

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON EDUCATION**

**Eighty-Second Session  
May 2, 2023**

The Committee on Education was called to order by Chair Shannon Bilbray-Axelrod at 1:34 p.m. on Tuesday, May 2, 2023, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda [[Exhibit A](#)], the Attendance Roster [[Exhibit B](#)], and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [www.leg.state.nv.us/App/NELIS/REL/82nd2023](http://www.leg.state.nv.us/App/NELIS/REL/82nd2023).

**COMMITTEE MEMBERS PRESENT:**

Assemblywoman Shannon Bilbray-Axelrod, Chair  
Assemblywoman Angie Taylor, Vice Chair  
Assemblywoman Natha C. Anderson  
Assemblyman Reuben D'Silva  
Assemblywoman Alexis Hansen  
Assemblywoman Melissa Hardy  
Assemblyman Gregory Koenig  
Assemblywoman Selena La Rue Hatch  
Assemblyman Richard McArthur  
Assemblywoman Erica Mosca  
Assemblywoman Clara Thomas  
Assemblywoman Selena Torres

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

Senator Edgar Flores, Senate District No. 2  
Senator Julie Pazina, Senate District No. 12



**STAFF MEMBERS PRESENT:**

Alex Drozdoff, Committee Policy Analyst  
Cameron Newton, Committee Counsel  
Nick Christie, Committee Manager  
Funmi Sheddy, Committee Secretary  
Ashley Torres, Committee Assistant

**OTHERS PRESENT:**

Gil Lopez, Executive Director, Charter School Association of Nevada  
Matthew Nighswonger, Private Citizen, North Las Vegas, Nevada  
Angela Pisciotta, Private Citizen, Las Vegas, Nevada  
Donnie Nelson, Executive Director, Nevada Interscholastic Activities Association  
Paul J. Anderson, Legal Counsel, Nevada Interscholastic Activities Association  
Francesca Petrucci, representing Clark County Education Association  
Marie Neisess, President, Clark County Education Association  
Stephanie Swain, Private Citizen, Las Vegas, Nevada  
Katie Broughton, Legislative Liaison, Nevada Department of Education  
Angie Joye, Private Citizen, Las Vegas, Nevada  
Greta Blunt-Johnson, Private Citizen, Henderson, Nevada  
Jessica Jones, Private Citizen, Las Vegas, Nevada  
Chris Daly, Deputy Executive Director, Government Relations, Nevada State  
Education Association  
Dan Price, Private Citizen, Las Vegas, Nevada  
Robert Hollowood, Private Citizen, Las Vegas, Nevada  
James Frazee, Private Citizen, Las Vegas, Nevada  
Vanessa Edmonds, Private Citizen, Las Vegas, Nevada  
Emily Poelter, Private Citizen, North Las Vegas, Nevada  
DeCuba Porter, Private Citizen, Las Vegas, Nevada  
Jeff Horn, Executive Director, Clark County Association of School Administrators  
and Professional-Technical Employees  
Freeman Holbrook, President, Washoe School Principals' Association  
A.J. Delap, representing Nevada Association of School Administrators

**Chair Bilbray-Axelrod:**

[Roll was called and meeting protocol reviewed.] Welcome to everyone here in Carson City, those in Las Vegas, and those of you following along online. We are going to hear two bills today. We will begin with Senate Bill 114 (1st Reprint). Then we will hear Senate Bill 292 (1st Reprint). I will now open the hearing on Senate Bill 114 (1st Reprint). This measure revises provisions governing the Nevada Interscholastic Activities Association. To present this measure we have Senator Edgar Flores. Begin when you are ready.

**Senate Bill 114 (1st Reprint): Revises provisions governing the Nevada Interscholastic Activities Association. (BDR 34-854)**

**Senator Edgar Flores, Senate District No. 2:**

I would like to give everybody a rundown of the genesis of this bill. I will walk you through the bill, and I also have a proposed amendment that we decided on just a few hours ago. Rather than confuse the Committee and submit a bunch of additional documents, I will go directly into the bill. All I am doing is eliminating language I proposed, and I will walk you through that.

**Chair Bilbray-Axelrod:**

May I interrupt you? I am noticing we have some people signed in. Is the reason you are removing that is getting people to a place of—

**Senator Flores:**

We had a working group this morning, and I am appreciative. I will speak to them in a second. I appreciate their time. We met with them. They raised concerns. Based on the concerns that were brought forth, I decided to amend the bill. However, I have not had a firm commitment from anyone that, by my amending the bill, they would become supportive of it, so I do not want to misstate the facts.

**Chair Bilbray-Axelrod:**

Understood. Thank you for the clarification.

**Senator Flores:**

Like many of you, during the interim I reached out to a host of stakeholders, including many of the schools in my district, to try to identify issues I can bring forth to the Legislature. Among those conversations, I had an opportunity to speak with some of our schools. They brought up an issue regarding high school sports, which is the entire focal point of this bill.

I will provide some context. There was a student who had applied to be a part of a charter school. As you know, there is an open enrollment period; you apply, but it is a lottery system for charter schools. Let me walk you through this hypothetical, because this is specifically where the bill started. The student is in eighth grade. He wants to go to Charter School A and he is zoned for Desert Pines High School. That student unfortunately does not get into Charter School A because it is a lottery system, and all the slots were already allocated. Instead, he goes to Desert Pines High School. A month and a half into being a student at Desert Pines High School—which was not the school of his choosing originally—he gets a call from Charter School A. They tell him, Guess what? There is now a vacancy. You are next in line. We can give you the school you originally wanted to go to. The student gets excited and says, Absolutely, that is awesome, and then enrolls in the charter school.

How the rules are presently written—this is for high school; we are not addressing middle school or elementary school—when you transfer from one school to another after the initial enrollment or after the transition from eighth grade to ninth grade, whether it be ninth grade,

tenth grade, eleventh grade, or twelfth grade, once you transfer you are ineligible to participate in sports for 180 days. There is a very important reason for that. I want to make it abundantly clear that I am not— In *Nevada Administrative Code* (NAC) Chapter 385B there is a host of regulations addressing recruitment that makes it unlawful. An administrator or a coach cannot go to a student and say, You are very good at this sport. I am going to recruit you and bring you to my school. I am not touching any of that. That remains unlawful, prohibited conduct, and I am not changing that.

I felt bad for that student who initially wanted to go to that charter school, and the only reason he did not get in was because of the lottery system. Also, I felt bad that we were prohibiting that student from participating in sports for 180 days. There is not a single member of this body who has not engaged with a constituent who has issues, particularly with the minors. It is hard for students. The COVID-19 pandemic was a detriment to every single child in this state. Getting students to be enthusiastic and motivated to want to go to school can be difficult. For some students, it is not enough that they have really great teachers working really hard. For some students, the only glue that keeps that student showing up every day is sports.

I grew up playing sports. In high school, sports were incredibly important to me. They give community, a sense of identity. Your parents or whoever is taking care of you wear the team's hat. It establishes alliances and friendships that are going to be long-lasting beyond the school year. Also, it is a great way for a student to become assimilated and become a part of something bigger. This is particularly true—imagine if a student moving from another school district or from out of state, or in the eleventh grade, coming in—sports are a phenomenal way for them to become acculturated and make friends really quickly.

My entire focal point was, How do I address that particular scenario? The original bill was addressing specifically that hypothetical. If a student transfers to a school he had originally wanted to be a part of—that charter school or that magnet school—but a lottery system kept him out, he should be able to participate and play sports there and should be excluded from the 180-day rule. However, upon engaging in that conversation, one of the things raised was that it was unfair to just do it for charter schools and magnet schools—because they are the only ones that have a lottery system—that maybe it would be better to have one transparent rule across the board. That is the second portion of the bill I added.

Afterwards, I reached out and had an opportunity to speak with teachers, specifically with principals and administrators. They were concerned that the Nevada Interscholastic Activities Association (NIAA) would retaliate because it came to the Legislature. There is an NIAA body you can go to. It has the authority to create NAC. The principals and administrators were concerned they might be subjected to retaliation for coming and speaking to their legislator. That is crazy to me, because our single most important job is to represent our constituency. No human being should ever be afraid of speaking to us.

To address that concern, I said, I am going to put some safeguards in to ensure any school knows they have the authority to speak to us whenever they want, and the NIAA exists because we allow them to be there. I wanted to send a very clear message that that is our role.

Another complaint is, the NIAA does not have an appeals process. Once I opened this chapter parents started reaching out to me; a whole host of individuals started reaching out with concerns. I want to put some concerns that go against my bill on the record, too, because it is fair to address those, and I promised I would. I want to go the other way for now. One of the issues that was raised was, there is no appeals process. What if a student is being denied the opportunity to engage in sports? Or, what if a school cannot participate in sanctions—whatever it may be? Who can they appeal to? I said, That is absolutely a fair request. We should have an appeals process, in general. As an attorney, I think an appeals process is absolutely essential. It is important that we have them in our schools. That is where that comes from.

I do want to bring up some concerns that were raised, which is why we are amending the bill. I am going to go into the bill, and I will walk through section by section, but I want to first start with the amendment. In the bill, if you go to page 4, lines 7 through 9; page 4, lines 26 through 28; and page 4, lines 32 through 34—that is all new language that I had originally proposed. What that language said was where the conversation started: If you apply to a charter school or you apply to a magnet school or any school that has a lottery system—the way it was written at that time—you would get an unlimited number of transfers and you would continue to be eligible for sports. One of the concerns that was raised was, you are unfairly protecting charter and magnet schools. That is a fair concern, so I am striking out all that language. Again, on page 4 of the bill, lines 7 through 9, I am striking out; on page 4, lines 26 through 28, I am striking out; and lines 32 through 34, I am striking out. That way, charter schools and magnet schools do not have a unique rule that applies only to them. Rather, I am going to keep the language in the middle of page 4, at lines 13 through 21, that reads:

Notwithstanding any provision of the law to the contrary, a pupil who transfers from one school to another school who would not otherwise be immediately eligible to participate and practice in a sanctioned sport or other interscholastic activity or event at the school to which the pupil transfers as a result of the transfer may, not more than once in his or her lifetime, elect to be immediately eligible to participate and practice in any sanctioned sport or other interscholastic activity or event at a school to which the pupil transfers.

That is a long-winded way of saying, Now everybody gets one time. Any student moving from out of state, from another school, from another school district, gets one transfer—everybody remains eligible. That way, it applies to everybody across the board, and it still addresses my issue in the hypothetical, because where the concern started with me was with a lottery system and the transferring student not being eligible. What I am removing is the perpetuity of transferring to a public school and back. We are removing that language.

Now I will walk back to page 2 of the bill. As I previously mentioned, I wanted to make sure we did not have any issues of retaliation. On page 2, lines 3 through 7, it reads, "The Nevada Interscholastic Activities Association shall not penalize, retaliate against or otherwise take any adverse action against a school or person for participating in the legislative process or advocating for or against any policy before a public body." I am just making it abundantly clear—and I do not think anybody would disagree—that retaliation should not be an issue; we are making it abundantly clear that is a hundred percent the way we are going to move forward, in case anybody wanted to try anything else. Then page 2, lines 18 through 20 is where we put in language for an appeals process. It goes to the State Board of Education. Should there be an issue, you can elevate the appeal. You bring up the issue and if they agree, then that is where it ends. But at least, now, in case anybody feels they are being unfairly targeted, there is a second pair of eyes looking at something. That is the essence and the core of the bill. That is the reason we are bringing it forward.

There is absolutely, a hundred percent the NIAA. This is what they do; they are involved in this conversation daily; they obviously are passionate about this subject matter; and they absolutely should be a part of the conversation. That is why they were part of the conversation this morning, and we have amended the language after conversing with them. That is why they were part of the conversation before I presented the bill the first time, and we added some language there. I absolutely agree with that. A concern raised to me: If they already exist, why are we, as a legislative body, taking any type of action? My honest response to that is, because that is our job. That is literally the one thing we are sent to do here, to listen to issues and address them. That is exactly why we exist. That is the sole purpose of any human with a title in this building. That is why we are doing it.

