

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

**Eighty-Second Session  
May 4, 2023**

The Committee on Education was called to order by Chair Shannon Bilbray-Axelrod at 1:42 p.m. on Thursday, May 4, 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 Scott Hammond, Senate District No. 18:

**STAFF MEMBERS PRESENT:**

Alex Drozdoff, Committee Policy Analyst  
Asher Killian, Committee Counsel  
Cameron Newton, Committee Counsel  
Nick Christie, Committee Manager

Minutes ID: 1009



Funmi Sheddy, Committee Secretary  
Natalie Dean, Committee Assistant  
Ashley Torres, Committee Assistant

**OTHERS PRESENT:**

Tami Hance-Lehr, CEO and State Director, Communities In Schools of Nevada  
Alex Bybee, Chief Strategy Officer, Communities In Schools of Nevada  
Eloisa Garcia, Site Coordinator, Communities In Schools of Nevada  
Tina Ashdown, Program Facilitator, Nevada Youth Legislature  
Stella Thornton, Youth Legislator, Senate District No. 16  
Nicholas Murray, Director, Neuromechanics Laboratory, School of Public Health,  
University of Nevada, Reno  
Frank Sakelarios, Teacher, Carson City School District  
Adam Hunsaker, Head Athletic Trainer, Carson City High School  
Elyse Monroe-Marsala, representing Nevada Public Health Association  
Andrew Feuling, Superintendent, Carson City School District  
Erin Been, Private Citizen, Carson City, Nevada  
Paula Cook, President, Nevada Occupational Therapy Association  
John Rider, Associate Professor, School of Occupational Therapy, Touro University  
Nevada  
Erica Roth, Government Affairs Liaison, Deputy Public Defender, Washoe County  
Public Defender's Office  
John J. Piro, Chief Deputy Public Defender, Legislative Liaison, Clark County Public  
Defender's Office  
Chris Daly, Deputy Executive Director, Government Relations, Nevada State  
Education Association  
T.J. Milk, Private Citizen, Las Vegas, Nevada  
Donnie Nelson, Executive Director, Nevada Interscholastic Activities Association  
Lori Lotts, Assistant Director, Nevada Interscholastic Activities Association  
Paul Anderson, Legal Counsel, Nevada Interscholastic Activities Association  
Linda Cavazos, Private Citizen, Las Vegas, Nevada

**Chair Bilbray-Axelrod:**

[Roll was taken. Committee rules were explained.] We are going to hear a presentation and two bills. We will begin with the presentation from Communities In Schools of Nevada, then we will hear Senate Bill 80 and Senate Bill 196 (1st Reprint). I will now open the presentation for Communities In Schools of Nevada, which will provide an overview of integrated student support. To present, we have Tami Hance-Lehr, chief executive officer and state director, Alex Bybee, chief strategy officer, and you also have one of your site coordinators. We are very excited. Please go ahead when you are ready.

**Tami Hance-Lehr, CEO and State Director, Communities In Schools of Nevada:**

Thank you, Madam Chair and members of the Committee. It is an honor to be here.

**Alex Bybee, Chief Strategy Officer, Communities In Schools of Nevada:**

Good afternoon, Madam Chair and members of the Committee.

**Eloisa Garcia, Site Coordinator, Communities In Schools of Nevada:**

Good afternoon, Madam Chair and members of the Committee. I serve as a site coordinator at Tom Williams Elementary School.

**Tami Hance-Lehr:**

Communities In Schools of Nevada serves 92 Title I and high-need schools across our great state, in four school districts encompassing Clark, Washoe, Humboldt, and Elko Counties.

**Alex Bybee:**

To get our presentation started, we will discuss the importance of wraparound supports for our students and our families [page 3, [Exhibit C](#)], recognizing that not every student comes to school ready to learn, given the barriers that exist in their lives outside of the classroom.

A staggering number that is no surprise to this Committee but certainly is for some members of the public who need to be reminded is, nine in ten Nevada schools are Title I eligible, meaning 40 percent or more of the student population enrolled in that school building is eligible for free and reduced-price lunch, and there are barriers to access for necessary supports and services that cause systemic issues to persist for families, from housing and health care to education and criminal justice. We know communities of color and low-income families disproportionately experience the inequities within our public education system.

The cause of this is, of course, a lack of resource availability, generally, in public education but also in systems for health and human services, the other component we wrap our students and families in support with. It is really about both of those systems lacking sufficient resources to meet the needs of kids and families and also households, as is stated in the second paragraph [page 3]. Given inflation and other current economic conditions, households, in addition to the systems designed to support them, are experiencing the crunch of providing basic needs for their children. Even when there are existing resources and services, they are often in a decentralized and confusing maze of bureaucracies that, for any family to navigate, is a full-time job in and of itself just to exercise the services to which they are entitled.

At Communities In Schools, we believe, and the evidence shows, the solution is a one-on-one relationship with a caring adult whom we call site coordinators, one of whom is with us at the table today, Eloisa Garcia, who has been with us for 11 years. It is that relationship and building those consistent and sustainable relationships and earning the trust of the communities we serve where our site coordinator has become a trusted link to existing resources to eliminate barriers to academic success. Our data show a simple truth we will get into later in the presentation, which is that when you meet students' needs, they do succeed.

**Tami Hance-Lehr:**

Across Nevada, we serve 92 schools. We have been in our state for 19 years; we are proudly still in the school where we started, Martinez Elementary, located in southern Nevada. We are a statewide organization [page 4, [Exhibit C](#)]. You will often hear us say we should be in every Title I or high-need school across Nevada. We will talk a little bit about that as we do our presentation. We are part of a national organization. Our national organization is in 26 states and the District of Columbia. Nationally we serve about 1.6 million students. Proudly, we are the fifth-largest office of that national organization. I also should mention that every dollar we raise here in Nevada stays here in Nevada. Our national organization fundraises for itself and therefore we do not have to give it any additional dollars, which is important to note. We are also proud we have 174 full-time employees across the state because every time we put a site coordinator in a building, that is a full-time, well-trained position. They continue to work, as Eloisa will show you, in our schools today. We currently serve over 90,000 students, and with our Tier 1 supports provide case management to about 5,000 students, which is that one-to-one relationship. You can see the breakdown [page 4]: In southern Nevada, we are in 65 schools; in western Nevada, which is in the Reno-Sparks area, we are in 13 schools; and in northeastern Nevada, we are in 14 schools between Winnemucca, Wendover, Elko, and so on.

How do we do it? Our model is a three-tiered approach. As you heard, the model really is the full-time case manager, but one of the things Communities In Schools continues to do is we make sure our approach is the same throughout all 92 of our schools, yet the way in which we get there continues to be a little bit different. I will tell you why. The first thing we do when we go on a school campus is we conduct a needs assessment [page 5]. Our site coordinator sits down with their program director, we sit down with the principal, we sit down with their multi-tiered system of support teams, and really decide what the needs of the school are. Do we need to focus on attendance? Do we need to focus on behavior? Do we need to focus on coursework? That is a tier-wide goal we do for the entire school. We also analyze who the other community partners on the campus are currently and how can we continue to work with them. The other thing we analyze is, who are the community partners that we do not have in a school building, and what do we need? Maybe the school is in a food desert, and we need to bring in some additional food securities. Mental health continues to be an issue. In our rural areas, we brought in some telehealth in partnership with University of Nevada, Las Vegas, PRACTICE [Partnership for Research Assessment, Counseling, Therapy and Innovative Clinical Education]. We really analyze what our communities need and how we can continue to support them. From that meeting and those dialogues, we create a school support plan. That means 92 school support plans across the state, and each one has a different goal. As I mentioned, a school may choose to focus on attendance and reducing chronic absenteeism, behavior, and so forth. That is our integrated student support model for the entire school.

Another Tier 1 support I should also mention is our resource room, which you might have walked by on the first-floor lobby. That is an exact replica of a resource room we would put in an elementary school. In addition to it being a safe place for our kiddos if they need to

cool off or grab a snack, they can also get any basic needs they might need. That is in every single school; it could be a classroom, it could be a portable, but those needs are certainly given at that particular time.

The next part is really where the magic happens, and that is that one-to-one relationship with a caring adult. Integrated student supports [page 6, [Exhibit C](#)] means our site coordinators case manage between 50 and 55 students on a school campus. They work with them one-on-one to decide what the barriers are that are keeping them from coming to school and being successful. They work with them on attendance, they work with them on coursework, they work with them on behavior, could be social-emotional needs, and they do one-on-one check-ins: checking in on their grades, checking in on what may be going on at home. Maybe some things that are going on at home are contributing to how they are showing up at school, and how can we help with that? Every one of our case-managed students needs to have parent or guardian approval for that; they have to sign for that, which also allows us to meet with the families, talk to them about what else is going on in their lives and how else we can support the families. Many times, the students need that additional support and so do the families. Our site coordinators not only work with the families but, then again, they bring community partners into the family level so we can help work with them as well. When we meet our students where we are, we know we can be successful, and we know we can continue to make sure we show up each and every day for our students. A little bit later in the presentation we will talk about those outcomes and those impacts from that.

I will set the stage for our next slide [page 7]. Our national organization created this video. We had site coordinators who were reunited with the students whom they case managed a few years later, and they just talk about the impact and the outcomes from that relationship.

One of the other big successes about having Communities In Schools on a school campus is, we support educators and administrators and our school staff. We know our educators and administrators cannot do this work alone. When you put Communities In Schools on a campus, you are able to have our teachers and our administrators have students come to the resource room; we can solve all those barriers for them and allow your teachers to focus on educating. That is what is so important. The other thing is, we cannot do this work alone. We need all of you and we need the 120 partners we partner with across Nevada to bring their resources to the table, to make sure that every one of our students has a fighting chance.

In every one of our school districts and in every one of our affiliates, we make sure we partner with every single organization to make sure we can meet every one of our students where they are [page 8, [Exhibit C](#)]. In Elko, for example, there was not a weekend food bank program. There was not really a food bank there that was active in that Elko space, so we created the program, and we do our own weekend food bags. In southern Nevada, we would partner with Three Square and do that with them. We never want to duplicate services, but if there is not a service and we need it, it is definitely something we will work towards to make sure we can partner with every one of our partners.

**Alex Bybee:**

One of the important things for us in Communities In Schools nationally, and particularly when we are appearing before a policymaking body, is we want to be sure we are citing our evidence base and we are talking about the independent evaluations that have been done on the efficacy of the model so it is not just a bunch of folks who see the impact and know the good work, but we have people coming in to do oversight and accountability for the work we do.

Every three years we go through a rigorous reaccreditation process with our national network [page 9]. We have to meet certain program standards and outcomes to maintain our status as an affiliate of Communities In Schools. Our national organization hires independent evaluators every five or seven years to come in and do an independent evaluation of both our Tier 1 schoolwide supports and those impacts, and also the Tier 3 case management supports and how those two different interventions are supporting student success. We also are the only evidence-based provider of wraparound supports in the state of Nevada as registered with the Department of Education. We meet all four tiers of evidence under the federal Every Student Succeeds Act, which moved towards encouraging school systems to encourage evidence-based programs for the investment of public dollars.

I will not read the slide because it is text-heavy and it is late in session [page 10, [Exhibit C](#)], but it is available for you. We are conscious of our role in the broader ecosystem. We know Communities In Schools is a partner to the State. We want to ensure we are aligning our programs, our strategies, and our goals to the work that the Department of Education and the State Board of Education have done to create the state improvement plan [Statewide Plan for the Improvement of Pupils] and looking at alignment towards other school districts' strategic plans to ensure we are helping the system meet the objectives that are identified, one of which is ensuring every student graduates career-, college-, and community-ready.

This is a little bit of our data and our impact [page 11]. As Tami mentioned, at both the school-wide and the case management level, based on the needs assessment and the school administration and surrounding community, we identify a primary goal for that school for the year, which is either attendance, behavior, or coursework. The research shows attendance, behavior, and coursework are what are called the early warning indicators to a student's likelihood to disengage academically or drop out. If you are seeing a decrease in their attendance, increased behavior incidents, or their course performance is declining, those are early warning indicators for a student's likelihood to drop out. You will see on this slide some of the data showed 70 percent of the students we serve improved their attendance in the last academic year, 83 percent improved their behavior, 79 percent improved their coursework, and 94 percent of the high school seniors we case-managed graduated high school.

Our academy program is a credit retrieval program for credit-deficient high school juniors and seniors that is active on several high school campuses throughout the state. That is taught by a licensed educator. Communities In Schools buys their prep buyout, and they teach that class on our behalf. All the students in that class are also case-managed by a site

coordinator. We are surging supports and resources to our students who have fallen behind in their junior and senior years to get them across the finish line. Ninety-seven percent of those students who were not on track to graduate when they started our program went on to graduate in the last academic year.

As we are thinking about alignment to federal and state policy [page 12], the U.S. Department of Education, in their COVID-19 Reopening Handbook, named Communities In Schools as an evidence-based provider of integrated student supports that state education agencies and school districts and state legislatures should consider when allocating federal relief funds. In the 2017 Session, the Legislature passed Assembly Bill 275 of the 79th Session which required the establishment of a statewide framework for integrated student supports, of which we are the only statewide provider helping to implement those plans. In the 2019-2021 Interim as well as the 2021-2023 Interim, the Legislative Committee on Education voted unanimously in both interim sessions to provide funding for wraparound supports should that funding become available. Given the disruptions to learning the closure of school buildings caused and the subsequent disengagement academically of so many of our students and the ongoing mental health crisis, Communities In Schools (CIS) is seeing an increased demand for services both at the Tier 1 schoolwide level and also at the Tier 3 level, with more students expressing a need for case management and support.

Tami Hance-Lehr is going to close this out, and then we will turn it over to Eloisa Garcia to offer some remarks from a site coordinator's perspective.

**Tami Hance-Lehr:**

It is our goal to fulfill our promise to every student in Nevada. We are currently in one in five Title I or high-need schools across the state. You will often hear us say we should be in every Title I school. Currently, there are 400 Title I-served schools across the state, so we still have a long way to go. One of the other ways we grow within our organization is, we grow very, very thoughtfully and succinctly in feeder patterns. When we are growing—and when Eloisa talks about her work in Tom Williams Elementary—it is our goal that eventually we will be in their feeder middle school, their feeder high school, so we have that continuum of care completely through a student's education. That is the other way in which, when we are talking about how we are growing, we are growing very, very thoughtfully and that is across all of our school districts.

