is the right thing to do for Nevada education and educators.

ANN SILVER (Chief Executive Officer, Reno + Sparks Chamber of Commerce):

We oppose A.B. 57, despite strong respect for WCSD and Superintendent McNeill. Following 12 months of truncated and inconsistent learning practices, now is not the time to reduce the expectations we have for teachers who will return to their classrooms. Nevada business and our 2000 plus members rely on the quality of education and the commitment of teachers to produce work-ready individuals, capable of heading to postsecondary education or real-time jobs.

To lower any standards for teachers is to lower the bar for excellence. Doctors, nurses, lawyers, plumbers, electricians and food service workers have not been given the option to lower consumer expectations during the pandemic. Why endorse lower performance metrics for teachers? We often lament the quality of education in our State, as it ranks near the bottom nationally. Let us not drop further or let down our students who have every reason to believe in the power of learning and the impact of effective teachers.

BRYAN WACHTER (Senior Vice President, Retail Association of Nevada):

Curriculum standards have not been revoked or revised. Our students and teachers are still held responsible for completing these standards. No teacher is penalized for a student not meeting those academic content standards. What they are held responsible for is the personal, individually-designed SLGs. We have heard testimony today that this legislation seeks to encourage teachers to make large goals without worrying about failure. We strongly believe SLGs should be achievable goals that clearly illustrate how a student's personal progress is tracked during that student's time in that class.

Right now, 85 percent of a teacher's evaluation is not based on SLGs, which should be the ultimate measure of the student, teacher, school and district performance. Three years without SLGs is 25 percent of a student's academic career. My sixth-grader had no SLGs established. If A.B. 57 passes, he will have no SLGs for his seventh-grade year or his eighth-grade year. The next time he will have the opportunity to make sure he is meeting his standards will be when he is a freshman in high school. Every sixth-grader in the State is in that boat. Data shows Nevada students typically experience learning loss in our middle years programs.

If there are concerns about the process in establishing SLGs, the process should be examined. Eliminating the relationship between teacher effectiveness and student achievement entirely sends the wrong message to let Nevada's educational priorities lie. We need them to lie with students and not with district staff. For these reasons we oppose A.B. 57.

There have been comments regarding funding. We have heard testimony during this hearing that many of the reasons we cannot hold teachers accountable are for extenuating circumstances outside of their control. Additional funding will have little measurable growth in dealing with those extenuating circumstances.

PAUL MORADKHAN (Vegas Chamber):

We oppose A.B. 57. We recognize that teachers and students have been impacted by Covid-19 just as employers and employees have been negatively impacted over the last year. Covid-19 has brought challenges to all of us. We understand the challenges that virtual learning has had on student performance over the last year and why there is a request to remove a requirement for SY 2020-2021 and SY 2021-2022. We have no objections to this.

We do not agree with the measure carrying this waiver to SY 2022-2023. Students should be back in the classroom for this SY and the 15 percent should stand. We are also concerned this temporary measure would become permanent State law.

SARAH NICK (Department of Education):

We oppose A.B. 57. Our superintendent sent a letter [Exhibit D](#) to WCSD last August. One of the goals of the National Educational Psychological Service (NEPS) is to foster student learning and growth. Suspension of the SLG process removes the structure for having focused conversations that make connections between identified student need, observation of instruction and instructional leadership practices and positive impact on student growth. Student Learning Goals are flexible. For clarity on the NEPS system, teachers should be encouraged to set aggressive goals. As progress is monitored, the goals can be adjusted due to circumstances outside of the teacher's control or if there are drastic changes in enrollment or if the goal was not realistic. The Department of Education wants to work with sponsors. We all share the same goal to address this moment in time and see our students and teachers be successful.

DEANNE MOYLE-HICKS (Teach Plus Nevada):

I am a veteran teacher of 28 years. As an education leader, a senior policy fellow of Teach Plus Nevada, national board certified teacher and a member of the Teach Plus NEPS working group, I appreciate the opportunity of this legislation to address student growth, SLOs, SLGs and teacher-administrator evaluation. I offer the following statement on behalf of the collective leadership at the senior policy fellows of Teach Plus Nevada:

We, Teach Plus Nevada, acknowledge and appreciate as classroom practitioners and educational leaders the incredible impact that the Covid-19 crisis has had upon students, families and teachers. We have experienced and endured great stress, trauma and loss. With this understanding of the full return to classrooms, Teach Plus Nevada fully supports accountability as professionals, and the importance of SLOs, SLGs, student growth, and teacher and administrator evaluations. We request the Senate Education Committee to be amendable to the proposed.

First, temporarily suspend the requirement to establish learning goals for pupils during the school year 2020-2021 and require the pupil growth account for zero percent of certain teacher and administrator evaluations through the 2020-2021 school year.

Second, assess 15 percent of goals at the evaluation of a teacher or administrator who provides direct instruction services to pupils at a school, in a school district for each academic year beginning with the school year 2021-2022.

Third, for each school year beginning with the school year 2021-2022, each teacher at a school in a school district shall, in consultation with the principal of the school at which the teacher is employed or other administrator who is assigned by the principal, develop learning goals for the pupils of the teacher for a specific period.

MS. ANDERSON:

We will continue to work with the stakeholders who called in today. This is the first time I heard some of these remarks, despite having the hearing on the

Assembly side already. I encourage those stakeholders to reach out. I would be happy to talk and work with them.

I want to make it clear the WCSD presented this idea to the State Superintendent and the NDE as a courtesy before the Board considered it. Unfortunately, we did not get the letter back until the day of the bill draft request deadline. As a result, we could not incorporate that feedback into the bill draft submission at that time. We will continue to work with the NDE and others who have concerns to address these issues.

Earlier testimony implied there would be no learning goals set for students from this legislation. That is simply not true. Our teachers will continue to work with students and set goals. These SLGs are not used with families. These are internal human resource goal documents that are set, they are not individual goals set for students. Student achievement is our No. 1 priority.

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CHAIR DENIS:

With no further items on our agenda, we are adjourned at 3:52 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 |
| A.B. 258 | B | 1 | Tod Colegrove / Nevada Library Association | Opposition Testimony |
| S.C.R. 9 | C | 1 | Devin Middlebrook / Tahoe Regional Planning Agency | Support Testimony |
| A.B. 57 | D | 1 | Senator Fabian Donate | NDE Memo Jhone Ebert |
| A.B. 57 | E | 1 | Chris Daly / Nevada State Education Association | Support Testimony |
| A.B. 57 | F | 1 | Marie Neisess / Clark County Education Association | Support Testimony |
| A.B. 57 | G | 1 | Joanna Miller / Clark County Education Association | Robert Hollowood Support Testimony |
| A.B. 57 | H | 1 | Kenny Belknap / Clark County Education Association | Support Testimony |
| A.B. 57 | I | 1 | Vinny Tarquinio / Clark County Education Association | Kristan Nigro Support Testimony |