Legitimate concerns about recruiting were brought up. If we have this one-time transfer rule, there are concerns we might get the best athletes in whatever sport and use the one-time transfer rule to try to recruit them to come play in a particular school. But I want to remind everybody that that conduct is prohibited, and I am not touching that. It is under NAC Chapter 385B, and that remains prohibited conduct. If a school realizes that—typically other schools or students bring it up—Wait a minute, they got a phone call, this happened, they tried to incentivize them by doing XYZ—that remains prohibited conduct and there is already language in NAC to address that. With that, Madam Chair, I am open for any questions you may have.

**Chair Bilbray-Axelrod:**

We do have a number of questions.

**Assemblywoman Taylor:**

My printout of the bill is not lining up with the line numbers of the bill as you presented. I want to make sure I am following along.

**Senator Flores:**

I am looking at section 1.5, on page 4, lines 7 through 9, which read, "Transfers to a charter school; or transfers to a school that uses a lottery system to determine which pupils may

enroll." I am striking that language out. That is no longer part of the bill. Then under section 2, on page 4, lines 26 through 28, where it reads, ". . . children who transfer to a charter school, children who transfer to a school that uses a lottery system to determine which pupils may enroll . . .," I am striking that language out. In section 2, subsection 2, on page 4, lines 32 through 34, that read, ". . . children who transfer to a charter school, children who transfer to a school that uses a lottery system to determine which pupils may enroll . . .," I am striking that language as well.

**Assemblywoman Taylor:**

I want to start there and review that again, so, if you would not mind coming back to me, Madam Chair.

**Chair Bilbray-Axelrod:**

I can do that.

**Assemblywoman Anderson:**

My question has to do with the language that is remaining on page 3, section 1.3. Has there been any discussion at all with NIAA about language they are considering utilizing already when it comes to this, and/or any other discussion they are having internally? I believe they meet every two or three months; I am not sure of their schedule. Has there already been discussion about this with them?

**Senator Flores:**

Anecdotally, in individual conversations, I know this was being considered, but I do not want to say a vote was taken. I do not want to say it was formally discussed. I do not know the extent of that conversation. I would be misstating the record if I said that. In my conversations, they did mention that conversation was being contemplated, but I do not know to what extent, and I do not know how involved the body was with it.

**Assemblywoman Anderson:**

I do not know if they will be coming up to the table later, so, if the Chair is comfortable, I might ask them that as well. My other question is, how many students do you believe this could possibly impact? Do you have any of that information? I think there is a significant difference between the charter school athletic activities in the Clark County area and the Washoe County area. How many students could that affect?

**Senator Flores:**

I do not know the exact number of students who transfer, but I can ask the school district to provide how many students transfer per year and give you a rough estimate based on just the number of transfers. Obviously, not every student participates in sports, but at a minimum, I can tell you this is how many students transfer per year who would potentially be impacted in a high school setting.

**Assemblyman Koenig:**

I want to first say, I am a previous NIAA board member. Over my three years, I probably spent 100 hours talking about what is best for the kids of this state when it comes to athletics. It has been about ten years since I have been on the board, but I do not like our being portrayed as people who are going to sit around figuring out how to retaliate against people who would come to this meeting. That is pretty ridiculous. It is almost insulting to the members of the NIAA board to assume they are going to sit around and retaliate against a student for coming to this hearing.

When you were talking about your amendment, I was hoping you were going to scratch out section 1, subsection 3, instead of the ones you did; but that is the only part that is left. Is there not something that says if you transfer you can play sub-varsity—so you can play junior varsity (JV) sports, but you cannot play varsity sports? Unless that has changed in the last ten years, if you are talking about a freshman—unless he is a really good freshman; I do not know the quality of the charter school he was transferring into—that kid could still play JV for one season and still have three years left of varsity under the current rules. You are not telling this kid, You cannot play any sports. All you are saying is, You cannot play varsity sports for a year; that is part of what you have to sit out and do.

**Senator Flores:**

I will start off with your opening remarks. I would not have added language in there if I did not think there were threatening emails sent out. I was not going to go there, but you opened the door, and I appreciate that. There were emails that were sent out, and the language was pretty forceful. I took it upon myself to ensure those types of emails do not get sent out.

Secondly, regarding your hypothetical: I agree with you that an eighth grader, which is where the issue started, hoping to go to a charter school or any school that requires a lottery system could transfer and maybe play JV, but there are two things I wanted to make clear. It is also possible a student does not get to go to the school of their choosing until later, so they reapply in tenth grade, and that rule would again apply to them. The reality is, not every school mold fits every student.

A charter school might be better for some students. I tell you, personally, my best friend has two of his three kids at a charter school in my district and another kid who is not. Those two kids, their grades went up and their social skills were a lot better; the glue in that classroom setting was just better for them. The other student decided to stay at their zoned school. Students will realize that, and they will go back and forth. They may go to the charter school and realize, I tried it for a year or a semester, and I did not like it. I am going to go back to my zoned school. The same thing is true with magnet schools. There is a particular subject matter—I thought I loved aviation; I thought I loved mathematics; I thought I loved this subject matter; and I went to that school for that particular purpose. They had a "major" they were doing in different programs, and it just did not work, and they decided to go back to their zoned school. Sometimes it is out of necessity, because it is closer to their job. There are a host of reasons. I make that point only to clarify that there are also other hypotheticals I was trying to capture as well.



I agree with you that we can tell a student, You can participate in JV sports, but for any student who plays sports, playing varsity is the dream. It is the purpose. It is really what makes you feel like you are representing the school. In my opinion, to tell a student you cannot play varsity would be to the detriment of that child. That is really where I draw the line. I understand the concern with recruiting and stacking, but we are so focused on that issue that we are consequently capturing all these other students who are just trying to play sports. I am concerned about that.

**Chair Bilbray-Axelrod:**

I am going to follow up. That section jumped out at me as well, so I asked the Legal Division whether there were any other statutes where we call out retaliation, and there are not. That is why it seems a little aggressive. That is what my colleague was saying as well. It is a matter of First Amendment rights, so putting them on notice and saying that is not okay and this is not right is also our job, as you talked about. I am not sure it necessarily needs to be in statute, though. It just comes off a little aggressive. I do not know this for a fact, but I am guessing it was probably one person who wrote that email; it just seems a lot to change statute because of that when there is no other precedent for it.

**Senator Flores:**

If you want to remove the retaliation language, that is fine. It would also be unprecedented for us not to listen to it. If it happened once, I am concerned about how many other times it has happened. I agree with you that we do not have that language anywhere else—I one hundred percent agree with you. In this building, in general, it is usually one person raising his hand, really raising the alarm to an issue that immediately triggers us, saying, Well, wait a minute, we need to make sure that does not happen again. That is because typically—and I am not saying it is true here; this is my speaking broadly of the legislative process—when we hear about retaliation, what immediately comes to mind is how many other folks have not raised concerns. How many other folks were also potentially threatened and/or got a very forceful email or whatever and decided not to say anything?

This only came to light because I was involved. Had I not been involved, those emails would have been sent; no one would have ever found out about it; we would not have engaged in this conversation today and I would not have put it in the *Nevada Revised Statutes* (NRS). I just happened to be in the middle of a conversation that immediately brought it to my attention, and I immediately took a course of action, because that is the job we have. If any one of us had gotten a forceful email from anybody—from a lobbyist or whomever—we would feel empowered to speak up and to really push back on that. It is part of what this legislative process does to us, that. It allows us to say, Well, wait a minute, that is not how this works; you are not going to talk to me like that. Every single one of you has kicked somebody out of your office who has crossed that line.

But we are the minority in this state, those who have the authority to really step up and say, That is not how it is going to happen. The majority of folk operate through fear. They are scared of speaking up. They do not know how to take action; they do not know how to get

involved in the legislative process. That is why I am doing it. But if the body is really concerned about it and they do not think it is an issue, I would work with the body, if you wanted to amend that language.

I think the NIAA's position on this—without speaking to them specifically—is, We are not going to retaliate, ever; that is not what we do. I think they would probably argue that language is unnecessary. I am concerned with how the messaging was framed around folk who were speaking to me, and that is why I did it, but I would work with the body if the body wanted to amend that language. Again, that was not where the bill started; the bill started with my keeping kids in school playing sports, and so I would work with you, Madam Chair.

**Chair Bilbray-Axelrod:**

I do get concerned with calling out a private company. I think the First Amendment takes care of that. For the record, I do not think I have ever thrown someone out of my office. Assemblyman Koenig, you wanted to ask a follow-up.

**Assemblyman Koenig:**

I am passionate about this because I was on that board. I am definitely opposed to retaliation and to intimidation; that is not acceptable and not appropriate. I was on the board ten years ago, but I believe there is an appeals process. There is a hearing officer, and then it goes to the school districts to hear these things, so to say there is no appeals process that exists at this point—I believe there is, unless it has changed in the last ten years. Can you verify that?

But the one thing you have done is—and you say there are protections against this—you have made every high school athlete in the state a free agent. I represent the rurals, and every year we get a kid to All-State. Guess where he plays next year? He plays in Reno. He leaves Fallon, and he goes and plays in Reno. That is under the existing system. They will have an excuse like, He likes the aeronautics program at our school and that is why he is coming. With this bill, you have made every single high school athlete in the state a free agent; they can transfer one time with no repercussions. I do not know if that is good for communities, and I do not know if that is good for the state as regards athletics and competitiveness.

**Assemblywoman Torres:**

Working in schools and talking to many coaches, I think it is unfortunate that there is this level of discomfort in approaching NIAA. While I know some of my colleagues might feel concerned that we are putting in this language regarding retaliation, I do believe there have been several instances in which principals have seen retaliation, where there have been threats to athletic directors for different decisions and for bringing forth or talking to legislators about any type of action. I remember—I believe it was last legislative cycle—Assemblyman Tom Roberts brought a bill that impacted the NIAA, and there was heavy opposition and retaliation to the parents who had brought the legislation. This specifically addresses the schools and people, so coaches should feel comfortable talking to us.

You have talked a little bit about this, but can you add on and talk a little more about the genesis of this and who this will impact, or other instances where this might impact our communities? I am concerned because NIAA, if I am right, receives public funds. It is not that they are a private company doing this action; they are receiving public dollars. They are receiving our schools', our students' funds. I do not think there should be any instances of retaliation toward our students who are, many times, hoping to get a scholarship to go to school, and they really just want to get out and play.

**Senator Flores:**

I do have a few emails. What I will do is share stories from Nevada families about their particular son or daughter who is an athlete and the nightmare they went through. I did not realize how much of that I would get until I opened this, and that, Assemblywoman Torres, will give you some insight as to personal accounts and stories from students in Nevada and families raising their concerns.

When it comes to retaliation—again, I really do believe it is because the NIAA operates separately on their own, and very seldom are we as a body looking inward—we do not know exactly the context of a lot of the concerns that have been brought forth. It is frustrating to me that I even have to defend retaliation concerns, only because if somebody is bringing up a retaliation concern, that should be enough for us to, at a minimum, give some consideration to it. Nobody should be afraid of speaking to us, period. No student, no coach, no teacher, no administrator, no human being should be concerned that if they speak up or bring up some issue, it is going to somehow lead to their son or daughter not participating in sports, their somehow going through some headache, or that the school will have a harder time. A lot of our charter schools do not have sports; they are still getting to that. Those schools eventually are going to want to come in and participate. They are going to have their own soccer team, their own football team, their own XYZ team—they are in the infancy stages of getting there, and I am concerned that any one of those schools, at any point, because they spoke to me and/or have spoken to anybody else, would feel they are now somehow going to be targeted. I know those particular schools are going to have to be in front of the NIAA eventually, saying, We are ready to have our own football team, or we are ready to have this team or that team. I am looking into the future on how that relationship is going to work and just laying the framework.