I do want to mention, we currently have a Senate bill, Senate Bill 189. This would provide \$6.9 million over the biennium which would help us grow, as I just mentioned, in this continuum of care, adding more schools across the current four school districts we are in. It is our commitment to the state of Nevada that we would also add another school district, and we would want to work with our legislators and our school districts and the Nevada Department of Education to decide which school district that would be. We also want to deepen the impact in our current schools. A lot of our schools have over 1,000 students with one site coordinator. Case managing more than 55 is not always obtainable, so adding

additional site coordinators to those school campuses would also help us make sure every student has access to CIS. We humbly ask you to vote yes on Senate Bill 189. With that, I turn it over to my esteemed colleague, Eloisa Garcia.

**Eloisa Garcia:**

I serve as the site coordinator for Communities in School at Tom Williams Elementary School. I have been with CIS now for 11 years. I have been part of the inaugural CIS of Peninsula cohort, which is an opportunity for a site coordinator, like me, and alumni to receive training in a cohort of our peers on policy advocacy, public speaking, and media skills. I applied and was selected based on my commitment to the CIS mission and my desire to support CIS of Nevada's priorities with elected officials and with our media partners.

This is my story. Be the adult you needed when you were a kid. Be the adult you needed when you were a kid is a quote I live by. When I first heard these words, it changed my perspective on life and on the work I do. It made me realize the opportunity I have to serve others in need. I know firsthand how it feels to not have your basic needs met at home and try to function at school as if everything is okay. From worrying if the utility bill and rent were paid to constantly thinking about where my next meal was coming from, these stressors affected my personal well-being and ability to be fully present in school. All these realities about my basic needs, including food and shelter, on top of the expectations to have school supplies in my backpack, turn homework in on time, learn and participate in class and pass tests, left me feeling anxious, stressed, hungry, and cold while I was at school.

Now, as a site coordinator, I get to be the adult I wish I had as a kid. Working at Communities In Schools has allowed me to serve my community and to be a caring presence to kids who face struggles similar to the ones I experienced while in school. When students have a caring adult and their basic needs are met, they are likely to report strong social-emotional well-being, avoid risky behaviors, and achieve better academic outcomes. That is a win for them, and it is a win for all of us.

As a site coordinator, I help both the students and their families. I try to provide a community of support for them. I strongly believe it takes a village to raise a child, and I try to build that village at Tom Williams Elementary School. I surround my community of all our students, particularly those in need. Helping families meet their basic needs, such as food, housing, and health care, means less stress, which allows them to provide the critical support children need to grow into healthy adults: their love, their time, and their attention. Thank you for listening to my story and thank you for the work you do every day for Nevada students.

**Tami Hance-Lehr:**

Thank you, Eloisa for that. Madam Chair and members of the Committee, thank you so much for allowing us to present today. We will take any questions.

**Chair Bilbray-Axelrod:**

Members, do you have questions?



**Assemblyman D'Silva:**

Thank you for your great presentation. Ms. Garcia, it is good to see you. Ms. Garcia taught with my mom at Tom Williams when my mom was at Tom Williams before moving on to Marion E. Cahlan Elementary. As a teacher myself at Rancho High School, which has a Communities In Schools program on-site, I know about the awesome services you provide and the great resource you are for our young people. My question is, how would one go about partnering with Communities In Schools? I know you have a pretty avid list of organizations you work with. If there are any other organizations in the community or outside of the state, even, that would want to partner with Communities In Schools, what is the process for that?

**Tami Hance-Lehr:**

Partnering with us is pretty easy. In southern Nevada, we have an executive director, Debbie Palacios, who runs our southern Nevada operation. We can follow up and give you her information. She would be the one to reach out to. One of the things we do within Communities In Schools is have a local leader who runs that organization, so partnering with her would be the very best step, so we can do a site visit mutually and see the ways in which we can partner.

**Assemblywoman Mosca:**

Thank you for this. In my work, we really care about long-term results and longitudinal outcomes, so our young people can be in these positions of power in the future. I know you have some examples, too, of long-term successes for young people, if you could share for the record.

**Alex Bybee:**

We share the desire for long-term impact for the students whom we serve. We know there is more work to be done to provide additional support to our students after they cross the finish line in high school. One of the commitments in our three-year strategic plan is building out our alumni supports and continuing to provide care for our young people once they cross the finish line.

Informally, our site coordinators, because they develop such strong connections and relationships with the students they serve, become a resource to the students who graduate from our program. They oftentimes informally refer back to our site coordinators for access to information, services, and resources. We do not capture all that goodness because we are a K-12 organization nationally that is looking to dream beyond a high school diploma for our young people, so most of the examples of success beyond completing high school are anecdotal. We do have Treasure Monroe with us in the building today. She is one of our alumni who graduated from Desert Pines High School last year. Treasure is up here meeting with legislators, and she wants to become a marine biologist. She is pursuing her education to complete the training she needs to fulfill that dream. In terms of hard data that show postsecondary plans, we do have data that show students have tangible plans, whether enrolling in the military, a two- or four-year degree, or a vocational program. Our ability to then track whether those plans materialize is currently limited.

If you like, Assemblywoman Mosca, I am going to make a note and we will follow up with the data that show what the postsecondary plans of our young people are, because the ambition is there. The desire is there. The brilliance is there, and then once they lose the support of a program when they turn 18, as you know in your work with Leaders in Training, it becomes difficult to persist in those postsecondary programs.

**Assemblywoman Taylor:**

Thanks to all of you for being here; Mr. Bybee, it is always good to see you. I have a bunch of thoughts in my head, so I want to try to frame this as best I can from a question standpoint. My colleague, Assemblywoman Mosca, was asking what happens after the students leave. That led me to think about the connective piece. The work you do is demonstrated. This is evidence-based. It is making a difference in those schools you are in. I know you want to go into more schools and certainly, there is a need for that. Other than your wanting to be in more schools, what is an area that you think we still have a need in to be able to support our students? This Education Committee and people who are not our colleagues, not even in this Committee—we all talk about education and how important it is. Is there an area of need you think we are missing—other than your going into more schools?

**Tami Hance-Lehr:**

Eloisa said more site coordinators, so I am going to throw that back out there. In addition to more site coordinators, the biggest need I see right now that is certainly going to be no surprise to everyone in this Committee is mental health supports. The lack of access to mental health supports, especially for a lot of our families who are currently in Medicaid, continues to be a barrier; there is not enough. The other thing is—and we know there is a challenge—we need more caring adults in school buildings, on school campuses. We need more counselors; we need more social workers; we need more teachers. We know that, but teachers need more of the other supports so they can teach and focus on that. That is a big barrier as we talk about supporting our kids and making sure they get all the way through.

**Assemblywoman Taylor:**

I appreciate that. Many of those things we have talked about in this Committee and others. The main thing, if you want to support our students as best we can, is you are in the buildings, and that is what you do. Your insight on that is very helpful. Thank you.

**Alex Bybee:**

Mental health, I want to underscore. Also, affordable housing in terms of the transiency that we see and the housing instability. For our young people to have so much inconsistency in where they are going to lay their head at night causes stress that impacts their well-being and their ability to focus and concentrate in school and their academic performance. Food insecurity also continues to be a concern, particularly with the reduction in SNAP benefits and the reduction in federal aid around universal school lunches.

I am going to follow up with the Committee on this particular statistic and cite the information in my follow-up, but Dr. Marc Brackett does research on emotional wellness. In his book called *Emotional Intelligence*, he cites a statistic that says only one in four young

people in this country have a consistent, caring adult they can point to on a school campus whom they can turn to, who is not responsible for grading them and who is not responsible for disciplining them. We talk a lot about the supports, but it is also the relationships our young people need to feel loved and seen and like they belong. I cannot overstate enough that just feeling connected to the adults in the building and feeling a sense of safety, emotionally, is also a crisis in our schools beyond just the tangible supports of housing, mental health, and food insecurity. It is the intangible, invisible, supports of care, attention, and love. Because our educators are so overwhelmed with the conditions in our school buildings, their mental health is also suffering and, therefore, you cannot give what you do not have.

**Assemblywoman Taylor:**

I appreciate that. Very well stated.

**Assemblywoman Hardy:**

It is good to see you both. I have said many times what a great program Communities In Schools is. I had the opportunity to visit a school in my district, and I was so impressed with the resources and the practical things that these kids need to help them be successful. I just wanted to say that. Then my question is, in your presentation you said you have 15 schools on the waiting list and expect it to grow to 30 more schools. Could you give us some information on how you decide which school comes off the waiting list? Obviously, money is a topic, but how do you decide who is next?

**Tami Hance-Lehr:**

Great question. Feeder patterns is, first and foremost, the way. That has been a new thing for us. Prior to about three years ago, we grew by word of mouth. If you were a vice principal at a campus and then you move to your own school and you did not have Communities In Schools, you would pick up the phone and you would call, and we would move to that school. We happily grew by just one or two schools, but after the pandemic the need for services on a campus was just so much more exacerbated. We saw what our kiddos were getting from a school building; we saw the need; we know our schools need to be a safe place. We went to our school district partners to say, We want to grow, and we want to be a really great partner for you just in the way we showed up for COVID-19. In a lot of our school districts, opening up some of those doors for additional funding was helpful for us, and then looking to them on where they want us to grow.

First and foremost, being a good school district partner is the best thing. We have had some of those conversations. We have grown in feeder patterns; that is where we are now. The 15 schools that are on the waiting list, which are currently sitting in southern Nevada right now, are schools that are not in feeder patterns right now but are high-need schools. We want to be able to unlock those doors. Some of those are maybe more rural areas in southern Nevada, maybe they are a little more Henderson areas, and general areas as well.

This year we are also partnering in southern Nevada specifically with Superintendent Jesus Jara on his Transformation Network. He has come to us and said, We want to focus on elementary schools, so we are working with him as well. In the Washoe County School District, we currently work with school district partners. In Humboldt County School District, one of the schools of the 30 we are growing into will be Albert M. Lowry High School. We are adding the high school there, which we are currently not in; we are in the middle and the elementary, so adding the high school will complete that feeder pattern.

In the Washoe County School District, we are currently at Natchez Elementary, which does serve some of our Native-American students, but the feeder school they will go into is Pyramid Lake, and that is currently not part of the school district. We are in current conversations with them to add them as part of our feeder and have a separate contract with them. We are being very thoughtful and very strategic about that. Trust me, if we could put every single school that calls us on a list, we would happily add them tomorrow, which is why we need Senate Bill 189.

**Assemblywoman Torres:**

Thank you for the presentation. I have no doubt that Communities In Schools is effective. Working as an educator, I have had the opportunity to work primarily in schools that do have Communities In Schools. In my role as a legislator, I partner with the programs in my district at Doris M. Reed Elementary and Western High School and a couple more elementary schools, specifically during holiday giving programs. I wanted to ask about something that was not specifically talked about in how we get Communities In Schools in schools—the cost. I am very familiar from conversations with the administration that there is a cost. I want to understand what that cost is and why, whether there are ever changes to that cost and what that looks like, and what those agreements look like between the schools and the program.

**Tami Hance-Lehr:**

We are proudly a public-private partnership. Our schools or our school districts—it works differently in each area—do pay a portion of our cost model. Our cost model is roughly about \$89,000 to put a full-time site coordinator in a school building annually. Our schools pay anywhere between 40 percent and about 60 percent of that cost-share model, depending on the relationships we have with the school district. Some school districts choose to have the school district pay it completely. Other school districts choose to have the principals make the decision and use their school budget to pay for that. In some cases, we are a hybrid model. Currently, in Clark County School District, we are a hybrid model where the school districts only pay a small portion of that. Through the ESSER [Elementary and Secondary School Emergency Relief] dollars, Clark County School District was able to meet our contracted rate, which was \$59,000 so that then we could grow into more schools, because if I have to privately fundraise from \$20,000 to \$89,000, obviously, it is much different to add in scale at that level. Being able to have our full cost model given is definitely something

that is more helpful for us to be able to scale and add more schools. Part of the reason why we are looking for additional dollars is so we can continue to grow at this capacity. There are a lot more than a school building in terms of just education. There is a lot of the health and human services we are providing; that is a big part of what we are doing.

**Assemblywoman Torres:**

Can you talk about the diversity of the teams? My understanding from working with site coordinators is they are generally a pretty diverse population. Can you talk about the diversity of the state-level team? I have worked with several CIS coordinators, and I have heard many complaints about the diversity within the state team. Can you talk about what that looks like, whether or not the diversity within the team is representative of the communities that Communities In Schools truly serves?

**Tami Hance-Lehr:**

The diversity of our organization is a big priority for us. As you mentioned, most of our site coordinators come from diverse backgrounds. Specifically, I always want to make sure we are hiring site coordinators who also are working with our students and making sure they are good role models for our students as well.

When I first started with the organization—I started as the chief executive officer in 2019—we were a staff of seven people. I have tripled the state team in order to make sure we have the supports needed across the state. Hiring a diverse workforce is certainly important for Communities In Schools. It is something we have been working on for the past several years in terms of making sure our directors and our senior leaders do come from diverse populations.

**Assemblywoman Torres:**

Can we get the demographics? That may not be something you can provide us at this moment. I just want to make sure we do not keep people within those positions because we are not promoting from within the site coordinators who are doing a phenomenal job. It happens all too often within organizations that the top looks different than what the bottom and the people working in the trenches look like.

**Tami Hance-Lehr:**

Assemblywoman Torres, we are happy to follow up with that.

**Chair Bilbray-Axelrod:**

If you can get that to my office, we will get it out to folks. We do have two bill hearings today, so we are going to move on. Thank you so much for being here on Communities In Schools Day. We look forward to hearing more great stories from you. I will close the presentation and will now open the hearing on Senate Bill 80, which is a legislative measure proposed by the Nevada Youth Legislature. This measure revises provisions relating to the prevention and treatment of injuries to the head. To present this measure, we have Youth Legislator Stella Thornton; Dr. Nick Murray, director of Neuromechanics Laboratory, via Zoom; Frank Sakelarios, teacher and athletic trainer and HOSA-Future Health Professionals

coadvisor at Carson High School; and Adam Hunsaker, teacher and head athletic trainer, also from Carson High School. Before we begin, we will hear a brief overview of how the Nevada Youth Legislature selected this measure prior to the bill presentation. Please go ahead when you are ready.