I do not think there is anything wrong with us as a legislative body looking at the NIAA. I do not think there is anything wrong with our looking into what they are doing, listening to concerns, and saying we gave them that authority, and when we think there are concerns and they are not being addressed, we then take it upon ourselves to fix it.

**Assemblywoman La Rue Hatch:**

There seem to be two distinct pieces to this bill, so I do have two questions. My first question is on the retaliation piece. I am questioning why it is just NIAA that is singled out. As a teacher in a school district, I know for a fact there are educators who are retaliated against by their administrators or by district officials for speaking either here or at school

board meetings. In your own Senate Committee on Education meeting yesterday, the Teachers and Leaders Council retaliated against teachers, saying they cannot testify in front of you because they did not want it to go against their message. That is happening in multiple places. My question is, why is it only this one area, if that is a concern?

**Senator Flores:**

It really is because of the area of the law we are working with, NAC Chapter 385B. I stayed within the context and confines of that. However, if the question is, would I be open to expanding this conversation to other areas? My answer is absolutely. Retaliation, in any aspect, is wrong, anywhere, whether it is from a principal to his staff, or to his teacher, or to his student. I am open to doing that. It is because I was in this chapter that I focused and stayed within it. That is the only reason.

**Assemblywoman La Rue Hatch:**

My second question is about recruitment. I receive many emails from constituents very concerned about that. I know in Washoe County, there are probably two high schools where everyone is going to want to go play, and I think we have had similar concerns about recruitment. You say you are not allowed to recruit and you are not touching that; however, reputation alone is often enough. There are certain schools in my district we know always win; they have the strong programs, and that is where people want to play. The coach does not have to say a word and people may want to transfer there. How are you preventing that issue?

**Senator Flores:**

That is true today. Let us assume I eliminate this bill and we do nothing. We know there are a couple of schools that are phenomenal when it comes to soccer. We know there are a couple of schools that are phenomenal when it comes to basketball. We know there are a few that are phenomenal when it comes to football. That is true today. Most parents who have student athletes are passionate, and they know which schools are the good ones. That remains true today, and honestly, there is nothing you or I can do about that. If a student in eighth grade understands this school has the better soccer team, or that is where their friends are, or it has a better football team, or whatever it may be, that student may take an active role in trying to make his way into that school. That is true.

I want to go back into how "recruit" is defined under NAC 385B.038.

"Recruit" means to use undue influence upon, or to provide or offer to provide an inducement to, a prospective pupil by a principal, administrator, faculty member, coach, alumnus or other person who is associated with a school to encourage or attempt to encourage the prospective pupil to attend or remain at that school for the purpose of participating in interscholastic activities.

Then, if you go further into that, it explains how you cannot do that. If that ever happens—and again, I am not touching that, even with a one-time transfer—if somebody goes to that student and says, I need you to come here, they are in violation. That is always going to

remain true. But I agree with you; it is going to be very difficult to know whether someone went to a student's house to recruit or whether someone was speaking to a student one-on-one. That is very hard to determine. But that is very hard to determine now. That is just the reality of it.

My focus is on how we maximize the number of students participating in sports and that we do not penalize the student because his parents moved, because they are in a tough situation, or sometimes it is a better move. Maybe the parents got a better job or they purchased a home for the first time. There are a host of reasons why a student has to move, and they are not in control of that. I do not want to hurt what they are in control of, which is their participating in sports, because they have to keep a certain grade point average and a certain attendance level. Students sometimes will only work really hard in school because they care so passionately about whatever sport they are playing, and sometimes it is multiple sports.

**Assemblywoman La Rue Hatch:**

You are saying this is already happening to some extent—people are moving because of programs. Would not this open up the floodgates so that it happens way more? Would it not exacerbate the inequities between schools because now, you do not have to physically move to go to this new school; now you can just go there? Are you concerned about that piece of it?

**Senator Flores:**

The question that is being posed today is, if we allow students to transfer, are we going to see a bunch of students transferring specifically for sports? I am not saying that might not happen. I am not saying there are not going to be hypotheticals; some of you may say, I know of a school X years in the past where that happened. I do not want to minimize the fact that is something that happens. What I am saying is, given that recruiting is unlawful in NAC 385B.342 and NAC 385B.344—all of that specifically delineates that it is prohibited conduct. The question that is being posed now is, do I think that concern outweighs students participating in sports after they transfer? My answer is no. I think a student transferring from School A to School B is new to that school, and the easiest and fastest way for that child to make friends, to create community, to have a sense of belonging, is through sports. Sometimes a student will tell you, The only thing I care about in school is sports; that is all I care about, and the only reason I am going to show up to math, reading, and science is because of that sport. My opinion is, that outweighs everything else, considering that it is already prohibited conduct, and that remains in place.

**Assemblywoman Thomas:**

I will make a comment first. It is the children; it is their education that counts, and if sports is that vehicle for their education, why not? You did not say it, but I do believe in school choice. I say that from my own experience with my son who was zoned for Palo Verde High School. I knew he was going to go to that school. He told me he would rather go to Cimarron Memorial High School because they have a better football team. My questions to him were, What are your grades like; and, How are you going to maintain them? I do not know if schools still do this, but at that time they had variances. Every year we had to apply

for a school variance so he could maintain attending Cimarron Memorial High School. My maintaining him was, his grades better not fall to a C. A C grade would get him over to Palo Verde High School. So, he maintained an A and a B average while he was in high school. That was school choice. He and I sat down and talked about it, and he wanted to play football because he thought Cimarron Memorial High School was the school and, at the time, Cimarron Memorial High School was the school. But, while he was attending Cimarron Memorial High School, Palo Verde High School became the school. He did not flip back to Palo Verde High School; he remained at Cimarron Memorial High School. That was something a parent and a child sat down and talked about and had some parameters in place.

We have charter schools coming on, and parents should be allowed to decide what school their children should go to. If it is sports they want to play, it should be allowed. We as state legislators and educators should not be setting up parameters that say, No, you can only do this, and you can only do that. I think your bill is addressing that.

**Chair Bilbray-Axelrod:**

I hate to do this, but we are running up against the clock. I know everyone has a question, but we are going to lose the other senator who is presenting in the next hearing to another committee, so we really need to make our questions concise.

**Assemblywoman Hansen:**

I love the bill. I loved it when it was in the Senate, when it was unanimous out of committee, heard on February 15, 2023, work sessioned in April; loved it when it was voted on the Senate floor—and now we hear all this disruption. I am a little at a loss with that, but I thank you for working with people to try and make it more amenable.

One of the things I am trying to mull over in my mind is this retaliation idea. As a parent of eight student athletes, yes, retaliation exists. As a legislator, retaliation exists. It is a human component we will find everywhere. In the defense of NIAA, it is not exclusive to them. It is here. It is everywhere. But yes, I do think one component of why I see—maybe it is in this language—is, originally the bill started with charter schools. Charter schools exist, really, with permission. It is a different entity than a regular public district school. I was concerned that maybe the reason we needed the retaliation language in here is if there are some issues with sports and charter schools, the charter school does not have to worry about some sort of threat to their existence. I do not know whether that is why this is here or being suggested, but to me, that is why the language seemed unique; and it has not been in statute before because we are dealing with charter schools doing something new, and that is getting into the sports world. That is more of a statement, and I am going to move on because I know we are short on time. I love the bill. Thank you for working with people.

**Assemblyman D'Silva:**

I very much agree with the sentiment of this bill. Just a couple of numbers here: The average high school varsity soccer program has 18 players on the roster; the average basketball roster is 15 players; the average baseball roster is 18 players; the average volleyball roster is 16 players. Speaking as a former multisport high school athlete and as a

high school girls' basketball coach, I will say that the issue with transfers and the creation of recruiting hubs is a serious one, but the actual transferability has not been the issue. This bill will actually benefit students who are moving around. We know that with our affordable housing crisis and the transiency of our school districts, students move often and oftentimes want to participate in sports and in these programs but cannot because of the rules in place.

There may be other ways coaches and schools circumvent the rules that are in place. I want to see if you would be open, Senator, to maybe incorporating a study into how clubs recruit and create those avenues into the high school systems and really circumvent the recruiting laws that we have in place to prohibit that.

**Senator Flores:**

Senator Scott Hammond has a bill that addresses the issue where a high school coach is forcing all their athletes to play in a particular club or vice versa, where you are the coach for a club, and you make them all play for a specific high school. He is prohibiting that conduct because that is another way of that happening in any sport. I think his bill is better suited for capturing that concern because that is one of the ways we have heard of recruiting or stacking of a team. They are using the third-party club. His bill is trying to focus on making it unlawful to do that.

**Assemblywoman Taylor:**

As a former National Collegiate Athletic Association (NCAA) Division I and high school athlete, athletics administrator, and a former member of the NIAA board, this is a fascinating issue for me. I know the value of participating in sports. I am, in large part, where I am today because I played sports all my life, and it got me through school. My primary concern in this is certainly the recruiting issue, as you have spoken of; and then creating the haves and the have nots—those students who can go to another school who have the transportation and all of that, versus those schools where you have children who do not have the ability to do that. As my colleague, Assemblyman Koenig, said, that is generally those smaller schools or those Title I schools that do not have as much that then get taken away. That is a large concern of mine in this. As you have done the work to put this together, have you given that any kind of consideration? How does that get mitigated?

**Senator Flores:**

I agree with you that families that have financial means can more easily transfer because it means traveling a long distance; it means the adults having a flexible schedule to get the child there in the morning and to pick them up in the afternoon, because they are probably not on a regular bus. I agree with that a hundred percent. It would be wrong for me to pretend that that is not an issue. I still think even a student who has parents who have the privilege of driving them every morning, who has a flexible schedule, even that student—and they are not the students in my district—when they transfer to another school, I want them to participate in sports. One of the hardest things happening right now is figuring out how to keep our students engaged. One of the few things I know, through my personal friends who have their kids in school now and as somebody who played sports throughout high school—I am still really close friends with those folk—the only reason they were there is

sports, honestly. They had no other reason to want to show up to class. That is a kid with means and that is a kid without means. That is just the reality of that. I really do believe even that student deserves this bill.

However, I do agree with you that disadvantaged students will be less likely to participate in the stacking and recruiting process because a coach may reach out to one of these students—if we are thinking of that hypothetical—and the student might say, That is impossible for me; I live in North Las Vegas; I cannot get to XYZ location; I could never do that. I do believe a student with better means is more recruitable. But again, that remains unlawful conduct.

I also make the argument that it is students from lower-income areas who often move the most. I remember a stage in my life where it was hotel to apartment to hotel. That is just the situation my family was going through at the time. I would make the point that for lower-income families, while it is not a stacking and recruiting scenario, it is, Our financial situation is now making me move across town because I am going to live in a doubled-up home, or I am moving three miles east of where I am because that apartment is a little bit cheaper. I do think we are the more transient community, but I think the higher-income families are the ones that will be able to utilize it more through that lens of what we are concerned about, which is recruiting and stacking.

**Chair Bilbray-Axelrod:**

Senator Flores, I am going to have you sit back and I will open it up to support testimony. I see no one in Las Vegas, but we do have Mr. Lopez here in Carson City.

**Gil Lopez, Executive Director, Charter School Association of Nevada:**

We thank the bill sponsor for bringing this bill forward and listening to his constituents about the concerns they are having in their schools. We did provide full testimony [[Exhibit C](#)]. It is on Nevada Electronic Legislative Information System. With that, we do support S.B. 114 (R1). I also want to thank the stakeholders who took the time to meet this morning.

[[Exhibit D](#) was submitted in support of S.B. 114 (R1) and made a part of the record.]

**Chair Bilbray-Axelrod:**

There is no one on the phone lines in support. We will close support testimony and move on to opposition to S.B. 114 (R1). We will start in Las Vegas.

**Matthew Nighswonger, Private Citizen, North Las Vegas, Nevada:**

I am a teacher and coach at Shadow Ridge High School. It is really important you hear from somebody on the ground level who this bill would really affect. I cannot express enough that this is a recruitment bill. I am going to steal a line from Assemblyman Koenig earlier: Every student athlete will now be a free agent. Many of the hypotheticals that have been brought up today are already addressed. If a student transfers, they have to sit out varsity competition



only; they are still allowed to participate in non-varsity-level sports. If a student moves because of hardship, they are immediately eligible for all levels of the sport. We are chasing things that are not issues with this.

As an educator in a public school, part of what I am doing is creating a local community. Recruiting is antithetical to that. This is a community wrecking ball. Students will be able to transfer from their community school any time for any reason. This would benefit schools like mine—like Shadow Ridge High School—and create more inequities within our school system. Fortunately, I have had a very successful program at Shadow Ridge. Some of these other schools that have higher turnover do not have a consistent program and/or coach. It will be easier for those students who excel at those schools to come to my school now and help fill out my roster. Instead of my having to use my community-based team and members, I can have team members from all over the valley. To be honest, I do not think that is a good approach. I do not like that. I could do that under this new bill, but I do not think that is a good idea.

I would like you to know these conversations are already happening. Coaches are talking around town: Okay, what do we need to do? These charter school coaches are talking: Okay, who are the students we need to know about at Shadow Ridge High School or these other schools around town? These coaches are going to be taking them. They will be reaching out; they will be recruiting. This is a bad bill. We do not need to upend our current system because of all these hypotheticals. We have addressed these issues already. Helping a few of these hypotheticals is not a reason to pass this bill. Please do not destroy our communities. Please do not create more inequities within the system. Please say no to Senate Bill 114 (1st Reprint).

**Angela Pisciotta, Private Citizen, Las Vegas, Nevada:**

I am a coach and teacher at Shadow Ridge High School as well. This bill seems very biased. The waiting time, as Coach Nighswonger already stated, is already there. Players can already play sub-varsity. No one is prohibiting children from playing a sport; we would not do that. This bill looks like a recruitment bill. That is what it is. With the revised wording, it is great that it is not just for charter schools, but it is definitely now just a blatant recruitment bill, and I know the Senator says that is not what it is, but it is what it is. That is exactly how it will be interpreted and how it will work.

Having a waiting time in place does not eliminate students to play for their team or from competing. They still can be on those JV or B teams. The only disadvantage of this bill is to public schools. We already face competition for our students, and they are transferring to private schools. We do not have the funding that private schools have. This would allow them to have even more kids there. It is just a disadvantage for public school students, and I love that Senator Flores was speaking on behalf of that before, and how it seems to only disadvantage those kids who do not have the means to go to a school they would like to; they only have the means to go where transportation is provided to them. Charter schools do not

provide transportation and neither do private schools. It is just another way we are disadvantaging public school students, especially those who are at Title I schools. [Written testimony was also submitted, [Exhibit E](#).]

**Chair Bilbray-Axelrod:**

We will come up here to Carson City.

**Donnie Nelson, Executive Director, Nevada Interscholastic Activities Association:**

The Nevada Interscholastic Activities Association is the private nonprofit governing body of high school sports. It is amazing to think high school sports have reached this level in prominence to be here in front of you. That is pretty amazing in itself. The passage of S.B. 114 (R1) will set a bad precedent for the NIAA with regards to how our organization manages its affairs. Our member schools want to work together—from the 1A through the 5A classifications, from the rural through the metropolitan areas—to devise language that best suits the goals, missions, and objectives of education-based sports. Our schools—the NIAA member schools—are the experts with regards to adding, amending, and/or deleting regulations governing our association. We have rules that work cohesively, but this bill would fragment *Nevada Administrative Code*. We have a rules-changing process in place already that works very well through our membership, through a Regulations and Rules Review Committee, through the Board of Control, and ultimately, through the Legislative Counsel Bureau. Senate Bill 114 (1st Reprint) overlooks many of the philosophical and ethical standards that govern our conduct which have been designed for the protection of our student athletes. The bill, as loosely written, makes the NIAA fearful of acts of undue influence and retaliation between member schools.

Regarding section 1, the NIAA has code stipulating how investigations and/or potential disciplines against member schools may be administered. To infer the NIAA's Legislative Commission—which is our board of superintendents—or Board Control or office staff would act out of malice, prejudice, or retaliation against any member school is very odd. All schools have protections with their membership so long as they do not repeatedly violate the *Nevada Administrative Code*. Section 1.3, subsection 4, allowing an appeal beyond the hearing officer, has no context at this point as to how it would be funded, nor when and where such an appeal would take place. A third level of appeal would not only slow down the process but clearly, perhaps even more so, prohibit a student athlete from getting the opportunity to play.

Another question that comes out of this is, does the State Board of Education even want jurisdiction over the NIAA? I will leave you with this: The NIAA membership values its ability to amend existing regulation and also to create new rules based on what our member schools want. That is what it is about, what our member schools want. We must remember that participation in high school sports is a privilege.

**Chair Bilbray-Axelrod:**

I wanted to ask you a quick question, and I see that somebody else does as well. Are you saying that in NAC, you currently do not have an appeals process at all?

**Donnie Nelson:**

That is incorrect. We do have an appeal process. We have a hearing officer, which is spelled out in *Nevada Administrative Code*.

**Chair Bilbray-Axelrod:**

Could you give me a 50,000-foot overview? Would you like to do that, Mr. Anderson? But Mr. Nelson, please stay here also. There was one more question for you.

**Paul J. Anderson, Legal Counsel, Nevada Interscholastic Activities Association:**

I am the attorney for the NIAA with the Maupin, Cox and Legoy law firm in Reno. I have represented the NIAA for 26 years. I wanted to address that specific issue because when Senator Flores indicated there is no appeal process, that is absolutely wrong. There is a two-step appeal process a student follows. They follow it at their own school initially when they register for athletics. If there are any questions concerning their eligibility, the athletic administration at the high school makes the initial ruling as to whether they are eligible or not. If they are determined not eligible, they have the ability to apply for what we call a Level II appeal. This is all in NAC Chapter 385B, beginning around the .900 statutes.

There is a process in place. Our hearing officer is a lawyer who formerly represented Bishop Gorman High School, who I battled with for years over recruiting issues. Our hearing officer is a parent-oriented attorney who often rules against the NIAA with respect to our appeals. I want to be clear: A high school season is not nearly as long as a college season, so when a student appeals, you might have up to 12 weeks, but the initial process and then the Level II process can take up to 30 to 40 days. Adding a third level of appeal that is 30 days long is basically going to take that student completely out of their season. The Committee needs to understand that.

**Chair Bilbray-Axelrod:**

Could you give me a ballpark of how many students appeal on a yearly basis?

**Paul Anderson:**

I just gave a talk on this at the National Federation of State High School Associations in Indianapolis. They are basically the NCAA of high school athletics. We—all the lawyers for the various high schools—meet once a year, and we met a week and a half ago in Indianapolis. I brought up the point that in this last year, from July 1 through the end of March, we have seen over 20 appeals. Typically, in past years, we have seen 5 or 6 Level II appeals. That is what I am talking about, not the initial appeal when a student is at their own high school initially seeking eligibility, but those who are declared ineligible and actually take it to Level II. We have seen up to 20 this year, which is a significant increase.

**Chair Bilbray-Axelrod:**

Someone on the Committee also asked me to ask you: Obviously, you are in opposition of this bill, but I do not believe you testified in opposition on the Senate side. Is that correct? Or were you not here?

**Paul Anderson:**

I am not sure whether I testified or not. I thought that I had, but perhaps I did not.

**Chair Bilbray-Axelrod:**

I am looking at Senator Flores. They did not. Okay. We only have 120 days so we try to get all our work in early. The sooner you can get to the table, the sooner we can work on this and not have to do as much when we only have a few days left. We have another question from the Committee.

**Assemblywoman Anderson:**

Has there been any sort of internal discussion about utilizing something similar to this within NIAA as opposed to making it a state law?

**Paul Anderson:**

Yes, there has been. There are discussions right now with respect to our regulatory committee about a one-time transfer rule. There have been surveys that have been circulated. This is not a unique situation to the state of Nevada. This is something that goes on throughout the country, and there has never been a solution that is one-size-fits-all for anybody. It is an ongoing thing, but I do want to add something. There was testimony earlier, I believe from Mr. Nighswonger in Las Vegas, and one of the ways in which the NIAA has proactively addressed the recruiting issue and allowed for transfers was with our sub-varsity eligibility rule. What that provides is if a student transfers and he is anything other than a senior, he has the ability to participate at the sub-varsity level. They get a onetime transfer in that respect. The reason for that was to slow down the recruiting process but facilitate the ability of a student to change schools if they chose to do so. The only provision was they would have to wait for one year.

**Chair Bilbray-Axelrod:**

The issue of retaliation has come up many times. I hope you will take this back to your organization. It is a First Amendment issue; people are allowed to talk to their legislators. Sometimes it is just one bad apple that spoils the bunch, but I do think that needs to be addressed in a lot of organizations, so I want to make sure that is on the record. We will move on.

**Paul Anderson:**

I just have two points I really wanted to address. Again, this goes to the recruiting process. If you look at section 1, subsection 3, dealing with the recruiting that was not eliminated earlier today by Senator Flores, he said recruiting would still be prohibited, but as this is written, it begins notwithstanding any provision of law to the contrary. We have laws and regulations in place that prevent recruiting, but this is eliminating us from being able to prohibit that. That language would certainly need to be addressed.

Something that is very important to keep in mind is the antirecruiting regulations we have had in place and our transfer rules. Everybody has discussed the fact that we are in this for children, as the NIAA is. The idea is to protect the children who are at the school because

that is where they are zoned. They come up through the system with their friends, and now you have three or four kids coming in who are taking spots. This might be the twelfth kid on the twelve-man basketball team who only ever wanted to be on the team, and now his place is being taken. You have to take into consideration that there are other concerns we are trying to protect here, too. We are not always the Big Bad Wolf, trying to prevent somebody else who is just trying to transfer schools so they can have a better team and play for a better coach.

**Chair Bilbray-Axelrod:**

Thank you. We appreciate it. It is always nuanced. The devil is always in the details, and we understand what the purpose of these organizations is and why these parameters and rules were set out. Unfortunately, it is our job to walk that fine line and figure out what is best for the state. Thank you very much.

We will move on to the phone lines. [There was no one on the phone lines in opposition.] We will close opposition and move to neutral. Is there anyone wishing to testify in the neutral position? [There was no one.] We will close neutral. Senator Flores, would you like to make some closing remarks?

**Senator Flores:**

I wanted to make a couple of points of clarification. Honestly, it is my fault because I was not clear—particularly when it comes to the appeals process. It is a hundred percent true that presently there is an appeals process under NAC 385B.910: A pupil who is adversely affected by a determination made pursuant to XYZ—it does not matter. This is what matters: An appeal filed pursuant to this section must be heard by a hearing officer who is appointed by the executive director and approved by the board.

When I say I want an appeals process, I mean I want an appeals process to the NIAA. I am not suggesting the NIAA does not have an internal appeals process. But what if the NIAA is the problem? If they are appointing the person who is hearing XYZ and it is an internal system—what I am saying is there needs to be something above the NIAA. Now, I respect that the NIAA works really hard and they do a lot of work. I am not suggesting they do not care about student athletes. I am not suggesting they are out there trying to attack teachers. What I am saying is, in a scenario where something happens, where the NIAA is a problem, I want to make sure we as a body put somebody above them.