**Senate Bill 80: Revises provisions relating to the prevention and treatment of injuries to the head. (BDR 34-549)**

**Tina Ashdown, Program Facilitator, Nevada Youth Legislature:**

Good afternoon, members of the Assembly Committee on Education. I am nonpartisan staff and cannot advocate for or against any measure. Also here today is Youth Legislator Stella Thornton representing Senate District 16. She first proposed the education measure which the Nevada Youth Legislature (NYL) selected as their bill to be introduced during the 82nd Session of the Legislature.

I am appearing before you today primarily to share some background information about how the NYL selected this measure as its one statutorily provided bill. In August 2022 youth legislators participated in a comprehensive midterm training on bill draft request (BDR) development. They learned about drafting language, germaneness, fiscal impacts, and more. Prior to the September 21, 2022, meeting, 19 youth legislators submitted their individual ideas for the NYL's one bill. During that meeting, each youth legislator presented their proposal and answered questions posed by their NYL colleagues. During a vote at the end of the presentations, they narrowed their choices. The top seven BDR proposals were presented in more depth and discussed by the youth legislators at their October 20, 2022, meeting. They narrowed the seven proposals to the top two BDR proposals for further consideration at our November 2022 meeting which included full legislative hearings with expert witnesses for each measure. After comprehensive testimonies and careful Q and A with these witnesses, the NYL selected the concussion protocols BDR proposed by Youth Legislator Thornton.

Since the introduction of S.B. 80, Youth Legislator Thornton has heard from several interested parties who have offered some suggestions for refining the language of the bill. The NYL has not had the opportunity to discuss or vote on anything beyond what is included in S.B. 80. Therefore, no one from the NYL will be able to take a position on behalf of the NYL on any proposed changes. However, Youth Legislator Thornton can answer questions and share input as an individual youth legislator. It is now my privilege to introduce Youth Legislator Stella Thornton, who will handle the presentation of S.B. 80.

**Stella Thornton, Youth Legislator, Senate District No. 16:**

I am excited to present Senate Bill 80, which updates the state's Return to Play policies enacted in 2011 and creates Return to Learn policies for Nevada. This bill will provide clear guidelines and procedures for managing a student's traumatic brain injury (TBI) or concussion.

For the record these glasses are pretty rad because I have sustained a concussion and I need them for the lights and for the stress of the situation. I just wanted to put it out there. I know they are pretty rad, but I promise I can still see you. I would also like to say I am grateful for the Nevada Youth Legislature and the members who have written testimony; you can pull it up on the Nevada Electronic Legislative Information System (NELIS) for S.B. 80 today. I also have Adam Hunsaker to my left and Frank Sakelarios to my right. Also, I have Dr. Nicholas Murray from the University of Nevada, Reno Neuromechanics Lab, who will join us on Zoom afterwards to share their remarks and to answer questions.

The Centers for Disease Control and Prevention (CDC) states that concussions and traumatic brain injuries cause approximately 300,000 emergency room visits every year for youth, and those are only the ones reported. Traumatic brain injuries can cause difficulty in learning and behavior problems. Approximately one in five individuals experience mental health symptoms after a concussion or TBI as reported by a National Institutes of Health (NIH) study in 2019. If you do not understand how brutal concussions and traumatic brain injuries are, I am here, somehow still alive, to tell you not every injury is as prolonged and unhealed as mine; however, I am the example of why all students need this bill.

Last September, I was bucked off a horse, thrown in the air, and landed on rocky terrain on my head. The only reason I am here now is because luckily, I was wearing a helmet. Not at this time did I think I had a concussion, and if I am honest, I had barely ever heard of concussions before, nor did I think I would ever suffer one. The next day in school I could not focus. My head felt like a knife was stabbing through it. I felt like I had vertigo. I was nauseous. I had blurry vision. I could not concentrate. The light seemed way too bright, and everything sounded too loud. I felt like I was having a panic attack. My father ended up taking me to the emergency room and after a CT scan, I was diagnosed with a head injury. They told me I needed total brain rest. I was not allowed to go to school for two weeks. I could not be on any screens, and I spent most of my time in a dark room trying to recover. Being on no screens, I could not email my teachers to tell them I could not be in school as a junior, and my teachers did not know I was at home trying to recover.

I returned to school about a month after my first TBI. One month later, however, I suffered another concussion and was back in the emergency room. I ended up missing school for almost four months. At the time, I was taking five advanced placement classes and two honors classes. I had to drop most of these classes because of the workload. I was also not able to take the American College Testing test (ACT) as I could not take any standardized testing at that time. The ACT is mandatory for me to graduate. There is nothing in place to help a student like me, especially with a concussion, transition back into school.

In a journal article published by the *American Academy of Pediatrics*, Dr. Mark E. Halstead writes, "school officials often fail to recognize the need for academic or environmental adjustments" appropriate to ease the transition back to the school environment and recovery. I do not blame any of my teachers for their inability to understand or make accommodations for me, simply because most of my teachers have never received training on concussions or

had ever received a concussion before. Because of this lack of information, the school administration had no information, education, or direction in which to help me or my family or any other student who walks through those doors with a concussion. There was information at the school; however, it was only available to student athletes, not the general student population who obviously can all sustain a concussion. Luckily, I was fortunate enough to have two very supportive parents who were able to research the best ways to help me with my recovery in school.

Unfortunately, there is not enough information for the school personnel to truly understand what was going on and how to handle a student with a brain injury. Every day of my recovery was a fight to get the accommodations I needed to recover and return to school. My brain could not take the overstimulation of school, the fluorescent lights, the loud noises, the pressing crowds. Even today, my symptoms flare in stressful situations. The CDC states that because children's daily lives are centered in school, returning to class after a TBI is a critical transition. Learning, behavioral, and social problems can emerge over time as the school demands increase. Schools play an important role in managing a child's TBI. The more educators know about TBIs, the better they will be able to support students with a TBI in schools. This is why we truly need Return to Learn and more comprehensive Return to Play policies enacted into law.

This law will help all students in K-12 with head injuries or concussions on their road to recovery returning to learn and returning to sports. Nevada's Return to Play policies were first enacted in 2011 with the passage of Assembly Bill 455 of the 76th Session sponsored by Assemblyman Jason Frierson. Return to Play policies focused on ensuring the student athletes who had suffered concussions or a head injury were able to return to sports and activities safely. These policies involve a stepwise process of gradually increasing physical activity and monitoring a student athlete's symptoms and progress along the way. Return to Play policies are designed to help prevent students and student athletes from returning to physical activity, such as football or physical education, too soon, which could lead to a more severe injury or a prolonged recovery period. Return to Play policies are focused on ensuring a student who has suffered a concussion or other head injury is able to return to academic activities such as attending classes, completing coursework, or taking tests. These policies involve a gradual Return to Learn process in which students are progressively exposed to more challenging cognitive tasks as their symptoms improve. Return to Play policies also provide guidance to educators and school personnel on how to accommodate academic needs of students who are recovering from a head injury. By adopting Return to Learn policies, Nevada can ensure that students who have suffered head injuries receive the care and support they need to be able to recover safely and successfully while also reducing the risk of any further injuries or complications.

With your permission, Chair, I would like to turn it over to Dr. Murray to talk on S.B. 80 and the Nevada Interscholastic Activities Association's role concerning S.B. 80. He is on Zoom with us now.



**Nicholas Murray, Director, Neuromechanics Laboratory, School of Public Health,  
University of Nevada, Reno:**

Good afternoon, everybody. I am also a member of the Sports Medicine Advisory Committee for the Nevada Interscholastic Athletic Association (NIAA). I am here to provide some context to S.B. 80, provide some professional perspective, and also represent the various organizations that I am involved in.

To provide some context, over the last ten years, my expertise in this area is quite broad, but I have been involved in over 2,000 different cases of concussion management across various states, with a large bulk being now in northern Nevada. I have published well over 40 peer-reviewed articles on concussion diagnosis, management, and treatment. I am currently funded by the NIH and other organizations to study, essentially, how we accurately diagnose concussions and then get our athletes not only back to play, but back to the classroom effectively. I am the primary author of the updated NIAA Concussion Management Guidelines and, depending on what happens with S.B. 80, will be adjusting those here shortly. From the very start, I have been intimately involved with S.B. 80. Actually, Miss Thornton, who is amazing, by the way, has done so much on this process and done such an exceptional job. It is really a credit to her and her hard work. She was originally one of the patients assessed in our facility. From that point on and over the last three years, we have been working with each other in different ways. I have been intimately involved in helping to draft S.B. 80 alongside many others who have done an excellent job with that as well.

One of the things we need to really hammer down before we go forward is that we understand concussions are a serious problem and they are actively affecting our students, but they do not just affect our student athletes. Across the broad range of different students—student athletes, pupils, all different ages—concussions do not discriminate. Concussions occur across all levels, but right now, in our state, we are heavily concerned with what happens to our student athletes. Student athletes are incredibly important, but they are students first and athletes second. I really, strongly believe S.B. 80 brings us into the forefront in many different ways, first and foremost, by expanding our definitions to include "pupils," which are all students.

In case you are not aware, concussion is not localized damage to the brain; it is a metabolic disorder. That means, as you go about your daily activity, your symptoms can be transient and change. Unlike if you get hit on the side of the head and you have one localized area of damage, it does travel and can cause all sorts of different symptoms. For recovery and your brain to return to normal, one of the most important things is to limit the symptom provocation. It is hard for a lot of us, even as adults, to be able to understand our own limitations. Try asking a six-year-old who has had a concussion to stop doing the things he is doing because he enjoys them and, realistically, stop making himself worse. Most of us are going to sit down and actually take a step back if we are sick. However, most folks with concussions do not know they are getting worse throughout the day because our brain and body are really good at being able to stave off some of those symptomologies.

In general, concussion recovery varies in length, but ideally, if we stay just in our high school students, it takes on average 21 to 28 days to fully return to activity. Most folks do not know the statistics. It is variable and every single person is a little different and unfortunately, our females have a longer recovery window than others. If this injury incurs and is not diagnosed properly, the timeline increases dramatically for recovery. That is more than likely the case with most of our students; 50 percent of concussions go unreported. We need to be able to figure out adequately how to get them back into the classroom and back onto the field with possibly symptoms and lasting recovery. The literature also suggests that for every 15 minutes you continue to play your sports or you engage in select activities after the initial injury, you delay the recovery by as much as 2 to 3 days. If you can imagine being a student in the classroom and having migraine-based headaches for months, it is pretty devastating to not only the education and the cognitive prowess of the student, but also daily activity and daily life, not just to mention athletics.

The science is never settled, and this bill helps to reevaluate what we know. There are three important points I would like to make on this: One, it helps us with updating the concussion recommendations for diagnosis and some of the tools we can use. Two, it adds in a crucial component, also known as Return to Learn. That is one thing that has been missing for a great deal of time and, again, returning to the classroom is absolutely vital, and if we do not do it well, we are going to be really hard-pressed for these athletes to even get back to the field. Three, it expands it to all pupils and not just those involved in sports. That is vitally important because concussions occur in all walks of life. I remember taking my daughter to school a couple of years ago and a very young boy—I think he was around six—ran into a pole on the playground. Definitely, as a professional in the field, it looked like a concussion. I was not involved with the management of the case, but that is just a simple example of how that can occur anywhere, not only on our campuses, but also off our campuses. The bill helps to expand the definitions, helps to move us forward, and helps bring more care back to our pupils in this way, to help not only educate the folks around us, bring everyone back into unity, but really help bring us back into where the science stands to this point today. [Testifier submitted [Exhibit D](#).]

**Stella Thornton:**

Thank you so much, Dr. Murray. I appreciate it and I appreciate your coming on Zoom even with presentations and finals and such. Now Chair, with your permission, I would like to turn it over to both Adam Hunsaker and Frank Sakelarios to comment on this bill.

**Frank Sakelarios, Teacher, Carson City School District:**

Chairwoman Bilbray-Axelrod and members of the Committee, I am a teacher in the health sciences program. I am also an athletic trainer. Thank you for allowing me to offer my support of [Senate Bill 80](#). In my experience as an athletic trainer in the state of Nevada since 1994, I have witnessed and been a part of concussion protocols from the time when we just put athletes and students right back into normal activities, to the passage of the Concussion Bill with its Return to Play guidelines for our athletes, and now to this natural and great progression to the Return to Learn guidelines.

As both an athletic trainer and teacher, I have seen the effects on my students' grades and performance in the classroom after their head injuries. Also, as a survivor of a traumatic brain injury myself, I fully understand some of the struggles these students have to deal with on a daily basis. I can only imagine what our students are dealing with in their healing processes as well as the development of their brains during this crucial time. Recovery from traumatic brain injuries is a long-term process that takes many months and years before the brain is fully healed. I am experiencing this myself, to this day, and totally understand this now.

I believe, as a teacher and a survivor, that a Return to Learn policy would be beneficial for all of our students, not just our athletes, regardless of their age or activity level. Much like the current Return to Play policy for our athletes, there needs to be a Return to Learn policy for our students in the state of Nevada. We have to remember it is our job to protect all of our students in the state of Nevada, not just our athletes. As a teacher will I say, will this add an extra duty to what I already do? Yes. Is it totally worth it for me and the long-term health, wellness, and healing of our children to add this extra work? A hundred percent, absolutely. We have to remember that as educators it is our job to not only educate our students but advocate for what is right and best for them and their future. That is why I am here to give my support for Senate Bill 80. I feel this is what the Return to Learn policy will do for all of our students in the state of Nevada, and I put my support totally behind this bill.

**Adam Hunsaker, Head Athletic Trainer, Carson City High School:**

Madam Chair and members of the Committee, thank you for the chance to speak today. I am the head athletic trainer at Carson City High School, where I am also a science teacher. I am also here in support of S.B. 80. As an athletic trainer for the last ten years, I have dealt with dozens of athletes as they recover from concussions. The Return to Play process has always focused on returning the athlete to the athletic field through modified rest and a gradual return to physical activity while monitoring their symptoms and other physical and cognitive factors. This process has evolved over the years, and I believe is good at making sure athletes do not compete in sports until they are ready.

However, one frustration I have had is at no point in the concussion protocol are we given clear instructions on what to do with students who have suffered a head injury with regards to their schoolwork as they return to the classroom. Concussion protocols typically are only applied to those students who are participating in school-sanctioned sports. Head injuries, however, can happen to any student, and they need help as well. There is no defined Return to Learn plan that would help students recover from a brain injury currently. As an athletic trainer, I have in the past had to advocate personally to individual teachers for students with concussions who were struggling with academics post-concussion. The response from those teachers has been varied, from complete understanding and a willingness to help to being completely ignored because, in their opinion, the student seems fine. Misunderstanding what a concussion or head injury is can make it very difficult for students trying to recover from these injuries. What they need is time. Concussions slow a number of cognitive processes that make it difficult for a student to perform in school, especially when you factor in that they are still in varying stages of brain development from K-12. What they need is a

standardized plan that would provide that time and other accommodations that would help them not fall so far behind academically. This plan also needs to be able to be implemented quickly. Senate Bill 80 would provide that plan and would benefit all students in the state of Nevada.

When a student comes to school with a cast, on crutches, or in a wheelchair, even if it is a temporary condition, they are given immediate accommodations to have extra time between classes, possibly access to elevators, and preferred seating in classrooms, so they can still be successful while they recover from their injury. Concussions are unseen injuries that also need immediate accommodations. These would be things like reduced workload on assignments, rescheduling of tests and exams, and extended due dates, to name a few—many of the same accommodations we see in a standard individualized education plan (IEP) or 504 Plan [Section 504 of the Rehabilitation Act of 1973]. However, in the case of students with brain injuries, these accommodations need to be implemented quickly, much more quickly than the standard IEP or 504 process takes, and, the vast majority of the time, would only be needed temporarily, lasting two or three weeks sometimes. For those with longer-lasting brain injuries, the Return to Learn plan would help bridge the gap while a formal IEP or 504 process could take place.

Senate Bill 80 would provide direction to schools to implement this Return to Learn plan and provide students the support they need. It would also make sure all teachers are aware of brain injuries and how they might affect their students. In conclusion, I would like to again state my support for S.B. 80, as I believe it will serve all K-12 students in Nevada by providing needed guidance and direction on how to help these students who suffer brain injuries.

**Stella Thornton:**

Thank you, Mr. Hunsaker. Chair, in working with stakeholders there were some proposed changes to the bill. I have submitted an amendment to the Committee that reflects those changes [[Exhibit E](#)], and I will go over a few key points of the amendment after I walk you through the bill.

Section 2 provides a definition of the term "provider of health care."

Sections 3 through 6 of the bill specify the requirements of the Return to Learn and Return to Play policies that are being created. Specifically, section 3 requires pupils to be evaluated before engaging in interscholastic activities or events and specifies the kinds of evidence-based tests required to be used as part of such an evaluation.

Section 4 details the requirements of the policy for what happens after a pupil either sustains or is suspected of having sustained an injury to the head while participating in an interscholastic activity or event.

Section 5 establishes the requirements for the policy concerning the steps people must go through before they can Return to Play (RTP) and Return to Learn (RTL).

Section 6 is new language that details the steps and protocol for RTL and RTP. Subsection 1 details the steps for Return to Learn, while subsection 2 details the steps and protocol for Return to Play.

Section 7 amends a section of existing law, *Nevada Revised Statutes* (NRS) 385B.080. The current Return to Play policy and law requires the NIAA to adopt the regulations that are consistent with the requirements in the bill. It also requires the NIAA to create a brochure concerning the prevention and treatment of injuries to the head, which includes certain additional information that would be provided to a pupil who has either sustained or is suspected to have sustained an injury to the head. I do want to clarify the term "brochure." This is not a trifold paper. My understanding from Legal Division is that this is a term of art. The brochure does not have to be a physical piece of paper. It can also be tangible policies which can also, as it says in this bill, be posted on a website. The brochure must include information about injuries to the head, procedures to be followed about an injury to the head, symptoms that a pupil who has sustained the injury to the head is likely to exhibit, recommended care and accommodations for pupils who have sustained an injury to the head, and a space for filling in the contact information for all of the relevant personnel: the concussion management team, providers of emergency medical services, and any nearby hospitals if applicable.

Section 8 of the bill amends NRS 392.452 and requires the board of trustees of each school district, the governing body of each charter school, and the governing body of each university school for profoundly gifted pupils to adopt Return to Learn and Return to Play policies that are similar to the NIAA policies as well as require training regarding the prevention and treatment of concussions. Schools are required to post their policy and brochure on the Internet websites, as I recently stated.

Section 9 enacts similar provisions for private schools. I do want to clarify some confusion around section 9. This is the penalty provision that applies just to private schools' willful failure to comply with any provision of state law regarding private schools. It is my understanding that in this chapter of NRS, willful failure is a gross misdemeanor and S.B. 80 reduces the penalty in this specific chapter to a misdemeanor. To reiterate, this only applies to private schools.

Section 10 requires each youth organization that sanctions or sponsors competitive sports to adopt similar policies to the NIAA provision.

To quickly go over a couple of key points on the conceptual amendment I submitted [\[Exhibit E\]](#)— Some general changes to the bill are that if the school does not have a nurse or athletic trainer, the athletic director who is trained in the management of concussions and testing concussions can instead evaluate the pupil; then add to the definition of "provider of health" occupational therapists; then in section 5, subsection 1, just a couple of clarifications on where students will go and, depending on who the student first sees, whether it is the school nurse or the athletic trainer, et cetera. Now, Chair, I would like to welcome questions from the Committee and for the presenters concerning S.B. 80.

**Chair Bilbray-Axelrod:**

Thank you for the presentation. We do have a number of questions.

**Assemblywoman Anderson:**

Thank you, Youth Legislator Thornton. You did an excellent job, and I am happy to see you with the very cool glasses but, more importantly, doing well. I have a few questions. One has to do with the amendment, and one has to do with a little bit later in the bill. Which would you like me to start with?

**Stella Thornton:**

Thank you. If you could please start off with the question on the bill.

**Assemblywoman Anderson:**

On page 11, section 8, my question has to do with the fact that "Each administrator, teacher, counselor or other employee of a public school who is likely to encounter a pupil who has sustained or is suspected of having sustained an injury . . ." gets to go through the training. Based upon the information you have just given, that sounds like every single employee of a school district, and yet, when I take a look at the funding, there has not been any. Do you believe there should be training for these individuals that is paid for, or do you believe that is a voluntary item the employee should have to do?

**Stella Thornton:**

This training as stated in section 8 is free. The CDC has Heads Up training. There are many other trainings from the National Federation of State High Schools and such, where trainings are free. Just as how any employee might encounter—let us say somebody accidentally got blood on the floor of the high school or middle school. Each administrator takes the blood-borne pathogen training every year. Although it may become tedious, and I know, as a teacher, you have seen it many times, it is still definitely very necessary. That is the same with this concussion training. It is free, and having every employee take it makes sure all students—no matter their walks of life, no matter whether they have parents who can support them, or if they are a student athlete—are treated equally and fairly in that their health and well-being are prioritized.

**Assemblywoman Anderson:**

Thank you. Well done. I am happy to hear it is free. The time is something else, but that is something we can talk to the school districts about, making sure we get that time for it. Thank you very much for that clarification about the training itself.

The second question has to do with the amendment, under section 5. I want to make sure I am understanding this area. Within 24 to 48 hours after the pupil sustains a concussion, they should be evaluated for that concussion. Is that then the educators whom we have just talked about in the other area? Is that their responsibility, or is it the students' and their parents' or guardians' responsibility?

**Stella Thornton:**

Within 24 to 48 hours is the recommended time for people who think they may have sustained a concussion to be evaluated. The 24 to 48 hours, as an amendment to the bill, is to make sure if a student receives a concussion outside of school, they and their parents can make sure they can go to an emergency room. If they do not have the capabilities to do that, the 24 to 48 hours may coincide with a school week within which they then may be able to be evaluated by a trained professional on concussions, like a school nurse or athletic trainer. To clarify, I am not putting extra training like that on teachers. The only training administrators at the school who are not the designated providers of health get is training on how to identify. If they do identify a student with a concussion, then they would, like if a student was nauseous, send them to the school nurse. Just like how we do not expect administration to necessarily deal with a student who is sick, we would make sure to send that student to, let us say the school nurse or the athletic trainer. If I can, I would like to have Mr. Hunsaker add a little to that as well.

**Adam Hunsaker:**

In concussion management, it is typically best practice to have that evaluation done 24 to 48 hours post blow to the head or suspected concussion. This language just supports that. As Youth Legislator Thornton mentioned, we do not expect your typical math teacher to be trained in concussion evaluation. There would be someone at the school, whether that be an athletic trainer or school nurse, who would take care of that part of it.

**Assemblywoman Anderson:**

I do have a few other questions, but I can do that offline.

**Assemblywoman Taylor:**

You have done a great job presenting. I am sure your family is very proud. Welcome, gentlemen. Thank you for being here. I have a couple of questions. My colleague, Assemblywoman Anderson, asked about the misdemeanor and why that is there. I understand that is the current law, and you share that it is just for private schools. I am wondering whether there should be parity. One, I question it anyway, quite honestly. Two, is it appropriate to just have it for private schools as opposed to also other schools? Do you have any conversation around that?

**Stella Thornton:**

In these kinds of situations, I have to take a little bit more time to think because I am still recovering from a brain injury. Sometimes I need some extra time or to have you repeat the question.

**Assemblywoman Taylor:**

Just keep living. It will just take longer.

**Stella Thornton:**

Yes, the misdemeanor is only for the private schools. That occurs regularly in law. I would want to refer your question to Legal, since I am a youth legislator. I would like to refer to Legal whether or not that should cover all schools. The law right now does require it for public or private schools. In the bill as of right now it is a misdemeanor, not a gross misdemeanor.

**Assemblywoman Taylor:**

Yes, I understand that you scaled down. I will follow up on that one. Secondly, again piggybacking to my colleague, you mentioned the training. It sounds to me that you were really advocating for the training of teachers. Athletics administrators would be involved. I would imagine principals would need to be involved as well, and the school medical staff. All would receive this training that would be free, which is good to know. But the time is a question. What if someone does not take the training? Are there any repercussions for that?

**Stella Thornton:**

Yes, as you said, it is free. The CDC has trainings that go to whomever. Let us say they have trainings specifically for nurses. They have training specifically for athletic trainers, for parents, for students. As it says in S.B. 80, anyone who could potentially come in contact with a student who may receive a concussion would have this training. This training does not take a while. I have had teachers of mine who have volunteered to do these trainings on my behalf to make sure it would not be an unnecessary burden to teachers. No matter what, this training is not supposed to be a burden to teachers and other personnel. There are so many things teachers do for us already and the staff within school districts do for us already, and I definitely acknowledge and definitely appreciate that, as I am a senior. The time for this training is something that definitely can be discussed. However, it does not take very much time, so hopefully, it will be something we will all be able to support.

**Assemblywoman Taylor:**

How long does it take? Do you know?

**Stella Thornton:**

I am going to give that one to Mr. Hunsaker.

**Adam Hunsaker:**

The CDC Heads Up training that is required of Pop Warner coaches and high school coaches is the most common one that is free. It can be completed in 30 minutes to an hour.

**Assemblywoman Taylor:**

Okay. Thank you very much. My last question on this Return to Learn—I love the way it has a totally different focus. Have we found other states doing that as well?



**Stella Thornton:**

We do find other states doing that. All 50 states, including the District of Columbia, have enacted Return to Play protocols. However, not all states have enacted Return to Learn protocols. It would be amazing for Nevada to pioneer that for other states. Other states that have regulations or protocols are California, Illinois, Iowa, Massachusetts, Nebraska, New York, Oklahoma, and Vermont, to name a few. There are a couple of states that are considering Return to Learn legislation for 2023, such as Kansas, New Jersey, New York, and Rhode Island.

**Chair Bilbray-Axelrod:**

I am going to go to Ms. Drozdoff to clarify some of the questions for the Legal Division.

**Alex Drozdoff, Committee Policy Analyst:**

Per Legal, for the question about private schools. Private schools are private businesses that operate under a licensing scheme with certain specific requirements, and a violation of those requirements is criminal, just as in all other licensing schemes. In this case, it is a gross misdemeanor per NRS 394.610. Public schools, by contrast, are agencies of the State that are obligated to follow the laws of the State. In general, NRS does not provide specific criminal penalties for state agencies who fail to follow the law, because other remedies are available, including suits to compel the agency to operate in accordance with the law and the power of the Legislature to oversee the agency and address, through law or appropriation, any such failures. That said, in the absence of any specific penalty to the contrary, the failure to perform any duty which is required by law is a misdemeanor per NRS 193.151. A violation of any of these sections relating to public schools would be a misdemeanor per that NRS statute.

**Assemblywoman Taylor:**

Thank you. I appreciate that.

**Chair Bilbray-Axelrod:**

Next, we will go to Assemblywoman Hardy.

**Assemblywoman Hardy:**

Thank you, Ms. Thornton, for being here. I am sure you had a great experience being a youth legislator, and now you get to be in the adult Legislature presenting a bill. Great job.

I just want to follow up on this conversation regarding the penalty and the misdemeanor. My own daughter suffered several concussions when she was in high school, as she was part of a cheer team. Fortunately, they had coaches and trainers who monitored her, unlike you mentioned. In your situation, yours was suffered away from school. Considering those two different scenarios, I am concerned that for those incidents that happen at a school, you have people there, nurses or coaches or whoever, who know what happened. They can address the situation and get the protocols started. But in the instance where the injury happens to a student who is not at school—she is at home or wherever and she suffers an injury—your amendment says they should, within 24 to 48 hours, go to a health care provider and so forth.