I get it; nobody likes that. The NIAA is not going to come up here and say, We want somebody to go above us, because they work really hard. Assemblyman Koenig and Vice Chair Taylor have talked about the amount of work that is done in there. It is flawed for them to say, We are not doing the best we can. I believe they are working really hard. I really do believe they are doing work that is necessary and that it is a balancing act—it is not easy. However, I am simultaneously saying we have given them the authority to do this, and I want to create oversight. That is what I am asking this body to do—to create a process

so when the NIAA specifically is in question, they are no longer an entity that is untouchable, instead of the idea that they are here and everything they are doing is perfect, that they realize they have made mistakes, and it is fine. We have oversight of ourselves.

It is good policy that nothing stands alone by itself, and that we suggest and act so that no mistake could ever be made, that there should be a process and some type of oversight over. That is what I am asking this body to take into consideration now, that we have a process. By the way—and our Legal Counsel here can address it—there are other scenarios where the appeals go to the State Board of Education, where that is the fix, such as when there are questions not specifically involving the NIAA, but there are other areas where that is the recourse. You appeal to the State Board. That is how we came up with the language we put in there, and I believe having oversight is fine.

I am also appreciative of what was stated on the record on whether or not we are circumventing or somehow accidentally keeping out the language involving recruitment. I am more than comfortable with grabbing all the recruitment language and plugging it right in there, right underneath. That way, if there are any questions, it will state, Here is how "recruit" is defined presently in the NAC. We will throw it in there; and then the NAC on recruitment, we will throw it in there; and put it in the NRS to alleviate some of those concerns, because I am equally as concerned about that. I would easily put that language in there if that is what this body wishes to do. I am a hundred percent on board with doing that.

**Chair Bilbray-Axelrod:**

I will close the hearing on S.B. 114 (R1), and I will now open the hearing on Senate Bill 292 (1st Reprint). This bill revises provisions relating to school administrators. To present this bill, we have Senator Pazina, and I believe you have some copresenters from the Clark County Education Association (CCEA) whom I will allow you to introduce.

**Senate Bill 292 (1st Reprint): Revises provisions relating to school administrators. (BDR 34-554)**

**Senator Julie Pazina, Senate District No. 12:**

I am here to present Senate Bill 292 (1st Reprint) today, which provides greater accountability for administrators. I will introduce the copresenters in just a moment, but I wanted to provide some background information.

There are extensive accountability measures placed on teachers. If teachers do not meet those expectations—and I certainly do not need to tell anyone on this Committee—there are consequences. This bill is trying to ensure the same is true for principals—especially given the research on the level of impact a principal has on student achievement and teacher outcomes. According to a 2021 research report by the Wallace Foundation—I would be happy to provide that information to the Committee—when looking at a principal's impact on student achievement, "Replacing a below-average principal (at the 25th percentile) with an above-average one (at the 75th percentile) would increase the typical student's learning by nearly three months in both math and reading annually." The research suggests the need for

strategies that cultivate, select, prepare, and support a high-quality principal workforce. Again, we continue to focus on creating a high quality and prepared teacher workforce. The question I would ask those of you on the Committee is, is the same not true, then, for those who are in leadership positions?

Additionally, the Wallace Foundation research cites recent studies that link more effective principals to key student outcomes, such as a reduction in absenteeism and exclusionary discipline. However, the impact of the principal goes beyond just student achievement. According to the report, research also shows clear links between effective leadership and important teacher outcomes, including more positive teacher working conditions and reduced turnover, especially among effective teachers.

These conclusions alone highlight the need for policy efforts that strengthen principal leadership in our schools. The real purpose of S.B. 292 (R1) is to recognize that the level of school climate and outcomes expected of Nevada schools by this Legislature is the responsibility of the leader of a school, and principals need to be held accountable if these school measures are causing teacher turnover or poor performance.

When I was running for office, I had the opportunity to go into schools. I respect so much the educators who are serving here in the Legislature and on this Committee, and speaking with some of the educators and schools about some of the challenges they had with principals was really what led me to carry this bill. While in the Senate, we added an amendment where—because we are really looking at climate—we had the opportunity to have area superintendents, after one year of challenge, mentor those principals to try to improve outcomes. We are also having a stakeholder meeting next week with many of the people who reached out during our Senate Committee on Education hearing and after the work session, and we are getting something scheduled to meet on Wednesday with all stakeholders so we can look at further amendments. When we have those, we will provide them to the Chair and the committee manager, but we certainly never want to piecemeal anything one by one, so those will all come together to the Committee. At this time, I would like to hand it over to fellow presenters Francesca Petrucci, Marie Neisess, and in Las Vegas, we also have a teacher, Stephanie Swain.

**Francesca Petrucci, representing Clark County Education Association:**

I am going to walk through some of the technical components of the bill. I would like to remind folks this was in statute from 2015 to 2019.

Section 2 states, "During the first three years of his or her employment by a school district in the position of principal, a principal is employed at will in that position. A principal who is reassigned pursuant to this subsection is entitled to a written statement of the reason for the reassignment. If the principal was previously employed by the school district in another position and is reassigned pursuant to this section, the principal is entitled to be assigned to his or her former position at the rate of compensation provided for that position.

Section 2, subsection 2 states that a principal who completes the probationary period set forth in *Nevada Revised Statutes* 391.820 by a principal is again employed at will if, in each of two consecutive school years, both (a) The rating of the school to which the principal is assigned, as determined by the Nevada Department of Education (NDE) pursuant to the statewide system of accountability for public schools, is reduced by one or more levels, and (b) Fifty percent or more of the teachers assigned to the school request to transfer to another school.

Section 2, subsection 3 states, "If the events described in paragraphs (a) and (b) of subsection 2 occur with respect to a school year for any school year"—this is what the Senator was referring to when speaking about the amendment from the Senate Education Committee—" (a) The school associate superintendent or other administrator of the school district who oversees the school must provide mentoring to the principal of the school, and (b) The school district shall conduct a survey of the teachers assigned to the school to evaluate conditions at the school and the reasons given by teachers who requested a transfer to another school. The results of the survey do not affect the employment status of the principal of the school."

Section 2, subsection 4 states, "A principal described in subsection 2 is subject to immediate dismissal by the board of trustees of the school district on recommendation of the superintendent and is entitled, on dismissal, to a written statement of the reasons for dismissal."

The rest of the bill makes conforming changes based on the changes previously stated. Before I hand it off to Ms. Neisess, I want to give some context for why this bill is so important in this moment. As we sit here in this hearing, at Charles A. Silvestri Junior High School STEAM Academy in Las Vegas, we are in our third year of dealing with an issue related to school climate that is the result of an ineffective principal. Clark County Education Association has a process—and we can talk more about that—but we surveyed that school in the 2020-2021 school year, and it was determined that the principal was the cause of serious school climate issues. We re-surveyed the school in the 2021-2022 school year. No changes had been made from the previous school year. We are now at the end of the 2022-2023 school year, and we are still dealing with the same problem. This is a school that did—the intention was there of the school district—have an area superintendent who was there and willing to provide support. But the support—because I believe that area superintendent had been transitioned out—was never realized. We are now in the third year of a serious school climate issue. You are going to hear more from other schools. We have an educator from Berkeley Bunker Elementary School, but I wanted to give that extra context as well. With that, I will hand it over to CCEA President, Marie Neisess.

**Marie Neisess, President, Clark County Education Association:**

During my 30 years working for Clark County School District (CCSD), I have taught in only Title I schools with our most at-risk students. I taught at three different schools and had five different administrators. Four out of those five administrators, I would in a heartbeat work for again. They each came into the school wanting to be a change agent. They each had their own vision and expectations for the staff. They created a culture that was supportive



and, more importantly, collaborative. After sharing their vision with the staff, they asked for input from the staff—What worked in the past? What did not? We all worked diligently to make sure we brought that principal's vision to fruition.

The other principal I worked for also shared her vision with the staff; however, the delivery was very different. On Day One, she shared her expectations, she shared her vision, and she said at the end of that presentation, And if you do not like it, there is the door. This was a school I helped open with my first administrator; I followed him to this school. I drove more than 20 miles to the east side to school. I believed in what he was creating for that school. I loved the community. That school was more than 20 miles away from my home, and I thought I would retire from that school. I put away her negative comment, and I thought, I am going to do everything I can—and so did my colleagues—to help bring her vision to fruition. But sadly, shortly thereafter, we realized we were working in a hostile work environment. I would walk around the building and see some of my colleagues in their classrooms crying. Teachers would come to me and say to me, I feel like I am walking on eggshells.

Sadly, after 12 years, I, along with the majority of the staff, decided to transfer schools. When I went to her in tears—because I had helped open that school; I gave up my summer to prepare teachers' classrooms, to push boxes and unpack boxes for my colleagues who were going to be coming into that building—she said, That is okay; I only want first-year teachers because I want to mold them to do what I want them to do. Well, after multiple years of her hiring her own staff, the revolving door of educators continued. It broke my heart because I knew that community; I knew those students needed the top and most effective teachers in those buildings. The CCSD solution at that time was to transfer that principal to another school that was just a few blocks down the road. Sadly, that vicious cycle continued, and it continued until, shortly thereafter, she retired.

We have some great administrators in CCSD who are doing great things. As the president, I have the honor to go to all the schools and meet with educators. I see it firsthand; I hear the things they are doing; but we need to make sure we are addressing these outliers. As my colleague, Ms. Petrucci, said, this is currently happening as we speak. Just on Friday, I visited Berkeley Bunker Elementary School because over half of the staff are leaving, and not just educators—support professionals and the assistant principal as well. I wanted to hear directly from them because my situation was many years ago, and yet here we are in 2023 and it is still occurring. Our students cannot afford a revolving door of educators because it impacts their outcomes.

I know when I was in school, I had my students' siblings, because I built that community with the families. They would request me for a teacher. When I transferred from that school, the families I had served for multiple years were heartbroken. We need to address this issue.

Senate Bill 292 (1st Reprint) is not meant to be punitive. It is meant to address these issues. It is to flag concerns that come up like this. Let me be clear, we are not talking about educators who might be disgruntled, who may not believe in the principal's vision. We are

talking about a hostile work environment that is created throughout the entire school and that happens year after year. Senate Bill 292 (1st Reprint) flags that problem and then looks at solutions to address it. We want the most effective leaders in our building. Why, as a teacher, am I held to a different level of accountability? Should not the highest level of accountability be starting with our building administrator? They set the tone for the school.

Senate Bill 292 (1st Reprint) has a high threshold: If 50 percent or more of your staff—that is a very high threshold—transfer out of your school and we see a drop in academics as assessed by NDE, then it triggers the associate superintendent to come in and provide mentorship. Just as mentorship is provided for our educators when they are struggling—whether it is additional resources or support—we expect that for our principals as well, because at the end of the day, we need great leaders. I have heard it said that this will deter principals from going to schools. The schools I taught at were tough schools, but those four administrators were not afraid to go there. They knew it was a lot of work.

If I heard in a previous hearing over a different bill that one teacher can damage or ruin a school climate—you are talking about one teacher—and that being the issue from the lobbyist who represents principals, then how does that not also apply to the leader of that school building who will impact thousands of students and hundreds of educators as they go through that cycle? With that, I would like to hand it over to Stephanie Swain in Las Vegas.

**Stephanie Swain, Private Citizen, Las Vegas, Nevada:**

I currently teach at Berkeley Bunker Elementary School, and I am proud to be presenting on Senate Bill 292 (1st Reprint). Nearly 82 percent of the educators with daily student interactions are leaving Berkeley Bunker Elementary School, and over half of our returning students will not see the friendly teachers' faces they have come to know. It is heartbreaking to know the Bunker family of educators, students, and parents has been broken apart.

This upending of student learning did not have to happen. The disruption and the emotional stability of our students was entirely avoidable, and we need to stop ignoring the causes that have made this type of turnover in schools routine. Ours was a domino effect that was predicted, voiced, and ignored. Educators are not leaving because we do not want to follow new rules. We all stayed knowing new leadership was coming in. The problem was that we were given a leader who was insular. Contributions from highly qualified, experienced educators were belittled and ignored. They were replaced with short-sighted decisions based on spreadsheets and control, not real people and not the kids.