What if they do not, and then they go to school? I am concerned we are creating liability for the school—the teachers and staff and such—for someone who they may not know had a concussion, who did not go to a provider, or for whom the parents did not send a note. Now these people at the school are responsible for someone who had a head injury, but they do not know it. Could you talk a bit about that? Then, leading into that, they would then be subject to a misdemeanor for violating these procedures. Can you or any of your copresenters address that?

**Stella Thornton:**

I am going to repeat your question to make sure I understand it. In the bill, the misdemeanor is only for private schools. It is not for public schools. To address the liability for that is another one I would like to refer to Legal on, as I am not proficient in that area to talk about it, and to make sure I am getting the full rounded answer on liability with this bill.

**Chair Bilbray-Axelrod:**

We will come back to you on that.

**Assemblywoman Hardy:**

To make it more concise, I am concerned we would be creating liability for school personnel when an injury happens away from school and the pupil does not tell anyone at school something happened. All the people at the school are responsible, but they would not know. It is a liability concern.

**Chair Bilbray-Axelrod:**

We will have Legal weigh in, and we will get back to you. Let us move on to Assemblywoman La Rue Hatch.

**Assemblywoman La Rue Hatch:**

Thank you for all the work you have clearly put into this and the passion you are bringing here. There are a lot of educators on this Committee, so I think we have a lot of logistics questions and a lot of making sure we are not incurring a misdemeanor on accident, which is deeply concerning. Before I jump in, are we getting clarity from Legal on whether this applies as a misdemeanor to everyone or not? Are they working on that?

**Chair Bilbray-Axelrod:**

We can have clarification, but I believe what was said was it is a misdemeanor in private schools because they are in a contract with us, whereas a school is considered a state-run institution and there are other ways we can make sure this is being done without it being a misdemeanor. Is that correct?

**Alex Drozdoff:**

Per the information provided by Legal, this is specifically outlined for private schools. However, Mr. Killian also provided that in the absence of any specific penalty, the failure to perform any duty that is required by law is a misdemeanor per NRS 193.151, so a violation of any of those sections related to public schools would be a misdemeanor pursuant to that

statute. Therefore, this bill would impose a similar penalty for violation regardless of whether the violation is by a public school, private school, NIAA, or organization for youth sports.

**Assemblywoman La Rue Hatch:**

Thank you for that. That is the concern. There is a lot of detail in this bill, which I appreciate, but as a teacher of 45 students in each of six classes, I share my colleague's concern that now, especially if a parent does not tell me what is going on, I could be charged with a misdemeanor. I would love for us to work together on some clarity, because I know that is not your intention. I will just say that.

I am going to go to my questions now. I have a couple of them. The first one is, there seem to be very, very detailed steps in this bill. You must do A and then B and then C and then et cetera. I have a two-part question. One, is that undermining the ability of a medical professional to give directions to a specific individual with their specific case, which may differ? Two, would that not be covered in a 504? I know you said 504s take time, but at my school I have had students who have had a concussion and the very next day, they have 504s. I mean, it is immediate. I have not encountered that. Perhaps, instead of listing out A, B, C, and D, we could just say a 504 must be immediately implemented on the advice of a physician.

**Stella Thornton:**

I will answer part of the 504 question and then I am going to refer to Adam Hunsaker to help answer the question as well. In regard to the 504, at my school, it took the greater length of two to three weeks for me to be able to have a 504 regarding a concussion because concussions are the invisible injury, and most people do not understand how much this impacts your ability to be at school, to be able to do schoolwork. The 504 I have was recently changed to a 504 for anxiety because I was told colleges and high schools understand anxiety more than they understand concussions. I will be able to get better and easier accommodations by having a 504 for anxiety versus a 504 for a concussion. Part of the reason why this bill is long, and part of the reason why this bill has such detailed steps, is to make sure every student, at every school—no matter whether the school is able to give a person with a concussion a 504 a day after she receives her concussion or if they wait three to four weeks after her concussion to give it—is that every student, in between those time periods, has the equal opportunity to be treated fairly and to be able to have their health and well-being prioritized. I would now like to refer to Mr. Hunsaker.

**Adam Hunsaker:**

I appreciate your comments about how, at your school, they were able to get a 504 the next day, because I actually think that helps underline why S.B. 80 is so important. Not all schools are set up to function that way. Clearly, your school has the counseling staff in place, the administration in place. I do not know whether there is an athletic trainer or not, but you have the people in place who know how to handle this situation. That is not the case for many schools in the state of Nevada. Senate Bill 80 would be able to provide a framework and direction so all schools could function at a high level like your school.

**Assemblywoman La Rue Hatch:**

As a follow-up, would it not be easier to just say the schools need to have a 504 the next day—I feel we are becoming very prescriptive—or not even the next day; they need to have a 504 imminently? What I am concerned about is, we are creating a whole team of people that does not exist right now when we could be utilizing the teams we already have and just give them the impetus that you have to comply with this immediately.

**Stella Thornton:**

Not every concussion needs a 504; to say in law that every concussion might need a 504 or that it is the only viable option does not give the steps that may need to be taken with that pupil. The steps that are here in S.B. 80 that say, You do rest first and then you do the consequential steps afterwards—those are not the same steps that would be put in a 504; 504s are for accommodations; 504s do not have these step-by-step procedures each student needs to follow to be able to return to school and Return to Play when their health and well-being are back to normal, or at least back to where they are able to get it because of Return to Learn and because of Return to Play.

**Chair Bilbray-Axelrod:**

I appreciate the line of questioning. We also do have a clarification from Legal.

**Alex Drozdoff:**

For the question concerning liability: Per Legal, in terms of liability, certain actions are required by public schools and private schools regardless of whether a particular injury has occurred to a specific pupil. Adopting policy for head injuries—creating the brochure of information relating to head injuries, creating the relevant forms and the concussion management team, and periodically reviewing those things—the failure to do any of those things would be a violation of the requirements of this bill, and all of those things are not dependent on any particular pupil receiving a particular injury.

As for liability with respect to any particular pupil, the bill's requirements would only apply upon notification that a pupil has sustained or is suspected of having sustained the injury; there would be no liability as to any particular pupil unless the school has been notified that a head injury might have occurred. Therefore, if a parent failed to disclose a concussion and there was no other way the school had become aware of the concussion, no liability would attach relating to that pupil for the school.

**Chair Bilbray-Axelrod:**

Thank you for that clarification. To the question, if the teacher was not aware there was a concussion, there could be no—okay. I am just trying to take this all in. Next, we will go to Assemblywoman Torres.

**Assemblywoman Torres:**

Thank you for the presentation and thank you for all your work on this topic. I believe all our students need to have access to high-quality education. I am a teacher like many of my colleagues on this Committee. I have had many students have concussions. Quite honestly, I

think it is the responsibility of the student to see a medical professional and to follow the advice of the medical professional. I have a couple of concerns with putting language in here that says this is the prescribed order of steps you have to follow, and you cannot change from that, because I think it should be between that child and that child's family and the medical professional, and the schools should honor that. That is historically what I have done as an educator myself, and that is what my school has done, and I believe that is actually what is federally required of us to do as well.

My main question is, I see a lot of requirements on the NIAA to create these guidelines, to create this brochure. To be abundantly honest, I do not think that is the best agency to have do that. It should be the Department of Health and Human Services (DHHS) providing protocols that have to do with health and human services around what students are doing and how we are responding to that. That has traditionally been appropriate. I did some research on other states that have similar policy, and many of them have had their Department of Health and Human Services create the regulations and policies. That is what should be done. With that, you could strike a lot of that language requiring NIAA to create the policies for how schools should work with students who have had concussions and then require the districts or the Nevada Department of Education to work with schools to implement that, and have NIAA adopt those policies after those regulations have come. I would just like to put that out there to see whether there was any consideration, specifically, of requiring DHHS to create those policies instead of NIAA, and if you are set on NIAA, why that would be.

**Stella Thornton:**

In law as of right now, the NIAA is the trickle-down agency for this because that is the way it was written in 2011. I am not opposed to looking at other options. I am very open to that, and that is definitely something I would like to follow up on later.

**Assemblywoman Torres:**

Thank you. Feel free to stop by my office. We can set up some time to meet and have that conversation. It would better address the issue that you experienced and many students experience, concussions that are not on campus. This would only address issues for students who have a concussion as a result of a sport or athletic activity within the school, but many of our students receive concussions from other activities, whether it be outside of school or club sports, whatever it is. That would better address the issue.

**Assemblywoman Mosca:**

Thank you, Youth Legislator Thornton, for all your hard work. From all your research for this, do you know the gravity of the problem, as in how many students have not been able to go back, or how many sports, or just some data about how much this is happening in our state?

**Stella Thornton:**

The research and the amount we know about concussions now versus how much we did 20 years ago has changed very much, and I am so glad that it has. Without the research that we have now, my concussion would not have been treated the way that it was. However, we

do not have as much research in concussions as we would like. It is hard to factually say how many students in Nevada have a concussion. Because those kinds of studies have not been done, because concussion research and the research we now know is so new, and because concussions largely go unreported, I do not have those studies for you, as they have not really been done. That also does show why this bill is so important. It is important to have Return to Learn, Return to Play, because concussions do largely go unrecognized, and they largely are the invisible injury. Being able to have these will help to demystify concussions and to realize how much of an occurrence they are.

**Assemblywoman La Rue Hatch:**

On page 4, at subsection 2 of section 5, it says, "A provider of health care or school nurse who has received training in the evaluation of injuries . . ." et cetera, ". . . at least once each day thereafter . . ." You said each school day thereafter, we will basically evaluate this individual. I have a two-part question: One, are our school nurses actually trained for that evaluation? I talked to my school nurse today, and she did not feel comfortable being the one authorizing a student to come back. Two, Dr. Murray mentioned that even 15 minutes of continued activity can delay recovery by 2 to 3 days. What if a doctor says, Hey, you are not here yet; you need to rest your brain for 3 days and then come back. They would then be out of compliance for this section. How are we allowing that flexibility for our medical professionals?

**Adam Hunsaker:**

Can you repeat that first part of the question?

**Assemblywoman La Rue Hatch:**

We are allowing either a provider of health care or a school nurse to evaluate a student to return. I am asking whether the school nurse is qualified to do that full evaluation of a concussion and a head injury for them to return.

**Adam Hunsaker:**

My answer to that question would be, it depends on the school nurse, but trainings would be available so that all school nurses could become qualified to administer those daily evaluations. Speaking as an athletic trainer, this is standard practice for student athletes who are in the concussion protocol. We monitor their symptoms every day after a concussion.

**Assemblyman D'Silva:**

Thank you for your work on this bill, especially to our youth legislator who I know has worked tirelessly on this endeavor. My question is in line with my colleague, Assemblywoman La Rue Hatch in that it is about the amendment [\[Exhibit E\]](#)—section 2 about occupational therapists. When I think occupational therapists—I have had extensive work with occupational therapists for my hands. I had an Army injury. Are they necessarily qualified to evaluate head injuries?

**Stella Thornton:**

Occupational therapists are absolutely qualified for this. Occupational therapists, as you know, help make sure you are able to live your life to the fullest, in every aspect. We have some testimony, and there are also some letters of support for S.B. 80 on NELIS that help identify how occupational therapists are able to help with concussions, and where they are, pursuant to different chapters, on being able to identify what concussions are and to help with those.

**Chair Bilbray-Axelrod:**

Thank you. Now we will have you sit back, and we will open up for testimony in support. Is there anyone in the room here to testify in support, or in Las Vegas? I am not seeing anyone in Las Vegas. We do have a couple of people here in Carson City.

**Elyse Monroe-Marsala, representing Nevada Public Health Association:**

Before 2020, most Americans did not know what public health was or what the CDC was. Now that we have all lived through a time where we all know what the CDC is, many people think the CDC is for vaccines and infection control. Actually, the CDC has an injury prevention and control unit, and nested under that unit is a center that works on traumatic brain injury and concussion prevention and wellness. The work that is outlined in Senate Bill 80 is absolutely public health. I have just a couple stats to throw at you. In March 2020 the *Journal of the American Medical Association* reported that they did a study. They looked at about 44,000 youth who suffered or experienced both concussion and orthopedic injuries. They found that the youth who just experienced the concussion had a 40 percent higher risk of developing a mental health issue later in life. The CDC also reports that in 2019, 15 percent of all U.S. high schoolers reported one or more concussions in the preceding 12 months. It is really important schools and school districts take the steps to ensure, after youth have experienced a concussion, they are able to transition back into their daily lives healthy. The Nevada Public Health Association urges your support of this bill and thanks the Nevada youth legislator.

**Andrew Feuling, Superintendent, Carson City School District:**

First, not to brag, but Ms. Thornton is a Carson kiddo. Great job, Stella. Second, in general we certainly support our student athletes with this concussion protocol which we already have in place. The primary charge of schools is, of course, academics, so it makes sense to otherwise support the return to the classroom.

**Erin Been, Private Citizen, Carson City, Nevada:**

I am a teacher at Carson High School. I did teach Stella in school, and she is amazing; you all know that. I want to come today to testify in support of S.B. 80. One of the main concerns at the last hearing, and in this one as well, was the training teachers would undergo for this concussion protocol. We already do trainings online for blood-borne pathogens, homelessness, violence in the workplace, and things like that. This would be in addition to those, which is a good thing because we as teachers and we as schools are here to help students find success. If we do not know, as teachers, what a concussion looks like and how

to help students with concussions, we are failing our students. The training would not be a burden. It would be an addition to, but it helps us serve our children. I support S.B. 80. [Testifier submitted [Exhibit F](#).]

**Chair Bilbray-Axelrod:**

Thank you for being here. With that, we will go to the phone lines. Is there anyone on the phone lines wishing to testify in support of S.B. 80?

**Paula Cook, President, Nevada Occupational Therapy Association:**

Thank you, Madam Chair and especially to you, Ms. Thornton, the Nevada youth legislator, for all your work, to all the current staff and Committee members, and all the school staff and students who are dealing with these issues. I want to say we are in support of the amendment to include occupational therapists (OT) in this bill, as we are fully trained to address these. We look at how the person and the activity and the environment interact so somebody can be successful in the things that occupy their day.