Leaders bring people up. Where is this more important than in our school leadership? We all stayed at Bunker knowing that change was coming. The problem was, we were kept in the dark and excluded from creating the future of the Bunker community. Who is accountable for teacher retention at the school level? Steve Jobs has said it does not make sense to hire smart people and then tell them what to do. We are educators with National Board Certifications, multiple master's degrees, and expertise in areas that benefited our students. We were a team who worked together to achieve Governor Designated Science, Technology, Engineering and Mathematics (STEM) School status for our school and were

colleagues who sought to become some of the first educators in the state to be STEM-certified teachers. We work hard for our students. This is about them, after all. That a leader would disregard input from those who know students best is not leadership at all. Teachers are not lazy. We do not shy away from responsibility or accountability. Bunker had what schools strive to build and maintain: connection, family, expertise, stability, and community. Now we are broken.

Bunker is not a theoretical what-if. It is happening in real time, and it exemplifies an ongoing situation within our district and state. We have an opportunity to take a step in the right direction. The quality of new leadership matters. Senate Bill 292 (1st Reprint) offers a way to know when administrators need additional support. We need to hold our administrators accountable because our students deserve to return to schools where they know their teachers. Parents deserve to know the teacher that their child will learn and grow with. Bunker will take generations to rebuild. It is not a simplistic task, and it will not happen within an administrative bubble. Tier 1, Title I schools do not just rebound from disruptions like this. If there is anything we as a collective society can agree to care about, it is educating our kids—especially those who are underrepresented. Senate Bill 292 (1st Reprint) can help ensure other school communities do not suffer like Bunker has.

**Senator Pazina:**

We are open for questions.

**Assemblywoman Thomas:**

I must say, I stand amazed, especially that the CCEA is coming in and saying that where the schools are right now is because the principals—the administrators—are not doing an adequate job to secure safety in their schools and retain teachers in their schools. Just a few weeks ago, we heard that the reason why teachers were leaving by the thousands was because our students are misbehaving. This is why I am amazed: When I stated the responsibility of a school's safety had to be at the head of the school—the principals who knew their school environment—I was told that was not true. Instead, these misbehaving students were the reason why teachers were leaving by the thousands. My question is, who is responsible for the school environment? Is it the teachers, the students, or the principal?

**Senator Pazina:**

This is my opinion. I am not an educator, so I will pass it over to those who are, but what I have heard from those I have spoken with, the responsibility lies in a number of different places. This bill addresses climate from an administration standpoint. I took this forward because I had so many conversations with educators who came to me when I came to visit them and wanted to share their personal stories, one-on-one. From those perspectives, I wanted to bring this bill. That said, we know there are many phenomenal educators and phenomenal administrators out there. Mr. Horn, I believe, is in the room right now; I have heard wonderful things about the work he did at Green Valley High School. Unfortunately, that is not true of every administrator, and I think the fault lies with a number of different parties. That said, administrators are one of those, but by no means the sole cause.

Looking at all the different bills coming forward, there are a number of different solutions. There is no one bill that can solve everything, but we are hoping this bill will make a stand and help a number of educators—including some of the ones who I spoke with personally. Again, though, I am not an educator, and I would not presume to stand for those who are. So, I will pass it over to someone who can probably answer that question better.

**Marie Neisess:**

Clearly, we have heard from a multitude of educators: we have a multitude of bills this session that address the crisis that it is to become a teacher; there is a pipeline issue. One of the issues is—yes, you are speaking to a different bill, and you are correct—at certain schools, in certain situations, the behavior has reached a level that requires additional assistance, which needs to be looked at. We have heard from administrators, when it comes to that bill, My hands are tied, and there is nothing more I can do.

This bill speaks to a select number of schools where we are talking about a culture and climate that is toxic. We are not saying every school is like that, because—thank goodness—they are not. There are schools that are doing great things with great leadership. Educators leave the profession for a number of reasons. We have all heard it. It has been in the news—whether it is behavior, pay, or the conditions in a particular school as a result of that building leader. This bill speaks to that. It speaks to the climate and culture that can be negative and caused me to leave the school I wanted to retire from to go to a different Title I school.

**Assemblywoman Thomas:**

You are saying you want the legislators to enact a bill that will basically take principals who are not doing a good job or not doing their job, and you want us to now say to CCSD, All right, these administrators are ineffective. My question is, why are we overreaching? Why is CCEA not asking CCSD to do their job—to make sure their principals are doing the job? They have area superintendents, and they have superintendents; there is a big chain. I do not understand the reason for this government overreach you are asking us to do.

**Francesca Petrucci:**

That is a great question. I want to walk you through, because this is an experience we have had year after year after year. In the example I gave about Silvestri Junior High School, it has been three years where—to your point—we have surveyed the school, we have gone to the district, we have tried to incorporate central administration to fix this issue—and we are on year three. I want to give you some background on this, because the culture and climate issues have risen to a level that warrants extra support, which I think is what you are alluding to.

Clark County Education Association has a process. What is the process? The Decker survey is essentially one where we get notified by educators of a certain building where there is a toxic work environment and educators do not feel supported, and that is something CCEA needs to look into. We have been working with this survey for about the last four years, and we have done a total of 31 Decker surveys. In 22 out of the 31 surveys, it was determined

there were culture and climate issues at the school. The next step of the process is, to your point, we go to the district and we say, There is a problem here; we have information about what the issue is and how to triage these issues from a central level, but we have not gotten that support. The amendment which was worked on by the Senate Education Committee and Chair Lange, which is very helpful, is that mentoring component. It is a requirement, to your point, that CCSD come in and try to triage the situation after it is identified.

**Assemblyman Koenig:**

My question has to do with the statewide system of accountability. At this point, are we using the star system?

**Francesca Petrucci:**

We are not the regulatory body that determines what that is, so I will defer to NDE on what that would be. When it was currently under statute, the star rating was what was in place; but again, we are not the regulatory agency to determine what that is.

**Assemblyman Koenig:**

My point here would be, then, in order to fall under this category, you would have to have your level reduced by one or more levels in two consecutive years. If I start in a 2-star school, and the first year I dropped down to a 1-star school, the second year, I cannot drop to a zero-star school; that does not exist. If I start at a 2- or a 1-star, even if I kill the atmosphere of my school, I would not qualify under this because I did not drop a level in two consecutive years.

**Senator Pazina:**

What would need to happen in addition to that is, both the rating and over 50 percent of your staff—you need to drop a star level each of two years and you need to lose 50 percent of your staff each of two years to go back to at-will employment. Also, it would be putting into statute that the area superintendent would help after the first year. The hope is that there would be no further star rating loss, there would be no more turnover in staff and that they would be able to triage the issues. This is almost a nuclear option.

**Assemblywoman Anderson:**

I have two questions. The first has to do with page 2, lines 24 through 27, which have to do with the automatic dismissal. Would that be something that is negotiated, or would that be something that is part of a collective bargaining agreement, or is that something that could happen automatically based upon recommendations from the superintendent?

**Senator Pazina:**

I have to say goodbye because I have to head down to my committee. My colleagues will answer the question. I meant to mention during my introduction that this was bipartisan legislation, and the Senate did pass it 21 to 0. We are very committed to working on amendments.

**Francesca Petrucci:**

If they meet this threshold—which again, I want to remind members of the Committee, we are talking about two consecutive years of over 50 percent turnover and a decline in student performance—then yes, the superintendent may recommend dismissal to the board of trustees. However, the board of trustees have the authority to do the same with educators, so the responsibility lies on the board of trustees.

**Assemblywoman Anderson:**

My other question has to do with something that was mentioned during the presentation, but I do not see it in here. Is there any expectation for mentoring? After that first year, if a principal were to be in that position, is there an expectation of mentoring, or is that an internal discussion under the collective bargaining agreement?

**Francesca Petrucci:**

The intent of that language is to provide specific mentoring, depending on the situation. We know there are over 350 schools in Clark County alone, and more across the state. There is not going to be a one-size-fits-all for that, so we wanted to make sure there were at least some supports in place for that principal in a school that is experiencing this level of reduction in student performance and staff retention.

**Assemblywoman Hardy:**

I was quite sad to hear one of the schools you are talking about is Silvestri Junior High School. Both my daughters went there, and it was a great school. It made me feel bad that it is one of the schools that is having a problem.

I believe you mentioned in your testimony that it was in statute from 2015 to 2019. Can you elaborate on that—speak to why it was changed? Do you believe it was helpful when we had that statute? That is my first question.

And then, in the case of a principal for whom it is decided they need to not be at that school, et cetera, would they just be transferred to another school, or what happens? That is a concern: If they did not thrive in a particular school, are we now just going to move them somewhere else and risk that happening over again at a new school? Maybe some people are just not meant to be principals. Can you please talk about those two things?

**Francesca Petrucci:**

To your first question, it was put into statute in 2015 and was repealed in 2019. It was Senate Bill 153 of the 80th Session. I do not think there was any sort of real intention around the repeal. It was sort of an omnibus bill that had a lot of really great things in it. We saw, though, that in the year it was repealed, I believe there were 17 schools that had culture and climate issues—again, speaking about the Decker process where we had been notified there were issues. Again, the language that was in statute functioned as a deterrent, with high thresholds to meet. It was a deterrent; then it was repealed in 2019.

To your second question about the placement of certain administrators, that is part of what this process tries to weed out. Is the administrator maybe not fit for that specific place, or has there been such a rise in poor culture and climate problems that they may not be fit—as you were saying—to be in this role? That is why the threshold is so high. But ultimately, the district is responsible for placing those principals.

**Assemblywoman Hardy:**

Back to Bunker and then Silvestri, you mentioned specifically that at Silvestri, it has been three years. I am not clear why that person is still there. Is there nothing that can be done currently without this statute being passed?

**Francesca Petrucci:**

What is happening at Silvestri is a travesty and, unfortunately, not an isolated incident. To provide some mentorship after a series of issues happening at a school is part of the mandate of this bill; there is a mandate there because, to your point and to the 22 schools out of the 31 that we have done Decker surveys in, there has not been the support there to really remedy the situation. In Silvestri specifically, there was an intent by the area superintendent, but I believe that area superintendent had moved on, so the school was left without any leadership. We keep surveying the school, and no improvements have been made. Part of the intent of this legislation is to place the requirement that there needs to be ongoing support.

**Assemblywoman Anderson:**

My two questions are going to come from my experience as both a teacher and working in the central office and really seeing this on the ground. My first question is, with these two stipulations—do we have any schools that match these criteria right now?

**Francesca Petrucci:**

Over the last five years, eight schools would qualify for the first phase—for the mentorship portion. Again, the intent behind this is never to have a school meet this threshold. It is to function as a deterrent, which it did for four years while it was in statute.

**Assemblywoman Anderson:**

As someone who has seen it on the ground, I know the area superintendents are in charge of the principals. I have seen that if a principal should not be in their role, they go back to central office versus going to another school. I am really trying to understand what steps are missing right now. We know this is state-level policy. In your view, what are districts not doing that we are trying to fix with this legislation? This bill seems extreme, but I am trying to understand—what is the problem in the middle that we are trying to solve?

**Marie Neisess:**

From the lens of a teacher, they are not addressing the change that is needed—whether that building principal needs additional supports before she becomes a principal, maybe put her back into a system that allows her to be more successful, et cetera. That is what is missing.

Let me be clear: There is not a shortage of administrators. There are plenty of administrators waiting to become principals—even at the most at-risk schools. This will not be a deterrent, because there is a huge pool of people waiting to become building principals. For me, there need to be support systems put in place because, at the end of the day, this is not meant to be punitive. We are not asking for someone to lose their job. We are asking for support to be put in place to make them be successful, same as we expect for teachers. I do not want a teacher in front of my grandchildren who is not effective; if the principal has given the teacher those support systems and they are not effective, and it is not the profession for them, none of us who are teachers want to work with someone like that. It should be the same for principals because, again, why am I, as a classroom teacher, being held to a much higher standard than the building principal who sets the tone for the entire building?