I apologize, I do not remember which Assemblyman spoke about his hands. Yes, there are OT practitioners who do specialize in hands. There also are many OTs who specialize in concussions. I know Dr. John Rider is on the line; he can speak more to that. We are happy to be a resource if you have further questions about our training. We have extensive training in anatomy and physiology, biomechanics, neuroscience, cognition, and visual perception. We are recognized in a list of approved professions for many assessments including the Montreal Cognitive Assessment. We are happy to be here as a resource if you have further questions. [Testifier submitted [Exhibit G](#).]

**John Rider, Associate Professor, School of Occupational Therapy, Touro University Nevada:**

I speak in support of S.B. 80 with the amendment to include occupational therapists as health care providers. There are nationally recognized concussion care credentialing programs such as the Impact Program that have credentials designed explicitly for occupational therapists and highlight our unique role in vision therapy, vestibular therapy, Return to Learn for school-age clients, and functional cognition. Our American Occupational Therapy Association has also published numerous documents on occupational therapy's role in concussion care and demonstrated these with examples and case studies. There are multiple studies within our literature that describe evaluations and interventions for concussion care, highlighting unique areas of expertise specific to occupational therapy such as functional cognition, an area vital for our school-aged clients.

We as occupational therapists holistically address barriers to participation. Specific areas of post-concussion assessment include vision and visual perceptual deficits, cognitive and sensory processing, the ability to complete activities related to play, school, and self-care. Entry level occupational therapy education programs, including those here in Nevada where I teach, provide in-depth training in neurological rehabilitation including traumatic brain injuries of all ranges such as mild traumatic brain injuries and concussions. At Touro University Nevada, which I can speak directly to, our students are provided with readings,



lectures, labs, standardized patient experience, research capstone projects, and fieldwork placements, specifically for concussion rehabilitation. Our National Board for Certification in Occupational Therapy provides multiple case simulations on concussion care, and there is an entire practice exam on pediatric post-concussion care.

I appreciate Ms. Thornton for speaking up for our profession, and I appreciate those who have asked questions about it. As our president of the Nevada Association, Paula Cook, has mentioned, we are both here to provide an extensive list of articles and resources, or answer any questions in the future. I hope we have been able to share a little bit about the role occupational therapy can play and the training we are provided in post-concussion management. [Testifier submitted [Exhibit H.](#)]

[[Exhibit I](#) was submitted in support of S.B. 80 and made a part of the record.]

**Chair Bilbray-Axelrod:**

Thank you for your testimony. Is there anyone else on the phone line? [There was no one.] With that, we will close support and open to opposition of S.B. 80.

**Erica Roth, Government Affairs Liaison, Deputy Public Defender, Washoe County Public Defender's Office:**

Our testimony this afternoon is specifically regarding section 9, subsection 9, the misdemeanor offense for failure to abide by this pretty exhaustive list. What I will note is there is a very simple solution. *Nevada Revised Statutes* 394.610 provides that unless otherwise provided by law, any violation in relation to a private school is a misdemeanor, which means this body can set a penalty that is other than a misdemeanor or a gross misdemeanor. I would encourage this body to consider setting a penalty that is otherwise a crime that could include a civil penalty, a fine, or some other incentive. I do not believe this list, in regard to the traumatic brain injuries, is similarly situated to the remainder of the statute. There is a lot that is required. There is a uniqueness about each individual who may have had a TBI that can make it harder for someone to identify or not. When we are thinking about a penalty, this is not similarly situated. This body does have the ability to say that a different penalty is appropriate, and we would encourage you to do that.

**John J. Piro, Chief Deputy Public Defender, Legislative Liaison, Clark County Public Defender's Office:**

My concerns lie in the same section that my colleague, Ms. Roth, spelled out. I would like to thank Youth Legislator Thornton for speaking with us right before this hearing. I will readily admit that we missed part of this, because you do not expect criminal penalties to be in an education bill. We did not catch it in the Senate and oppose it there, but we are opposing it here. Why? Because making teachers, administrators—and this is an exhaustive list of people—or any other employee, so even janitors who may come in contact with the student suspected of having a head injury, not having this training, a misdemeanor.

Then the other fact is, this misdemeanor stacks. Each day's failure to comply with the provisions of this section is a separate offense. That is a \$1,000 fine and six months in jail for every day you miss this training. That is concerning. Now, as Legal has said, there are portions that make it a gross misdemeanor. I want to thank Youth Legislator Thornton for saying, Hey, a gross misdemeanor is important. Now, I am not saying we can fix the whole private school code with this bill, but we could start with this, and then maybe next session think about not making our educators criminals when they miss simple things. Teachers have enough on their plate, administrators have enough on their plate, and we have discussed it in this body frequently already. If we can make that change and move towards a civil penalty here, it will match the gravity of making sure we catch these things without making teachers and people trying to make the world a better place criminals.

**Chair Bilbray-Axelrod:**

Is there anybody else here in Carson City? [There was no one.] I am not seeing anybody in Las Vegas. Is there anyone on the phone line wishing to testify in opposition to S.B. 80?

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

Being the voice of Nevada educators for over 120 years—we certainly appreciate the work of the Nevada youth legislature and the importance of this issue and the seriousness of concussions and head injuries. With that said, we would like to echo many of the sentiments of the active educators on the Committee who have a level of concern about the very prescriptive procedure educators, including teachers who already have so much on their plate, would have to follow and then perhaps have some form of criminal liability while we have probably 2,000 teacher positions vacant in the state and are attempting to recruit for these positions. In terms of the additional training, teachers certainly are used to many trainings. This one is important. We would like to make sure any additional training is provided for and counted in terms of the hours teachers have to complete work outside of the classroom in terms of their contract hours.

**Chair Bilbray-Axelrod:**

Is there anybody else on the phone lines? [There was no one.] We will close opposition and open it to neutral. There is no one in Las Vegas and Carson City. There is no one on the phone lines. We will close testimony and I will invite the presenter back up to make closing remarks.

**Stella Thornton:**

I want to thank you all for your questions. First, most of the protocol we currently have in law is available for student athletes but not for all students. This bill would provide the same level of care to students that is already in law for student athletes. Second, all the new laws that are being worked on this session have penalties, and this bill is no different than all the bills every single one of you is sponsoring.

Why should we pass this bill? There was a kid in my class last year who came in, who was very short with the teacher, who seemed really out of it and sat down and placed his head on his desk and did not interact with the rest of the class. What would your first assumption be of this kid? That he is being rude and disrespectful? That he is being a teenager? The teacher could have sent the student to the principal. But instead, because of the knowledge my teacher had of traumatic brain injuries, this teacher asked the questions to identify whether this kid might have had a traumatic brain injury. Surprisingly enough, the kid had fallen down and hit his head on the ground. So, instead of disciplining this kid and possibly causing more harm, this kid was sent to the nurse, and it was found that this kid did have a concussion. That is why he was acting so radically. Concussions affect every aspect of your life. We want to make sure to prioritize all students, not just student athletes; I am very open to working with all of you on the questions you raised and on making sure this good policy is not lost within some of the opposition to parts of this bill.

**Chair Bilbray-Axelrod:**

Thank you very much and thank you for all your hard work. We are very impressed. Hopefully we can work on it in the next few days. We do not have a lot of time, but I think we are very committed to helping you with that policy. With that, I will close the hearing on S.B. 80 and I will open the hearing on Senate Bill 196 (1st Reprint). Senator Hammond, it is nice to see you again, not on the basketball court.

**Senate Bill 196 (1st Reprint): Revises provisions relating to interscholastic activities and events. (BDR 34-868)**

**Senator Scott Hammond, Senate District No. 18:**

I was hoping we would have this bill hearing before the game and the ill will. I am here to present Senate Bill 196 (1st Reprint). The bill surrounds sports and education. As with many of you, sports has been a part of my whole life, either as a participant, a fan, a parent, and a coach, even—I coached for 15 years in Clark County School District (CCSD)—in various sports. My main concern is always making sure people have equal access to sports. That is what brings S.B. 196 (R1) to your attention. I had received several calls during the interim talking about requirements that were being asked of their student athletes or potential student athletes, so we brought this particular bill.

The first iteration of the bill did have some requirements in there, including having coaches list other jobs and the money they were receiving from those other jobs. We cleared that up and we removed that because we got several phone calls from the rural districts. We not only removed that, but there was also a requirement for principals to get involved in the process, creating more work for them and a financial burden. We have been working on that, so if you look at the bill itself, it has a few sections.

I will start with section 2. Section 2 defines out-of-school activities as an activity that is not associated with the school, including a club team, athletic camp, or program.

If you go to section 3, it codifies the existing regulation that prohibits a coach, manager, or other person associated with a sanctioned sport or spirit squad for making an out-of-school activity a condition for qualifying or accepting the pupil as a member of the team during the season for the sanctioned sport. This was in regulation, but what we are seeing more often, and we are seeing it across the state, not just in Clark County but across the state, in Washoe County, Clark County—a lot of coaches, as well intentioned as they are, want to try and get their student athletes to participate not only in high school but in the offseason in the club sports, and then be a team, and then come back. But too often, parents come to me and say, My student wanted to try out but was told, Do not even try out for the team if you are not participating in the club team; in particular, probably their club team. That is the impetus for this. There is a regulation. This is not going away; Amateur Athletic Union (AAU), club sports, they are not going away. It is getting more prevalent. I wanted to make sure they understood how we felt as a body about access to sports and what that means. That is why we are doing this. Section 3 outlines the consequences of such a violation. The reason for this section is I have heard, as I told you, from so many parents and potential athletes, what happens when they try out for their teams. It did not go away. I kept hearing these allegations—I have a student who is participating in high school athletics as well, so I heard it from a lot of parents who would come up and talk to me during these athletic events. It was very pervasive.

Section 4 is the section we changed. What we are going to do is have coaches—they already have a system in place where athletes are registering. It used to be called RegisterMyAthlete, but I think they changed it recently, so it is not called that anymore. It is using that system. We are going to use that system to have coaches tell us what other teams they coach for. Then we have a couple of other requirements in section 4. We want to make sure we know when they have tryouts, how many students tried out, who those students are, and how many then made the team, so we can start making some comparisons.

Section 5 requires the notification to a pupil and the pupil's family of the rights afforded to a pupil while participating in the sanctioned sport or other interscholastic activities. These rights include: a person may not compel a pupil to participate in an out-of-school activity and a pupil's participation in an out-of-school activity cannot be a condition for qualifying for a pupil participating in a sanctioned sport or spirit squad.

Then you have section 7, which is unrelated to this particular issue. Section 7 was my attempt to help students who had to go through the COVID-19 years out. We have missed a lot of those students already, but for those who are still there, which really is just this junior class right now, who will be seniors next year, I wanted to make sure they had an opportunity. As it states right now, once you enter school and you participate your freshman year, you have eight semesters of eligibility. What we want to do is, if anybody comes back for a fifth year for whatever learning loss they may have experienced and want to continue their learning before they go on to college, we open it up to two more semesters, so ten altogether. It sunsets after that one year, so juniors who will be seniors next year would have a chance for a fifth year and two semesters, but they would sunset after that.

I have had conversations with some members of your Committee. I did some checking with the CCSD. They believe this may impact one to two students per school, so we are looking at maybe 150 to 200 students and of those, probably a significant number of them would not be participating in sports. We are not looking at a whole bunch. I just want to make sure we open it up. The National Collegiate Athletic Association (NCAA) did it. They gave extra eligibility to those students who were impacted by COVID-19. I felt we should match that and give these students an opportunity to do that.

That is the bill. It has those two parts to it. I would encourage you to help me help these students have access to high school athletics. It is vitally important because, as many of you on the Committee know, access to athletics in whatever form it might be is really about learning how to work together as a team to set goals. It can be character-building in many, many ways. I do not want to lessen the ability students have to have access to that. Having said that, I will open myself up for any questions.

**Chair Bilbray-Axelrod:**

Thank you, Senator Hammond. We are going to lose our feed to Grant Sawyer Building in six minutes. I see there is someone there. We are going out of order so we can make sure to get your testimony.

**T.J. Milk, Private Citizen, Las Vegas, Nevada:**

I am testifying in support of S.B. 196 (R1). Playing sports throughout my four years at Spring Valley High School was big for me. I was encouraged to participate in as many activities as possible by different coaches I had, and I was very fortunate to be taught valuable skills through the sports, which I still carry with me today as a law student at Boyd School of Law at the University of Nevada, Las Vegas. It is pretty invaluable the things I have learned through playing sports and being encouraged to do different things, and not having to be pressured to play off-season for the different sports I participated in during my time at Spring Valley High School. I believe it is incredibly important that each student in high school today has the same access to different sports during their time. Ensuring all students have equal access to high school sports is incredibly important, and it helps build a well-rounded student, athlete, and person moving forward. My experience in doing that was invaluable, and that is why I am here to support S.B. 196 (R1).

**Chair Bilbray-Axelrod:**

With that, we will go to questions.

**Assemblyman Koenig:**

I have had some discussion with Senator Hammond on this already. I am talking about section 7, on that fifth year. Just to clarify, these are kids who did not graduate in the four years because of COVID-19, and it is going to take them five years of classwork to graduate. We are going to allow them to participate in sports. I caught the part where you said there are one or two kids per school who might be playing sports. We do not know for sure how many kids are going to play sports. How many kids are out there who are going to need to take that fifth year of classwork to graduate?

**Senator Hammond:**

In speaking with CCSD, they are trying to get some numbers. We are talking about 1 to 2 kids, because they are talking about a graduation rate of about 85 percent. They believe 15 percent may need to come back. That equates to about 1 to 2 students who will need to come back that fifth year. Of those, we do not know how many will be participating in sports. We are talking maybe 150 to 200 kids altogether, and of that, we may not even be talking about 50 kids. We do not know. That is as accurate as I could get at this point.

**Assemblyman Koenig:**

I think the statistics are 15 to 20 percent of the kids participate in sports. So yes, it might not even be that many.

**Chair Bilbray-Axelrod:**

Apparently, we have a short question from Assemblywoman La Rue Hatch. We will see if that remains to be seen.

**Assemblywoman La Rue Hatch:**

As I said, one of them is short and the other one is long. My first question is, you mentioned they are already collecting a lot of this information through RegisterMyAthlete. I just wanted to confirm that. Is this going to be a significant increase in data collection or paperwork burden on our athletic directors or our coaches? That is my short one, by the way.

**Senator Hammond:**

They do collect a lot of information already. Athletes are asked to register. They collect information that way. I asked CCSD administrators, and they went to their athletic directors and everybody and said, What is the best way to do this? They came to me with this proposal. Originally, the bill would have asked the principals to collect the information. Because they already have this method of collection, it is going to be very easy, because every year a coach just needs to go on there and then put a few more simple things in there about who they are. This may be their only job, so they say no, I do not have another job. I do not coach anywhere else. That is fine. If they do coach somewhere else, they just put down where they coach. Then they put down those people who came out for the team, who tried out for the team. They have that roster, and they are asked exactly who made the team, so they have that. That is pretty much it. It is not asking for a whole lot more information, but it is a great place to collect the information because it is all right there already. As they need it, if NIAA needs it later on, they have access to that as well.

**Assemblywoman La Rue Hatch:**

See, my question is relatively short. Here is my other one. I am a teacher in high school, and I taught during COVID-19. I understand your concern for our COVID-19 students, but I am also concerned at this idea of a fifth-year senior playing, just because if they are a fifth-year senior, something has gone wrong. They should not be a fifth-year senior, and they should be focusing on passing their classes and getting that graduation. My question is, one, are we

distracting them from what they need to do, which is graduate? Two, are we going to create this weird incentive program where you can hang out for one more year and you can play and now we will have a 20-year-old on the field with 16-year-olds? Could you speak to those issues?

**Senator Hammond:**

First of all, as a reminder, it sunsets. We are not going to have 20-year-olds in this scenario because of this particular bill. We are just asking one more class, this junior class when they become seniors; the next year after that, they would be eligible to do that. That would be the only class. Then the bill sunsets, and it will not happen again. As far as athletes out there, there are going to be some athletes who will only take one or two more classes to fulfill that requirement, but being on the cross-country team is that thing that focuses and centers them, because that is what they like doing and they just cannot wait for those things. I do not think that would be a distraction. When you are talking about varsity squads, you are talking about 16-, 17-, 18-year-olds and you might be talking about an 18.5-year-old. There is not going to be that much more difference between that 18.5- and 17-year-old. I feel pretty confident it will be all right for one more year.

**Assemblywoman Taylor:**

Thank you, Senator Hammond, for being here and for bringing the bill. If there are one or two students per school across the state and how many of them actually play—it is going to be a limited number. Do you anticipate any kind of impact on squad size or one taking a spot away from someone else or class size or anything like that as you look at that fifth year? I appreciate the limited nature of it and understand what the NCAA did for the poor kids that missed it if they did not get that year. Have you any idea from those who you have had a chance to speak to at Clark County?

**Senator Hammond:**

I have had a couple of conversations with some of the athletic folks and some of the coaches down in Clark County and for the most part, I do not think they are worried about too many people coming out and taking too many spots. Again, we are talking about a very miniscule number of people. Assemblyman Koenig had asked me these questions and I thought, for sure, it was going to be small, but I was not sure. That is why I wanted to ask, and we really are not talking about that many people coming back for that one year.

I based it off of the NCAA when I saw that the NCAA did the same thing in giving them one more year, and of course they did it earlier. They did a couple of years ago right after COVID-19. They included many more people; we are just going to include one class and then move on, so you may have one roster. But then, that is what I love about high school athletics, especially at some of the larger places. You have a freshman team, a junior varsity team, and a varsity team, so you have a lot of spots there.

**Assemblywoman Taylor:**

I appreciate the cross-country example, but I think the bigger concern is not the cross-country team. It is more the varsity basketball team and the football team that are more of the bigger

concern as you ask these questions. My other question is the enforcement on the club coaches. With my sports background, I get it. I know all that, and it is a problem. But how do we enforce that? For example, in the Washoe County School District, we have rules against it, but they are not enforced. How do you catch them?

**Senator Hammond:**

This is a big problem. I was getting all these phone calls. For those of you who are not familiar with club teams, you could be talking about a \$5,000 to \$7,000 payment to play club sports. When a coach says—sometimes they do not come right out and say it, but when they start to hint and make these conditions and say, I need you to play club team before you even dare to come out for my team, they are basically telling parents, You have to spend \$5,000, \$6,000, or \$7,000. That is why I say it is a barrier. It is a prohibition to play high school sports. That is not the way it was supposed to be. It is not the intent.

The enforcement—the NIAA has been doing this for a while. They had a regulation. They just have not—I think they are doing the best they can, but it is just really important for coaches to know more people are seeing this. We are noticing it. We are putting it in our statute that you cannot do this. We are serious about making sure our student athletes all have equal access to sports. That is why I want to do this. In some states they are going much further than this. This is small compared to Florida, for example. They have passed things that say if you are going to go from a high school team to an AAU team you can only have 60 or 65 percent—I cannot remember the numbers now—but a very small number participate on the same team once it gets into club because they are trying to break that up so the coach cannot take 100 percent of the high school team, put 100 percent of them on another AAU or club team, and then keep playing throughout the offseason.

I actually worked with one of the high school coaches down there. She is a volleyball coach. She came from Florida, and we talked about the bill: What would be the first step you would take? This is one of the things she mentioned. That is why I went this direction, but if you want to make something even louder, there are other bills. There are other steps we can take later on to show coaches and folks we are serious about it. I just do not want to have a chilling effect on coaching. I want to make sure the coaches know, We still support you and want you there. There are going to be some bad actors out there; I am just worried club sports are not going away anytime soon. The Amateur Athletic Union is not going away. That is where they are going. They are going there to scout the students and everything like that, but I still want to make sure there is access to high school athletics for folks who just cannot afford to be in club sports, to be honest with you. That is why I really want to make sure this bill is loud.

**Assemblywoman Taylor:**

The intention is not how we catch them, because we know it is happening now and it is against the rules. This is just telling them, Hey, just know there are more eyes on you; so maybe it might make them think twice. Is that the intention?



**Senator Hammond:**

Yes. Plus, we are putting in here that they can be removed as a coach for up to a year. We are making sure there is a stronger penalty as well.

**Assemblywoman Taylor:**

Okay, I appreciate it.

**Chair Bilbray-Axelrod:**

We are going to lose a couple of members to other committees, but Assemblyman D'Silva has a question for you before we lose him.

**Assemblyman D'Silva:**

Thank you, Senator Hammond, for your great presentation and for your awesome tie. May the fourth be with you. I understand the real onus of this bill; it is a huge issue. I was a high school athlete myself and coached high school sports. The AAU club teams become these recruiting hubs. They create that streamlined process where some schools are just exponentially better than others. As a basketball coach myself, I have been in running clock several times with schools year after year, and there is really nothing we can do about it. When you look at where the athletes come from, you see the strategy that is in place. My only concern is this: I think there are some coaches out there—I should not name them—but some schools now have actually created some community-oriented recruitment efforts, feeder schools to these high schools, even going back into elementary schools. They are in the "zone system," where they are trying to create avenues where an elementary school will have a club team, then that school is fed into a middle school, and that middle school then comes into the high school. Is that something you have thought about? In some ways that could be a good thing for community-oriented sports. But in reading this bill, I see that this bill could harm programs that are in effect creating those community lines of not recruitment per se, but streamlining of those kids into an athletic program, eventually to high school.

**Senator Hammond:**

I appreciate the question, actually, Assemblyman D'Silva. No, this does not contemplate that in the younger ages. If you and I want to talk about that and see how it might impact, I would like to talk to some of the other coaches as well. As I said, I have had some communication with the coaches down there and in particular one, the one whom I worked with a lot. If there is something you are worried about, that this might impinge the ability of the athletes coming up, let us talk about that. But it is not contemplated in here.

**Chair Bilbray-Axelrod:**

We did have the Legal Division weigh in on the determination of eligibility. Section 7 of the bill is limited by its own terms to pupils who are enrolled in high school during that time the COVID-19 state of emergency was in effect, from March 12, 2020, to May 19, 2022. It does not become effective until July 1, 2023. Someone who was a freshman on May 19, 2022, the earliest grade at the latest date possible would, as of July 1, 2023, be a rising junior.

**Senator Hammond:**

That is correct. That is exactly how we wanted it. It would have been open to seniors and juniors, but by the time we get this passed it will be too late for this year's senior class to do it. It is really just for the junior class.

**Assemblywoman Taylor:**

They will be rising juniors. What if there is a senior right now who was also in school during COVID-19? What if someone now who is a rising senior or someone who is a senior right now and is a couple of credits short, as you mentioned—it sounds as though, based upon this, they will get an additional year, and rising seniors will get an additional year as well.

**Senator Hammond:**

We have to ask Legal to make sure that is the opinion because, again, it does not take effect until July 1, 2023. A lot of them may not be able to determine whether they are going to come back in the fifth year. I do not know—I am contemplating just that junior class.

**Assemblywoman Taylor:**

But we could not say no to that senior class. If they are rising seniors, they would fall into that. That does not take a legal interpretation. They would fall within the parameters of the law. So really, we are talking about two years.

**Senator Hammond:**

It could be this senior class right now and this year's junior class.

**Assemblywoman Taylor:**

This year's junior class and sophomore class.

**Senator Hammond:**

It could be. I just kept thinking there are not too many of them who are ready to come back and do that purposely; there might be, but I do not think it is going to happen. But yes, I guess according to the way we rewrote the bill, you could do that. We have to either change that or just leave it as it is, depending on the way you want to do it.

**Chair Bilbray-Axelrod:**

I appreciate it, because I do not think we want people repeating their year merely to stay in sports. As Assemblywoman La Rue Hatch stated, we do not want 20-year-olds on the field or on the court. We can chat offline.

**Senator Hammond:**

Madam Chair, again, it would not be 20-year-olds, because if you are talking about the senior class right now coming back, they would only be 18.5 or 19, at the greatest. Then the next time, it would be the same thing. No one is going to be 20. We are not allowing that; we are not allowing the senior class now to come back for two more years. That would put them at 20. Does that make sense? Yes, we will keep the 20-year-olds off the field for now.

**Chair Bilbray-Axelrod:**

For now, he says. I do not know. I saw what you guys brought to basketball. Who knows what you will bring?

**Assemblywoman Hardy:**

Thank you, Senator Hammond. It is good to have you here in our Committee. As far as enforcement and how people are going to know this is happening, in section 5, I want to put on the record that the pupil and the parent or guardian are going to be notified through a form notice that is provided by the NIAA. I envision this as, if a coach is telling a student, You need to be on this team or whatever, then the parent of the student would have the ability to report that, would that be correct, to the principal or to the NIAA—that the coach is doing something like that?

**Senator Hammond:**

Exactly. That provision was put in there purposefully, so people have more information, more knowledge. You are absolutely right. Plus, of course, we are allowing the NIAA to still come up with further regulations to make sure they cover whatever they feel they need to do as well. Again, this is probably going to get worse before it gets better, but that is one of the things we want to do, is arm everybody with that same knowledge.

**Assemblywoman Torres:**

I want to reiterate some of the concerns my colleagues have mentioned. I do have concerns with students purposely holding themselves back. There are a couple of things that could happen. One, I do not know whether there is anything requiring high school students to graduate just because they have the credit—this would be something to look into. As an example, I was able to graduate my junior year of high school. I had friends who had as many credits as I did and could have graduated their junior year but chose to stay. There is that issue.

I also have issue with funding. There is some issue with federal funding for dual enrollment programs, now that you could have students who choose to stay while also taking college classes, which would actually be a really great, smart option, especially if the school funded it for them.

Then there is also the concern, and we have seen it: I have had parents try to reach out to administrators intending to hold their 13-year-old back in middle school so the kid can be bigger when they get to high school. I do think that is something that very commonly happens, but I do have a concern that if a kid has already been held back that way, they would be 20 in high school. Those are the parents who are die-hard sports parents. When you are holding your kid back so she can be a little bit bigger to play, you are a die-hard sports parent, and I could see this opening it up so they could then do that again another year. I have some logistical concerns, and I am happy to continue this conversation, but I wanted to flag those.

**Senator Hammond:**

Thank you for that concern. First of all, for the one concern you have about the dual funding and federal funding coming in, we already have those policies in place. I am not preventing somebody actually from doing a fifth year. I am sorry, I am not allowing that to happen in this bill. It happens already. There are students who come back. What I am saying is, if a student decides to come back because they are allowed to right now, then they should be able to play sports; they should have two more semesters of eligibility. That is all I am saying. That is happening now when a student comes back for that fifth year. That is happening already. They have probably already ironed out the federal funding portion of that. It is probably already done. To your point about students having the ability to come back for the fifth year if they already have enough credits to graduate, whether or not they are allowed, I do not know what that is, but I will check into that to make sure I understand that portion of it and report back to you. This is happening now. There are students who do come back for additional education.

**Chair Bilbray-Axelrod:**

With that, we will have you sit back, and we will open it up for testimony in support. Is there anyone in the room testifying in support? [There was no one.] We already had one, that one before we went to questions. I know we have lost our feed to the Grant Sawyer Building [Las Vegas]. Is there anyone on the line who would like to testify in support? [There was no one.] With that, we will close testimony in support and move on to opposition. Is there anyone in Las Vegas or in Carson City?

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

Senate Bill 196 (1st Reprint) will be detrimental to the NIAA with regard to how our organization operates. As I said before, our member schools want to work together—from the small enrollment schools to large enrollment schools and all schools in between, and also from our rural areas to our metropolitan areas—to create language that best suits the goals, missions, and objectives of what our organization is all about. Senate Bill 196 (1st Reprint) contains two distinctly different actions rolled into one bill, the latter of which is in direct conflict with the purpose, intent, and mission of our organization, which is to graduate students on time.

First, make no mistake; section 4 puts an unreasonable burden on coaches. The reporting burden will most likely shift to the schools' principals, athletic administrators, athletic directors, or even athletic secretaries, over the course of time. We talked about Aktivite, the system that is for student athlete registration. There is not a portal in there right now for coaches to be able to report something like this. Even though we put a burden, as the bill says, for coaches to do it, that will not happen; that will shift. What I would offer is that if the state is willing to engage and fund full-time at a minimal salary of about \$40,000 in compliance officers at each school for 123 member schools, then feel free to create a \$4.92 million budget. That would be great.