**Assemblywoman La Rue Hatch:**

President Neisess, I was having flashbacks when you were describing that school because I went through almost the exact situation. I taught at a Title I high school. I thought I was going to retire from there. We got a new principal. She drove out 50 percent of the staff in the first year and 65 percent in the second year. I was one of those. She is still at that high school right now in Washoe County. I absolutely understand this is an issue. I have some questions that go along with some of my colleagues' about the details and how this would be in effect. I have to echo my colleague Assemblyman Koenig's concern—what if they are a 1-star school? If they are already as low as possible and they have 65 percent leave and then 70 percent leave the next year, they cannot drop any lower. How would this apply to that principal?

**Marie Neisess:**

In the bill, it does say, as assessed by NDE. That is a question they would have to answer. Being at a 1-star school many years when I was teaching, we would look at our test scores at the end of that year and analyze that. Did we drop in reading? Did we drop in math? Typically, it would be something like math. Then we would adjust what we were going to do in the fall. To say you could not drop lower than 1 star—if that was a system that was in place in the past, we could not drop below 1, but we did look at our test scores to analyze that. Again, we were willing to work hard to make those changes. We did not leave when we had a supportive administrator in the building.

**Assemblywoman La Rue Hatch:**

The language in the bill says drops one or more levels. I do not know if that is some fine tuning you are going to work on in amendments.

My second question is, we know there are situations where the district is not doing anything about these principals. We know they are getting moved to central office; they are getting moved to other schools. This just seems to enable the superintendent or the board of trustees to remove someone, but does this bill guarantee they would actually do any of that? Obviously, the mentorship would happen, but the removal—is that a guarantee or not?



**Francesca Petrucci:**

No, there is no guarantee. As the bill reads, if this happens in two consecutive years, the principal's employment would be changed to at-will status. Also, a survey would be done to assess the culture and climate of the school. Then ultimately, based on the recommendation of the superintendent, the board of trustees could either decide to remove or keep the principal.

In the four years this was in statute not one principal was removed, because that is not the intent of the bill. The bill is not meant to be punitive. The bill is meant to foster good culture and climate. Coming from the teacher perspective, we do not want to see principals removed. That is what we are trying to mitigate here.

**Assemblywoman Taylor:**

From the monitoring standpoint, how do you envision that happening? Do you envision that each year, for example, districts would monitor turnover? Obviously, we know those ratings come out every year. How do you envision that looking?

**Francesca Petrucci:**

We actually compile transiency data from the district. Each year, the district logs the transiency of each school. Then NDE, as Ms. Neisess was mentioning, has different assessments to measure a school's performance over time, based on assessments and other factors.

**Assemblywoman Taylor:**

I should be a little clearer. I know that is something CCEA does regularly—you stay on top of that because that is what you do. What is the district's role in that?

**Francesca Petrucci:**

The district's role in this regard would be to continue to monitor the transiency rates and also look at school performance. It is the responsibility of the district to be monitoring that. The Nevada Department of Education provides a portal to measure growth, and in some cases, decline. It would be twofold—both on the district as well as NDE—depending on NDE's determination of what accountability metric is used—looking at both of those avenues to measure progress of these schools.

**Assemblyman D'Silva:**

As a teacher in Clark County, I know the issue with school climate has become a growing concern. When the surveys go out it starts conversations at our schools among teachers about the climate of our own schools. The vast majority of administrators are good people working diligently towards the betterment of their schools, their staff, and the students, but there are some concerns popping up across the district, and it is something we should all pay attention to.

When it comes to legislation, I am seeing very quickly, as a freshman in this body, that when we add certain strong measures—teeth, so to speak—to laws, it does help in regard to creating a greater sense of accountability—not just with our teachers and our students, but also with our district leaders and our administrators.

My question is more pointed towards the star rating. That is something that has come up many times and is part and parcel of this legislation. What exactly are we looking at in regard to the levels we are discussing? I am familiar with the star rating. I do not know if you have somebody from NDE who could speak a little more on this. How do we actually measure those schools and what would cause a school to drop in a rating?

**Chair Bilbray-Axelrod:**

I was actually going to call you up in a little bit, but we will have you come up now. There is also an issue with if a school is at a 1-star rating in regard to this legislation. I do not know if you want to discuss that. Committee members, we can do some work on this. Please, go ahead.

**Katie Broughton, Legislative Liaison, Nevada Department of Education:**

The star rating factor takes into account various student achievement data. I can get you the metrics on what, more specifically, but there are all sorts of student achievement data that are accounted for in that measurement.

To speak to the 1 star, there are no zero stars or negative stars, but you can still measure student achievement. There is a raw score you can get that could decrease, similar to a grade. A 50 percent F is different from a 30 percent F, but they both show as F, so you can see the raw score and a decrease in that, even though it still may show as a 1 star.

**Chair Bilbray-Axelrod:**

Our Legal Counsel just said an easy fix would be to change the language from "is reduced by one or more levels" to "is reduced by one or more levels or at the lowest level possible." But we can deal with that offline.

We will open it up to support. Is there anyone in Las Vegas who would like to testify in support? Anyone in Carson City, fill the chairs if you would like to testify in support, and we will begin in Las Vegas.

**Angie Joye, Private Citizen, Las Vegas, Nevada:**

I am a second-grade teacher at Ann Lynch Elementary School. I am here today to share with you why Senate Bill 292 (1st Reprint) is vitally important. Teacher accountability is a continuous topic, but administrator accountability is rarely referenced. The same way students thrive within a consistent and safe environment in school, so do teachers. Many administrators are running their schools more like a wild reality show than a stable, supportive workplace. A survey from CCEA revealed that over 1,000 teachers stated they had a bad administrator in place. Teachers cannot work in an unstable environment where

spitefulness, negativity, and unprofessionalism reign supreme. I believe Senate Bill 292 (1st Reprint) will ensure administrators focus on setting the climate to build strong, supported educators and realize there will be consequences for not providing a consistent, professional environment.

I personally know three strong teachers who have taught in this district for many years who walked away midyear because of being at a school with a bad administrator. After being disrespected in the workplace, talked down to, and made to feel they were not a part of the team, they all decided to quit. These teachers experienced bad administrators at Title I schools, which have students with the greatest need. These teachers did not leave because of the student population or the parents, but directly because of the administrator. Poor leadership is the reason teachers are forced to leave students and communities they have grown to love serving.

There are many issues that make the job of a teacher difficult, and everyone knows that. We need strong administrators who want to build strong, cohesive teams and not create chaotic work environments. We need administrators who want to work with us and grow our potential so we can do the same for our students—administrators who will speak up for us and our students when issues arise instead of brushing aside our concerns about curriculum, testing, student attendance, or safety. This bill will ensure the administrators know this is a team effort, and if they cannot lead a successful team, they are accountable for that. Please give all teachers the support and security of a stable, cohesive working environment so we can focus our efforts on the teaching we would much rather dedicate our time to. For these reasons, I urge you to support Senate Bill 292 (1st Reprint). [Written testimony was also provided, [Exhibit F](#).]

**Chair Bilbray-Axelrod:**

Thank you. Next in Las Vegas.

**Greta Blunt-Johnson, Private Citizen, Henderson, Nevada:**

I support and urge your support of Senate Bill 292 (1st Reprint). I am a member of CCEA.

**Matthew Nighswonger, Private Citizen, North Las Vegas Nevada:**

I am a member of CCEA. I also wanted to speak in favor of this bill. The culture and climate of a school are created by the principal, and we need to hold them accountable for that. High levels of transfers indicate a hostile workplace. Teachers do not want to leave the school. They only leave when they have an overtly negative experience. If I were a teacher and 50 percent of my students requested a transfer to the counselors, I should not be a teacher anymore, and administrators should be held to the same standard. Unfortunately, with the merry-go-round of administrators in CCSD, school climates get disrupted much too frequently. This bill will help to force administrators to develop and cultivate a positive culture at their schools. Administrators need to be held more accountable than teachers. Right now, they have less oversight and less accountability than teachers. This has to change. Senate Bill 292 (1st Reprint) will help with that issue.

**Chair Bilbray-Axelrod:**

Is there anyone else in Las Vegas? It does not appear so. Is there anyone here in Carson City wishing to speak in support? [There was no one.] We will move to the phones. Is there anyone on the phone line calling in support?

**Jessica Jones, Private Citizen, Las Vegas, Nevada:**

I am a kindergarten teacher at a Title I school on the east side of Las Vegas. I am also the secretary of the Clark County Education Association. I wanted to call today in support of Senate Bill 292 (1st Reprint)—specifically when 50 percent or more of their staff are requesting to transfer to another school. When principals lose staff for two consecutive years, a deeper look needs to be taken at the leadership and climate in that school. Losing 50 percent of staff is alarming. I have taught at a school in Clark County where this has occurred. About six years ago at a Title I school, half the staff—which were predominantly veteran educators—transferred to other schools in the district. The administrator at that school created a very toxic work environment for the entire staff. I was confronted in the hallway and threatened in front of my students.

No one should ever have to experience any hostility in their workplace, but sadly, incidents like mine do occur. When an administrator loses 50 percent or more of her staff, there need to be mechanisms in place to hold them accountable, just as we have measures in place to hold our educators accountable for their job performance. We should have accountability for all district personnel—including administrators—and for these reasons I ask that you support Senate Bill 292 (1st Reprint). [Written testimony was also provided, [Exhibit G](#).]

**Chris Daly, Deputy Executive Director, Government Relations, Nevada State Education Association:**

Nevada State Education Association has been the voice of Nevada educators for over 120 years. The Nevada State Education Association is in support of S.B. 292 (R1). We pride ourselves on supporting or opposing bills based on the content, not on the sponsor. In particular, we are encouraged by language in section 2 which provides that for the first three years of employment, a principal is at will or probationary. That is an equity issue with teachers. We support S.B. 292 (R1).

**Dan Price, Private Citizen, Las Vegas, Nevada:**

I am a career and technical education teacher at Sunrise Mountain High School and a proud member of the Clark County Education Association. I am here today to speak in support of Senate Bill 292 (1st Reprint). I came into teaching from the private sector—both as a business owner and an employee of several major corporations. Management accountability has always been an important part of running any good business. School administrators—the people who are in charge of educating our students—do not have any. They can pretty much run their schools with very little accountability. They set the tone of education in the building for both educators and students.

This bill puts accountability back—just as I have to be evaluated in multiple observations a year, interview my students, and meet professional standards set by the state, administrators should have to do the same. If they are not doing their job correctly, they should be placed back on probation and helped to be a better administrator or be removed so someone more qualified can take over. If a large number of teachers are leaving the building year after year, the administration should be held accountable. I urge you to pass S.B. 292 (R1) and put equity and accountability back in our schools. [Written testimony was also provided, [Exhibit H.](#)]

**Robert Hollowood, Private Citizen, Las Vegas, Nevada:**

I am a proud member of the executive board of the Clark County Education Association. I am testifying today in support of S.B. 292 (R1). Teacher accountability has been the forefront of the conversation about improving student outcomes for the bulk of my career as an educator. Professional accountability means teachers cannot close their doors and teach any way they please. Data is gathered, observations and feedback are given, and adjustments are made to our educational practice over the course of a three-year probationary period.