With regard to section 7, our districts and schools are focused, as I mentioned earlier, on graduating high school students on time. Our participants are just that—they are students first and then athletes. As written, this grants any and all current sophomores, juniors, and seniors an additional participation, which will undoubtedly cause overcrowding in our schools and challenges with regard to academic eligibility.

I want to mention something right now with coaches who are watching. There are coaches right now listening to this and thinking, all right, if we are going to talk about something along the lines of being amended and saying if you are credit deficient then you can get a fifth year, coaches right now are looking at it and going, Hey, whoa, maybe we can tell our kids, You know what, why do you not just tank a couple of classes right now? Do not graduate. Fall behind. That way, you will get to come back and get athletic eligibility. That is certainly against the mission of any student athlete to try and stay on track and what schools and districts propose.

A couple of questions I would ask: First of all, with schools and district graduations, depending on how many students were to come back, does that not affect graduation rates? Schools and districts do not want to see graduations go down because students are coming back to be athletes again. Where would large enrollment schools potentially place 400 student athletes? I think about large enrollment schools in the Clark County School District and coaches right now thinking, I am going to bring a bunch of kids back. We are going to tell them what to do. We do not have staff allocations and buildings to do that, let alone space and classrooms to handle an influx. The thing about only one or two students will be coming back—that potential is enormous. Look at what the NCAA did, as we mentioned earlier; those students all came back. They did not just say, I am going to graduate and move on. They had no idea how many students would come back based on a COVID-19 extra year. Again, we are education-based athletics and activities. We are not the NCAA. We have no idea how many students would want to take advantage of this and fail academically just to get this opportunity to go.

What kind of classes would these repeating students come back for if they do come back? They are probably on track as a sophomore, junior, or possibly graduating senior. They have all the academic classes they need to graduate; they would have to take fluff classes. What would we create in order for them to still be in compliance with our minimum academic rules, which are four classes during the semester? We do not know how that would happen. Those are the main points. Our association is unified in that we have no interest in putting a burden with students coming back—an extra year of eligibility. I know my colleagues here will address other aspects of the coaching regulations. I will turn it over to Lori Lotts.

**Lori Lotts, Assistant Director, Nevada Interscholastic Activities Association:**

I am going to talk most about the coaches' aspect of this bill. There are regulations already in place to address club coaches coaching high school teams. *Nevada Administrative Code* (NAC) 385B.370 and 385B.372 prohibits a coach from making membership on the club team a condition of making the high school team. If there is a documented violation, there are penalties also in place, addressed in NAC 385B.950 and 385B.960. Coaches currently are

already required to complete the Nevada coaching education program, including courses in the fundamentals of coaching, concussion management, and sports first aid. All coaches must also be CPR [cardiopulmonary resuscitation] certified. These courses are required of all coaches, whether they are paid or volunteer, and they are at the expense of the coach. There are additional requirements as well for classes for each school and district. Depending on the school or district, coaches are only given a stipend for the season that ranges from about \$1,500 to \$2,500 depending on the sport.

Passage of this bill would create an exorbitant amount of work for already taxed school staff, including administrators, athletic directors, and office staff. Senator Hammond mentioned RegisterMyAthlete, which is now called Aktivite, as being a way to track this information. Currently, Aktivite is a student registration and coaches' information is not held in the system. We would have to go to the developer of Aktivite and have them develop a special portal or portion of Aktivite to be able to do this. This type of change would be costly. It would take time, and while rosters are held within Aktivite, students who register for a sport do not always try out, so it would be cumbersome for a coach or an athletic director to have to track who is showing up to try out, to make sure they can track that number.

[Assemblywoman Taylor assumed the Chair.]

**Vice Chair Taylor:**

Thank you very much. We will go right ahead to Mr. Anderson.

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

I am with the Maupin, Cox & Legoy law firm in Reno, and I represent the NIAA. I am going to address a couple of points that have been addressed, but I will iterate on them a bit more.

First of all, the fifth year of eligibility, although it is a law that typically will sunset—probably in two to three years, depending on how the bill is read as it is currently written—there are significant issues with that. Some of those have been raised by questions here. We do have academic rules. Typically, if a student is coming back for a fifth year, he is going to have an issue with his academic eligibility. If he flunked a class the prior semester, he is going to be ineligible to participate the next year for a period of, I believe, nine weeks until he brings up those grades, based on a first-grade check. There are issues with that.

As Mr. Nelson indicated, there are issues concerning our requirement that a student maintain two units of credit, which would be four classes. If students have already taken most of the classes that are offered, that is going to be an issue for our schools.

Finally, the age limit rules—we do have an age limit rule that prohibits any student athlete from participating in any sport in which they turn age 20 during the actual season. I addressed this issue with a colleague of mine who is a legal counsel in Kentucky. They had the fifth-year issue placed on them last year, and I asked him what happened. He basically indicated there were a lot of kids who came back and played football, and when football was

over, they dropped out of school. That was the effect of what happened, at least in that particular state. There are a lot of concerns with respect to that issue I think you need to take into consideration.

Moving to the other part of the bill, as Ms. Lotts indicated, we have regulations that are in place and have been in place for some time since club sports really became a thing, probably a little over a decade ago, that address this exact issue. I am not sure why we now have to make it a statute. Certainly, awareness is a point, but a regulation is already in place. You would be creating another law on top of a law that already exists. If a family or a student or anybody has any issue with a coach requiring them to participate on their club team or their offseason team, that is an issue they can always bring to us; they are aware of that. It is a part of our regulations. Any student athlete needs to be aware of what our regulations are, and I think most of them are. That is already in place, and I do not know why you would want to create yet another law on top of a law that already exists.

[Assemblywoman Bilbray-Axelrod reassumed the Chair.]

**Chair Bilbray-Axelrod:**

We have a question for you.

**Assemblyman Koenig:**

I do not want to sound like a broken record here, but ten years ago when I was on the NIAA, we had someone sitting at the table who represented the coaches. Did you get feedback from the coaches? What are the coaches saying or thinking about this potential bill?

**Donnie Nelson:**

It is an interesting dynamic, because there may be coaches right now interested if this were to happen. I will give you the example of a particular team that just won its second consecutive state football championship. Through the realignment process, because of the success, they were going to be moved up to a high-enrollment division of competition for the next realignment cycle. It is very possible that coach, if something like this were to happen, would say, Look, of my 22 starters on offense and defense, 20 of them were seniors and they are graduating. If we want to be competitive again, I am going to tell all those students, Do not graduate; do not walk across the stage. We have another chance to win a championship if you all come back. From a coaching perspective, who would not want the NCAA idea of multiple years? Within a school setting—from a principal through an athletic administrator, director, or secretary, through teachers—absolutely not. They do not know how they would engage these students into a year of classroom settings they otherwise do not know.

On the other side, we do also have coaches who are interested in a team moving on. Sometimes you have good years; sometimes you have not-so-good years. Sometimes, coaches—right, wrong, or indifferent—would say, You know what, this group needs to move on. It has not been successful. We have some internal team problems. They are looking forward to the next group of kids coming up. If students would say, Hey, coach, I have the opportunity to come back; I am coming back; that coach is not going to have the opportunity

to say, I want to start fresh with a new group of juniors becoming seniors, or sophomores moving into juniors, and to be a young varsity team possibility. Many coaches would also be against that, too, because they want to see their kids move forward through the system, and the program can continue to develop each year.

**Chair Bilbray-Axelrod:**

Thank you very much for your testimony. Is there anyone on the phone line who is in opposition? [There was no one.] With that, we will move on to neutral. Is there anyone here in neutral? I am not seeing anyone. Is there anyone on the phone lines in neutral?

**Linda Cavazos, Private Citizen, Las Vegas, Nevada:**

I am sorry, I had pressed star six, but I was in opposition. I understand you are in neutral now, so I believe I missed my chance.

**Chair Bilbray-Axelrod:**

You can go ahead. We will just indicate that it is for opposition. Go ahead when you are ready.

**Linda Cavazos:**

I thank you, Madam Chair, for that. I will disclose that I am the District G trustee for CCSD, and I am a current member of the NIAA Board of Control. Although I appreciate the good intentions of Senator Hammond's bill, I have concerns specifically about legislation attempting to regulate issues which are already being regulated by NIAA in regard to club sports and associated complications. Additionally, section 7, which provides for a fifth year of high school eligibility, presents scenarios which need further evidentiary data regarding projected numbers of schools and students who would be eligible for the additional two semesters of playing time. The possibility of an unexpected number of student athletes returning must be considered, along with the very real situation already occurring with students being held back for the primary purpose of playing another year in their chosen sport.

I am a huge advocate of athletics being a huge incentive for our students to remain invested in their education, but I do not feel this bill should be passed in its current form. There is not enough established data to justify it, and at the same time, it could create some serious repercussions for the primary goal of graduating our students in the most optimal time frame possible. For the reasons stated, I ask you to vote no on S.B. 196 (R1). I thank you for the time and for your accommodation.

**Chair Bilbray-Axelrod:**

Thank you for your testimony. With that, we will go back to neutral. Is there anyone on the phone lines? [There was no one.] Senator Hammond, if you would like to make closing comments, you are welcome.

**Senator Hammond:**

I appreciate the opportunity to make closing comments. I will address them.



I sat here and I listened to this and, you know, it takes a lot to get me upset. Quite frankly, that is where I am at right now. I am not happy with the testimony I heard in opposition. I have never heard anybody—if I ever need anybody to give a doomsday scenario on how bad something can be, I will ask Mr. Nelson to do that, because I have never heard anybody come out and say, Hey, why do we not ask for \$4.9 million and we can have some enforcement, because we can have compliance officers. Well, this has been going on for many, many years; perhaps if you would have asked for dollars many, many years ago, we would not have this problem.

By the way, you cannot stack a law on top of a law if the law is not a law, it is a regulation. We do that often in this body when we feel something is not being done to its full potential and coming to fruition. We do put something in statute because we want to enforce it. That is what I am asking to do here. I am tired of having parents call me up time and time again telling me this is what is happening with their coaches. They go to administration, or they go to somebody, and they talk about how they are being asked to participate in club or AAU and nothing is happening. If this has been a regulation for a long time, how come it is still going on? Why is it going on? What we are attempting to do here is to put into place, as Assemblywoman Hardy mentioned, the part of the bill that says every student is going to be receiving something that says, This is the law—more knowledge is power—so we can stamp this out of high school athletics.

Members came up with questions about 20 years of age. We already have regulation. You cannot play when you are 20 years of age. No one is ever going to get to 20 years. Basically, the junior class that is the last class that would be able to take advantage of that sunset.

In one breath you heard testimony from Mr. Nelson saying this will cause some students to flunk out on purpose and then in the next breath, Mr. Anderson said that if you flunk out, you would be ineligible to play. That seems like a really strange incentive to flunk out, because you still would be ineligible.

We believe, fundamentally, that we should try and provide avenues for our students to participate in athletics because that is why we have athletics in schools. Why else do we have sports in schools? Take them out. Be like Europe. In Europe there are no sanctioned sports in schools. They have them all in club. I do not want to get to that. I want to try and keep school athletics in schools and have everybody participate. That is the hub of activity for some of these small towns, and I would like to keep it that way.

I bristle a bit when the suggestion is that this particular bill will end all, that it will completely implode the athletic system we have in place. No, we will get through this. The COVID-19 pandemic was not the fault of those student athletes, yet they had to go through that. What we are doing is, we are trying to supply an avenue for them to actually be able to participate if they have to come back. You had a legitimate question. That is, if you have full credits and you are ready to graduate, would you be able to come back and participate in athletics? That is a great question, and I will get to the bottom of that.

Other than that, I do not think this scenario is going to corrupt the athletic system we have in place right now. I have seen several regulations become law because we wanted to strengthen them and make sure people understood exactly how we feel as a body and as a state. As far as those seniors right now, it is going to be too hard to ask them to flunk out right now. You cannot ask them to flunk out. Besides, if they do flunk out, we already know they are ineligible for the next year. I just do not see that scenario happening either. If you have any questions, that is the way I wrapped up the whole testimony I heard in opposition.

**Chair Bilbray-Axelrod:**

Thank you very much for your testimony. We have some members who will be reaching out to you. Assemblywoman Torres and Assemblywoman Taylor want to work on some tweaks, and we will go from there.

All right. I will close the hearing on S.B. 196 (R1) and move to our last agenda item, which is public comment. Is there anyone here in Carson City who would like to make public comment? I am not seeing anyone. Is there anyone on the phone lines to make public comment? [There was no one.]

That brings us to the final item, which is to wish our colleague, Assemblyman Koenig, a very happy birthday. We are not going to sing. I am sure many people have sung to you. I hope you have a very happy birthday. We look forward to celebrating with you this week, some of us, when you take us to your district to see all things Fallon. [Meeting reminders were given.] This meeting is adjourned [at 4:41 p.m.].

RESPECTFULLY SUBMITTED:

RESPECTFULLY SUBMITTED:

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Funmi Shetty  
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 a PowerPoint titled, "Communities In Schools of Nevada," presented by Tami Hance-Lehr, CEO and State Director, Communities In Schools of Nevada; and Alex Bybee, Chief Strategy Officer, Communities In Schools of Nevada.

[Exhibit D](#) is a letter submitted by Nicholas Murray, Assistant Professor, Director of the Neuromechanics Laboratory, School of Public Health, University of Nevada, Reno, in support of [Senate Bill 80](#).

[Exhibit E](#) is a conceptual amendment to [Senate Bill 80](#), submitted by Stella Thornton, Youth Legislator, Senate District No. 16.

[Exhibit F](#) is a letter dated April 27, 2023, submitted by Erin Been, Health Teacher, Carson High School, in support of [Senate Bill 80](#).

[Exhibit G](#) is a letter dated May 2, 2023, submitted by Paula M. Cook, President, Nevada Occupational Therapy Association, in support of [Senate Bill 80](#).

[Exhibit H](#) is a letter submitted by John V. Rider, Associate Professor, Touro University Nevada, in support of [Senate Bill 80](#).

[Exhibit I](#) is a letter dated March 30, 2023, submitted by Kristie McWhorter, Private Citizen, in support of [Senate Bill 80](#).