In contrast, the one-year probationary period for school administrators has allowed them to be deemed postprobationary before the first set of the school's results under their stewardship is reported. Education data is constantly a trailing indicator, and even results from the school principal's first year are often the result of what a school's previous leader put in place. Only after the second year does their effectiveness begin to come into focus. School climate is a major factor in educators leaving a school and often the profession. As is the case in any industry, people do not quit jobs, they quit poor leaders. According to Superintendent Jesus Jara's testimony, Clark County School District has 1,400 vacancies in the current school year alone. This is why it is critically important to reinstate a three-year probationary period for school administrators. As the lead instructor of a school, those who rise to the decision should be held at least to the level of accountability as rank and file educators. It is time to end the double standard. I urge you to support S.B. 292 (R1). [Written testimony was also provided, [Exhibit I.](#)]

**James Frazee, Private Citizen, Las Vegas, Nevada:**

I am a classroom educator in CCSD. I also have the honor of being vice president of CCEA. This is not an anti-administrator bill. No competent principal is afraid of this bill. This bill only addresses the worst of the worst. Senate Bill 292 (1st Reprint) is a hundred percent about student achievement. Students do not come to and do not perform well in schools that have a toxic environment. Just as educators go wherever they feel needed and valued, this bill will not stop any competent administrator from going into a challenging school. I urge you to support S.B. 292 (R1).

**Vanessa Edmonds, Private Citizen, Las Vegas, Nevada:**

I am a veteran educator of over 20 years with the Clark County School District, and I am a proud member of the Clark County Education Association. Administrators make a profound impact on staff retention and successful student outcomes. Teachers and children flourish in a safe and stable environment. Just as educators and licensed staff are held under a

microscope with evaluations and survey results, administrators should also be held accountable for their results. It is an injustice and a disservice to a community when an administrator uses bullying tactics and creates a toxic workplace. Schools require an empathetic and developed leader, not an inconsistent entry-level manager. I urge you to strongly support teachers. Passing Senate Bill 292 (1st Reprint) will provide rehabilitation and accountability for administrators. I strongly support this bill. [Written testimony was also provided, [Exhibit J.](#)]

**Emily Poelter, Private Citizen, North Las Vegas, Nevada:**

I am a second-grade teacher at Berkeley Bunker Elementary School. I have taught at Bunker for 7 years and I have taught in CCSD for 18. I am speaking to you today to emphasize the crucial role that a principal's leadership plays in creating a thriving community. I learned from my experiences as a teacher that a principal's role is crucial in shaping the learning environment for students, fostering relationships between teachers, parents, and students, and establishing a positive school culture. This situation is all too familiar to me. I have experienced the destruction of my previous school community where I taught for 11 years, due to poor leadership. Poor leadership is all too common and routine in this district. The question we should be asking ourselves is not, Why is this happening, but, How do we stop it from continuing?

A principal's leadership style can significantly impact student achievement, teacher retention, and overall student success. Effective principals are known for leading with vision, building a strong sense of community, and creating a culture of trust and collaboration. We had all of this before, for years, at Bunker. Seeing, feeling, and living the purposeful dismantling of something we worked so hard to build is disheartening. This supportive, loving, thriving community of learners is no more.

A principal's leadership is particularly critical in building a sense of community within a school. When a principal chooses to close the door to teachers, parents, and students; when a principal does not share the vision of the school; when a principal does not hear our voices; when a principal does not foster a sense of belonging for teachers, parents, and students; a school inevitably collapses. You cannot snap your fingers and magically bring back this mangled community. Bunker did not need to be torn apart to gain any potential. We had a vision for our school community success. We recently became a designated STEM school. We had a vision for our future. We had motivated veteran teachers working together, striving to push our school forward in our vision. Now that vision is lost, and the Bunker community will never be the same. In summary, a principal's leadership is a critical factor in the success of a school. By holding principals accountable for building a strong sense of community and fostering trust and collaboration amongst all stakeholders, Senate Bill 292 (1st Reprint) can provide the ongoing support and supervision needed to create a conducive learning community. [Written testimony was also provided, [Exhibit K.](#)]

**DeCuba Porter, Private Citizen, Las Vegas, Nevada:**

I work at Parson Elementary School, and I am a proud member of CCEA. I am totally in support of Senate Bill 292 (1st Reprint). I have been an educator for 17 years. Six of those years, I worked as both a principal and an assistant principal of turnaround schools. I happen to be in a building with great administrators. However, I understand this is not always the case. I feel it is our duty to ensure the leader of the school knows how to lead in a way that produces a positive school climate and culture. A positive school climate is necessary for staff retention, which leads to better teachers, which in turn leads to higher quality of education for students. In education, accountability is paramount. This bill would allow for accountability among administrators. Any great leader would agree with the provisions of this bill. [Written testimony was also provided, [Exhibit L](#).]

[\[Exhibit M\]](#) was submitted in support of S.B. 292 (R1) but not discussed and is included as an exhibit of the hearing.]

**Chair Bilbray-Axelrod:**

With that we will close support testimony and move to opposition. Is there anyone here? Go ahead and fill those seats. Is there anyone in Las Vegas? I am not seeing anyone. So please begin, here in Carson City.

**Jeff Horn, Executive Director, Clark County Association of School Administrators and Professional-Technical Employees:**

I represent over 1,400 CCSD administrators, of which nearly 98 percent are members. Out of those 1,400-plus administrators, I represent each of the more than 360 site-based principals. The Clark County Association of School Administrators and Professional-Technical Employees (CCASAPE) supports section 2, subsection 1, requiring a three-year probationary period for all newly hired principals. We believe this is fair and reflects similar requirements for other licensed staff. However, CCASAPE believes section 2, subsection 2 and beyond describes a seldom, if ever, set of circumstances that ultimately would end in the dismissal of a veteran CCSD administrator. This bill would forego any opportunity for due process or progressive discipline and does nothing to address or hold principals' supervisors accountable for this unlikely set of circumstances. To my knowledge, since the star ratings have been in place—which I believe is ten years—not one principal would have met the criteria for dismissal as outlined in this bill.

The Clark County Association of School Administrators and Professional-Technical Employees believes site-based administrators should be held accountable and all schools must be led by individuals who create nurturing and supportive educational environments. I appreciate recent conversations with Senator Pazina and her willingness to meet and discuss concerns with us, CCASAPE, and other stakeholders in the near future. I am optimistic we will be able to effectively address the underlying concern regarding instances of poor school climate and culture. I appreciate your consideration.



**Freeman Holbrook, President, Washoe School Principals' Association:**

I represent 98 percent of the administrators in Washoe County. I have submitted some additional notes as well [[Exhibit N](#)], but today I am here to voice our complete opposition to Senate Bill 292 (1st Reprint). Please, please listen to the people who can speak from practice. Unlike many of the individuals who have spoken to you today, I have been a teacher in Nevada, but I have also been a dean, an assistant principal, and a principal. I can tell you this because each time I was promoted, I went through another probationary cycle and was held to the expectation suited for my position. This bill creates an inequity in expectations, and I get nervous that the next step will be holding teachers to this level of accountability with language such as "at-will employees," "dismissed," and "remove" when a student wants out of their classroom. We already have in practice today probationary periods for all administrators identical to those of teachers, which I put into the notes I submitted to you today.

Once a teacher is promoted into administration as an assistant principal or any administrator position, he is put into the same exact probation cycle again. When he is promoted within our membership to principal, he enters that probation for a third time. I have now been through that probation three different times, with three years each time. In Washoe County that is identical to what a teacher would go through. An administrator must enter effective or highly effective every step of the way to enter, or they will also enter a peer review assistance program identical to that of a teacher. They are receiving the same support and the same mentorship. To make it to the postprobationary stage of administration, you must have made it through those three cycles of probation with the option of support throughout the way.

Senate Bill 292 (1st Reprint) would negatively and immediately affect some of our students and staff who need our strongest leaders. Senate Bill 292 (1st Reprint) moves forward an equity gap that already exists and will become worse. Veteran and well-established principals will naturally flow towards schools where students and families have all the support they need and, although outside influences can affect the education of any student, it is not as affluent at these schools. Younger and first-year principals will only have opportunities to apply at schools where they are now going to be at will, with an uphill climb due to some outside influence they may not be able to control.

**Chair Bilbray-Axelrod:**

Is there anyone else here in Carson City?

**A.J. Delap, representing Nevada Association of School Administrators:**

We, as well, are in opposition to the bill—specifically the language beyond section 2, subsection 1. We are going to jump into section 2, subsection 2, which is the language that speaks beyond the probationary period and such. We have had conversations with the bill sponsor and are encouraged by that. We are looking forward to those possibly occurring next week. There are stakeholders who are going to be involved in that. I am very appreciative of that opportunity to express our concerns.



**Chair Bilbray-Axelrod:**

We will go to the phone lines. Do we have callers in opposition? [There were none.] With that, we will move to neutral. Is there anyone wishing to testify in neutral? [There was no one.] Presenters, do you have any closing remarks?

**Marie Neisess:**

I want to be clear: This bill is not meant to be punitive. It is meant to provide support, so we have the best leaders at every building. We want there to be an effective administrator at every school, and we want our schools to have a positive collaborative environment so teachers can teach and students can learn.

**Francesca Petrucci:**

I want to echo what Ms. Neisess stated. This is about culture and climate. This came up before, so I want to reiterate—this does not disincentivize principals from going to challenging schools. Again, there is no shortage of principals. These folks are chomping at the bit to get in these positions. The goal of this is to really foster good culture and climate at these schools. As Ms. Neisess alluded to, she was at an at-risk, Title I school where she had spent most of her career until an ineffective administrator came to the school. This is solely about fostering positive culture and climate at the schools, which will, in effect, really help these challenging schools.

**Chair Bilbray-Axelrod:**

I will close the hearing on S.B. 292 (R1). This brings us to our final agenda item which is public comment. Is there anyone wishing to provide public comment? [There was no one.] Our next meeting will be on Thursday, May 4, 2023, at 1:30 p.m. We are adjourned [at 4:08 p.m.].

RESPECTFULLY SUBMITTED:

RESPECTFULLY SUBMITTED:

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Funmi Sheddy  
Recording Secretary

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Geigy Stringer  
Transcribing Secretary

APPROVED BY:

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Assemblywoman Shannon Bilbray-Axelrod, Chair

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

## EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is written testimony submitted by Adam Johnson, Board President, Charter School Association of Nevada, in support of Senate Bill 114 (1st Reprint).

[Exhibit D](#) is written testimony submitted by Anthony Doucette, Private Citizen, Reno, Nevada, in support of Senate Bill 114 (1st Reprint).

[Exhibit E](#) is written testimony submitted by Angela Pisciotta, Private Citizen, Las Vegas, Nevada, in support of Senate Bill 114 (1st Reprint).

[Exhibit F](#) is written testimony dated May 2, 2023, submitted by Angie Joye, Private Citizen, Las Vegas, Nevada, in support of Senate Bill 292 (1st Reprint).

[Exhibit G](#) is written testimony dated May 2, 2023, submitted by Jessica Jones, Private Citizen, Las Vegas, Nevada, in support of Senate Bill 292 (1st Reprint).

[Exhibit H](#) is written testimony dated May 2, 2023, submitted by Dan Price, Private Citizen, Las Vegas, Nevada, in support of Senate Bill 292 (1st Reprint).

[Exhibit I](#) is written testimony dated May 2, 2023, submitted by Robert Hollowood, Private Citizen, Las Vegas, Nevada, in support of Senate Bill 292 (1st Reprint).

[Exhibit J](#) is written testimony dated May 2, 2023, submitted by Vanessa Edmonds, Private Citizen, Las Vegas, Nevada, in support of Senate Bill 292 (1st Reprint).

[Exhibit K](#) is written testimony dated May 2, 2023, submitted by Emily Poelter, Private Citizen, North Las Vegas, Nevada, in support of Senate Bill 292 (1st Reprint).

[Exhibit L](#) is written testimony dated May 2, 2023, submitted by DeCuba Porter, Private Citizen, Las Vegas, Nevada, in support of Senate Bill 292 (1st Reprint).

[Exhibit M](#) is a compilation of letters, dated May 2, 2023, from members of Clark County Education Association, in support of Senate Bill 292 (1st Reprint).

[Exhibit N](#) is written testimony submitted by Freeman Holbrook, President, Washoe School Principals' Association, in opposition to Senate Bill 292 (1st Reprint).